



Meeting Date: 6/16/09

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Study Session

Prepared By: Dakota Corey, Water Conservation/Outreach Coordinator Agenda Item No. K-2
 Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Public Works [Signature]

DATE: June 8, 2009

TO: City Council

FROM: Anthony Emmert, Water Resources Manager [Signature]
Public Works Department, Utilities Services Branch

SUBJECT: Water Conservation; Drought Response; and Water Recycling: Adopt Ordinance Amending Water Waste Restrictions, Requirements for Water Conservation and Water Shortage Response, and Water Recycling Provisions: AB 1420 Compliance (Grant Funding Eligibility) and Related Staffing Requirements

RECOMMENDATION

That City Council:

1. Approve the first reading by title only and subsequent adoption of the Ordinance Amending Water Waste Restrictions, Requirements for Water Conservation and Water Shortage Response, and Water Recycling Provisions.
2. Approve 5 new staff positions required for Assembly Bill (AB) 1420 compliance.
3. Approve a transfer of \$596,200 from the Water Procurement Program to the Water Conservation Program to fund AB 1420 compliance.

SUMMARY

The City has historically purchased approximately 40-50% of its water supplies from Metropolitan Water District of Southern California (MWD) and Calleguas Municipal Water District (Calleguas). Continued drought and environmental constraints threaten the near-term reliability of these water supplies. Staff framed some of these issues on March 3, 2009, when it briefed the City Council on the regional and state-wide water supply outlook. MWD recently imposed a 15% mandatory water use restriction on its customers and mandatory adoption of stringent, local water conservation ordinances. The proposed amendments to certain City Code provisions are in response to the mandatory MWD requirements.

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In addition, pursuant to the implementation of AB 1420, effective January 1, 2009 all public water purveyors, including the City, are only eligible for water management grant and loan funding based upon demonstrated compliance with certain water conservation best management practices (BMPs). To date, the City has applied for over \$50,000,000 in grant funding that is now subject to the City demonstrating compliance with AB 1420. Stated simply, the City will not be eligible for these grants unless it demonstrates it is implementing the required BMPs.

While the City can demonstrate compliance with 8 of the 14 required BMPs, additional staff and financial resources are required to achieve full compliance with AB 1420, including implementation of all BMPs and related conservation plan development and reporting. As noted below, independent analysis demonstrates that full compliance should be revenue neutral to the City – the cost of additional staff and associated resources will be offset through avoided costs. That is, with the implementation of additional BMPs, the City will recover the investment in staff and resources through reduced water purchase costs. The following table summarizes the implementation requirements for each of the 6 remaining BMPs, including staffing, annual budget, and projected savings associated with reduced water usage.

BMP	BMP COVERAGE REQUIREMENT	ADDITIONAL STAFFING REQUIRED	FY BUDGET REQUIREMENT (STAFFING COSTS INCLUDED)	ANNUAL WATER SAVINGS	ACRE- FEET SAVED
1 & 2	500 Single-Family Residential Surveys 250 Multi-Family Residential Surveys	1 Water Conservation Tech. II 1 Water Conservation Tech. I	\$135,000	\$150,000	150
5	130 Landscape Water Budgets 6 Landscape Surveys	1 Water Conservation Tech. II	\$100,000	\$380,000	380
9	Commercial/Industrial/Institutional (CII) Programs	None	\$100,000	\$75,000	75
13	Updated Water Conservation Ordinance Implementation and Enforcement	1 Water Conservation Tech. I	\$60,000	Not quantifiable	0
14	Residential High Efficiency Toilets	None	\$100,000	\$5,000	5
1-14	Regulatory Reporting, Program Planning and Oversight	1 Water Conservation Manager	\$101,200	Not quantifiable	0
		TOTAL	\$596,200	\$610,000	610

BACKGROUND

The City of Oxnard currently receives its drinking water supplies from three sources: 1) imported water from the Colorado River and the State Water Project purchased from Calleguas, a MWD member agency; 2) local groundwater purchased from United Water Conservation District (UWCD) and delivered through the Oxnard-Hueneme (O-H) Pipeline System; and 3) local groundwater that is pumped and treated from City-owned and operated extraction wells.

The imported water purchased from Calleguas has historically made up approximately 40-50% of the City's total water supply. This supply tends to be of high quality, but is the most costly on a per unit basis. Water purchased from UWCD has historically made up approximately 25% of the City's water supply. Local groundwater tends to be high in dissolved minerals. The groundwater pumped from City wells has historically made up approximately 25% of the City's total water supply and is the least

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expensive water to produce and treat. The City blends these three water sources through five blending stations to provide a safe and reliable supply to its nearly 39,000 water service connections.

DISCUSSION

Ordinance

In February 2009, in response to the Governor's request for urban water suppliers to reduce their water use, MWD mandated that its customers adopt and implement water conservation ordinances. Eligibility for certain MWD funded conservation programs is contingent on the adoption of these water conservation and waste prohibition provisions. In large measure, the City's existing conservation and water waste Code provisions satisfied MWD requirements. The proposed ordinance (Attachment No.1) modifies Oxnard City Code in the following ways:

- Adds irrigation time restrictions, which place limits on the time of day in which landscapes can be irrigated to reduce water lost to the atmosphere from evaporation. Irrigation is prohibited between 9:00 a.m. and 6:00 p.m.
- Prohibits irrigation when it's raining.
- Prohibits washing dishes in food preparation establishments without water conserving dish wash spray valves after July 2010.
- Prohibits the installation of new or replacement commercial car wash and laundry systems that do not feature re-circulating water systems.
- Prohibits the installation of single-pass commercial/industrial cooling systems.
- Requires hotels, motels and other commercial lodging establishments to post in each room prominent notices encouraging water conservation practices, including the option of not having towels and linens laundered daily.

The proposed water conservation ordinance contains increasingly more severe penalties for water waste, including a notice of violation, utility bill surcharges, installation of flow-restricting devices, and disconnection of water service.

The updates to the City's water waste provisions are intended to meet both MWD and state requirements. In 2005 the City became a member of the California Urban Water Conservation Council (CUWCC), a standard among municipal water suppliers, and agreed to implement the 14 water conservation BMPs, one of which is the adoption of a water conservation ordinance. As noted above, now AB 1420 requires urban water suppliers to enact all 14 of the BMPs, including water waste prohibition.

Assembly Bill 1420 Compliance

Also in response to state-wide water supply shortages, AB 1420 (Attachment No. 2) was enacted to protect the State's water resources by mandating that water suppliers increase their conservation efforts. Most notably, AB 1420 requires (Attachment No. 3), effective January 2009, any water management grant or loan made to an urban water supplier and awarded or administered by the DWR or the State

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Water Resources Control Board (SWRCB) be conditioned upon the recipient's implementation of water conservation BMPs. Water management grants and loans include programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability and water supply augmentation. Urban water suppliers that are unable to fully implement all of the BMPs will be ineligible to receive any funding administered by these agencies. This ineligibility includes the SWRCB administered American Recovery and Reinvestment Act (federal stimulus) funding, of which the City of Oxnard has applied for \$51,053,344 to date. Anticipated future grant opportunities subject to AB 1420 include funding provided through Proposition 84, the Safe Drinking Water Bond Act. Failure to sustain a fully implemented water conservation program after grant funding has been distributed can result in a suspension of any pending funding and requirements to pay back grant monies that have been disbursed.

The City began implementing BMPs in 2005 when it became a member of the CUWCC. The CUWCC was created to increase efficient water use statewide through partnerships among urban water agencies, public interest organizations, and private entities. The CUWCC's goal is to integrate urban water conservation BMPs into the planning and management of California's water resources. BMP implementation is demonstrated to be a cost-effective strategy for increasing water use efficiency and adding diversity to a municipality's water supply portfolio. BMP programs can also provide excellent customer service opportunities, since water suppliers can offer these programs to help their customers adapt to challenges in times of a water shortage.

As a signatory of the organization's Memorandum of Understanding (MOU), the City agreed to implement 14 water conservation BMPs. Since that time, the City is on track to implement 8 BMPs at levels deemed to be in compliance with CUWCC requirements, as illustrated in the following table. Note that BMP 10 applies only to water wholesalers, not to water retailers.

BMP No.	BMP NAME	IN COMPLIANCE?
BMP 1	Residential Surveys	No
BMP 2	Residential Plumbing Device Distribution	No
BMP 3	Leak Detection	Yes
BMP 4	Metering	Yes
BMP 5	Large Landscapes	No
BMP 6	Clothes Washers	Yes
BMP 7	Public Information	Yes
BMP 8	School Education	Yes
BMP 9	CII Conservation	No
BMP 10	Wholesale Assistance	N/A
BMP 11	Conservation Rates	Yes
BMP 12	Conservation Coordinator	Yes
BMP 13	Water Waste Ordinance	No
BMP 14	Residential ULFT Distribution	No

The remaining 6 BMPs are more costly to implement than those programs already in place. However, economic analyses performed by A&N Technical Services (A&N), a consulting firm contracted to develop the City's Water Conservation Master Plan, indicate their implementation to be highly cost effective. It is estimated that implementation of the remaining BMPs will cost \$596,200 annually, including operating costs and costs associated with the creation of 5 new water conservation positions.

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However, the City is estimated to save \$610,000 annually in avoided water purchases and other associated costs, making BMP implementation essentially a cost-neutral endeavor. In addition, quickly coming into compliance with the remaining BMPs will protect the City's eligibility for more than \$50,000,000 in State supplied water management funding and provide enhanced customer service options during a time of scarce water resources. The following pages outline in greater detail the implementation requirements for each of the 6 BMPs and the staffing needs associated with their implementation.

BMP Implementation Requirements

Work on a Water Conservation Master Plan began in February 2009 with the execution of an agreement with A&N. Upon its completion, the Water Conservation Master Plan will contain a long-term water conservation strategy for the City based on detailed cost-benefit analyses. Recently, Water Resources Division staff have been working in conjunction with A&N to develop a short-term strategy to rapidly implement the 6 remaining CUWCC BMPs to quickly come into compliance with AB 1420 so as to protect the City's eligibility for grant and loan funding and to respond to expected increases in water customers' needs as local water reductions take effect. Specific water conservation program needs are outlined in (Attachment No. 4).

Total Implementation Costs

The total annual cost of implementing the remaining 6 BMPs is \$596,200. Of the total annual cost, \$217,200 are staffing costs and \$325,000 are operating costs. With an expected annual water savings of \$610,000, BMP implementation to meet AB 1420 requirements is essentially cost neutral. As a result, staff recommends appropriating \$596,200 from the Water Operating Fund's Procurement Program to the Water Conservation program.

Staffing Requirements

The water conservation program is currently staffed with 3 permanent full-time positions, including 2 Water Conservation Technicians and 1 Water Conservation Coordinator. The technicians are responsible for on-the-ground BMP implementation, while the coordinator supervises their efforts, assists with BMP implementation, and works to establish new conservation programs. While the 3 staff members have had success laying the groundwork for future BMP implementation, their time is fully allocated to maintaining the programming for the City's established BMPs. AB 1420 requires that the City continue to operate its conservation programming at currently established levels. Therefore, to implement the remaining 6 BMPs, additional staff will be required.

The 6 BMPs not yet fully implemented by the City of Oxnard are disproportionately more challenging and expensive to implement than those already in place. These BMPs also offer the greatest potential for water savings. In total, 5 new staff positions will need to be created in order to implement the remaining 6 BMPs to a degree that meets the compliance requirements of the CUWCC and AB 1420.

Two additional Water Conservation Technicians will be required to carry out field-level BMP implementation, including the performance of water use surveys, the maintenance of expanded rebate programs, and the enforcement of the water waste ordinance. In addition, 2 Water Conservation Technician II positions will need to be created. These 2 new staff members will also be responsible for on-the-ground level BMP implementation; however, this position will require some advanced training

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and certification in landscape irrigation surveying techniques and water budgets in order to meet the requirements of BMPs 1 and 5.

Finally, AB 1420’s comprehensive reporting requirements require the creation of a Water Conservation Manager position. The Water Conservation Manager will be responsible for all operations of the water conservation program and all regional and state reporting requirements. Specifically, the Manager will be responsible for the preparation of annual reports on BMP implementation status to MWD and the CUWCC, as well as all reporting to the DWR required under AB 1420. The DWR currently requires submission of a BMP report with each new application for a water management grant or loan. BMP updates will also be required as part of the reporting process for each grant or loan the City receives. In addition to overseeing reporting requirements and the operation of the conservation program, the Water Conservation Manager will be responsible for planning functions regarding the City’s water sources, including the maintenance of current sources, supplies, and water rights, the development of new sources and supplies, and the efficient use of the City’s water resources. The Water Conservation Manager will be the Water Resources Division’s primary contact regarding analyses of water supplies and demands and the point of contact for commercial and industrial water users wishing to reduce their water use. The following table summarizes staffing requirements for the water conservation program if all 14 of the BMPs were to be implemented.

Enhanced Water Conservation Program Staffing Requirements									
Position	Existing Staff	New Staff	Total Staff	Annual Salary - Step 3	Benefits (40% of salary)	Total per Person	Current Funding	Additional Funding	Total
Water Conservation Technician I	2	2	4	\$30,000	\$10,000	\$40,000	\$80,000	\$80,000	\$160,000
Water Conservation Technician II	0	2	2	\$35,000	\$10,000	\$45,000		\$90,000	\$90,000
Water Conservation Coordinator	1	0	1	\$60,000	\$20,000	\$80,000	\$80,000		\$80,000
Water Conservation Manager	0	1	1	\$72,300	\$28,900	\$101,200		\$101,200	\$101,200
Total	3	5	8	\$197,300	\$68,900	\$266,200	\$160,000	\$271,200	\$431,200

FINANCIAL IMPACT

The estimated cost to fund AB 1420 compliance, which includes the implementation of BMPs 1 and 2 for Residential Surveys and Retrofits, BMP 5 for Large Landscape Programs, BMP 9 for Commercial/Industrial/Institutional (CII) Programs, BMP 13 for Water Waste Prohibition and BMP 14 for Residential High Efficiency Toilets, required for State supplied water management grants and loans, is approximately \$596,200. However, the City is estimated to save \$610,000 annually in avoided water purchases and other associated costs; therefore there is no financial impact. If the transfer of budget appropriations is approved, the charge will be reflected in the recommended budget for FY 2009-10 and 2010-11.

(AAE:drc;joh)

Attachment #1 Water Conservation Ordinance

Attachment #2 Assembly Bill 1420

Attachment #3 Department of Water Resources AB 1420 Compliance Requirements

Attachment #4 BMP Implementation Requirements

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
CERTAIN SECTIONS OF ARTICLES VII, IX AND X OF CHAPTER 22 OF THE CITY
CODE, CONCERNING WATER WASTE RESTRICTIONS, REQUIREMENTS FOR
WATER CONSERVATION AND WATER SHORTAGE RESPONSE, AND WATER
RECYCLING**

WHEREAS, the City of Oxnard (“city”) is a general law city in Ventura County, California; and

WHEREAS, the city owns and operates a municipal water system providing retail potable water service to the local community; and

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Southern California region; and

WHEREAS, to meet the community’s existing demand for water, the city relies on both local and imported water supplies, including groundwater produced and treated from city facilities, as well as water purchased from the United Water Conservation District, and imported supplies purchased from the Calleguas Municipal Water District, a member agency of the Metropolitan Water District of Southern California; and

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to year-to-year variations in available water supplies; and

WHEREAS, careful water management that includes active water conservation at all times, is essential to ensure a reliable supply of water to meet current and future water supply needs; and

WHEREAS, Article XI, section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Article X, section 2 of the California constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to optimize the reasonable and beneficial use of water; and

WHEREAS, California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

WHEREAS, these amendments to the city’s water waste and water conservation and supply shortage ordinances are necessary to manage the city’s potable water supply to avoid or minimize the effects of drought and water supply variations within the City. This conservation program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare; and

WHEREAS, section 15061, paragraph (b)(3), of the California Environmental Quality Act (“CEQA”) Guidelines provides that a project is exempt from CEQA if “the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect to the environment;” and

WHEREAS, this ordinance and its implementation does not result in any changes to existing facilities or any increase in the quantity of water available to city customers and thus, does not create the potential for causing any significant effect to the environment; and

WHEREAS, sections 15307 and 15308 of the CEQA Guidelines provide that a project is categorically exempt from CEQA if the activity is taken “to ensure the maintenance, restoration, or enhancement of natural resources or the environment;” and

WHEREAS, the conservation of water resources that may that result from imposition of this ordinance will help ensure the maintenance and sustainability of certain local and imported water resources.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby find as follows:

The adoption of this ordinance is exempt from CEQA for the following reasons:

CEQA Guidelines section 10561 exempts projects which have no potential for resulting in a physical change in the environment and because this ordinance and its implementation does not result in any changes to existing facilities or any increase in the quantity of water available to City customers, this ordinance does not create the potential for causing any significant effect to the environment.

CEQA Guidelines sections 15307 and 15308 exempt a project if the activity is taken “to ensure the maintenance, restoration, or enhancement of natural resources or the environment” and the conservation of water resources, particularly during water shortage conditions, will help ensure the maintenance and sustainability of certain local and imported water resources.

Purpose and Intent

- (A) The purpose of this ordinance is to amend certain portions of the city code concerning water waste and water conservation and supply shortage, and recycled water programs to manage water consumption within the city through

conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of all water sources within the city to maintain the long-term integrity of the water supplies available to the city, and also minimize the magnitude of drought related water restrictions to the greatest extent possible.

- (B) This ordinance establishes permanent water conservation standards intended to maximize water use efficiency for non-shortage conditions and further refines the existing four levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Sections 136, 137(D)(1) and 142 of Article VIII; sections 153,154, and 157(C) of Article IX; and sections 179(B(1) and 182(A)-(B) of Article X, of Chapter 22 of the City Code are repealed.

Part 2. Sections 136, 137(D)(1) and 142 of Article VIII; sections 153,154, and 157(C) of Article IX; and sections 179(B(1) and 182(A)-(B) of Article X, of Chapter 22 of the City Code are adopted to read:

SEC. 22-136. WATER WASTE PROHIBITED.

- (A) The city council declares that any waste or unreasonable use, or unreasonable method of use of water is hereby prohibited and that the conservation of water shall be mandatory on all persons using city water within and outside the city limits.
- (B) Therefore, the city council orders the restrictions on water use as specified below:
 - (1) Limits on Watering Hours. Watering of lawns, ornamental turf, trees, shrubs, vegetation, landscape and other outside irrigation is prohibited except between 6:00 p.m. and 9:00 a.m. Testing of repairs to and replacement of irrigation systems may occur outside of the normally allowed irrigation period.
 - (2) No Outdoor Irrigation During Rain. Outdoor irrigation is prohibited during rain.
 - (3) Limits on Watering Duration. Watering or irrigating of lawns, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes per day per station. This subsection does not apply to landscape irrigation systems that exclusively use high efficiency irrigation equipment, very low-flow drip type irrigation systems when no emitter produces more than two gallons of water per hour, and weather based controllers or high-efficiency stream rotor sprinklers.

- (4) No Run-Off. Watering of turf, ornamental landscape, open ground crops and trees (including agricultural irrigation) in a wasteful manner is prohibited. Wasteful practices include, but are not limited to, allowing water to run off onto sidewalks, driveways, gutters or streets, or allowing the pooling or puddling of water on any hard-surfaced area.
- (5) No Use of Water to Clean Surfaces. The use of running water from a hose, pipe, or faucet to clean buildings, pavement, tile, wood, plastic, driveways, parking lots, and other paved surfaces is prohibited, except for public health and safety reasons and then only with a hose with an automatic shut-off nozzle.
- (6) Recycled Water for Ornamental Ponds and Fountains. Where and when available, approved non-potable water shall be used to fill or refill recreational or ornamental lakes, ponds or fountains. When using non-potable water, the user shall post signs in conspicuous areas identifying the fact that non-potable water is being used. Newly installed or replacement ponds and fountains shall include recirculation pump(s) that maximize the efficiency and reuse of fill water.
- (7) Prompt Leak Repair. All leaks, breaks or malfunction within a plumbing or water distribution system shall be repaired as promptly as practical, All repairs shall be completed within 72 hours after discovery of such leak, break or malfunction, or receipt of notice from the City of such condition, whichever comes first.
- (8) Boat and Vehicle Washing. Boats, vehicles and other mobile equipment shall be washed only at commercial wash facilities that recycle their wash water; by use of a bucket and hose equipped with a self-closing valve that requires operator pressure to activate the flow of water; or by mobile high pressure/low volume professional services.
- (9) Drinking Water Service Upon Request. Service of drinking water at all restaurants, hotels, cafés, cafeterias, coffee shops, fast-food operations, banquet facilities or other public places where food is served or offered for sale, shall only be made upon customer request.
- (10) Commercial Dish Washing. No later than July 1, 2010, all food preparation establishments shall use water conserving dish wash spray valves when washing dishes.
- (11) Commercial Lodging Water Conservation Measure. Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room prominent notice encouraging water conservation practices, including the option of not having towels and linen laundered daily.
- (12) Commercial / Industrial Cooling Systems. Installation of a new or replacement single pass cooling systems in commercial or industrial buildings is prohibited.

- (13) Commercial Car Wash and Laundry Systems. Installation of new or replacement non re-circulating water systems in commercial conveyor car wash or commercial laundry systems is prohibited.
- (14) Swimming Pools. Filling and refilling of a swimming pool, with the exception of the first filling of a swimming pool and the occasional adding of small quantities of water to maintain proper water level, or for health or safety reasons, is prohibited.
- (15) Waste, Generally. Any indiscriminate use of water not otherwise addressed above and which is wasteful, is prohibited.

SEC. 22-137. FAILURE TO COMPLY.

Any violation of the provisions of this Article may be prosecuted under the provisions of section 1-10 of this code. In addition, the following remedies may be imposed against any person for violation of any of the sections of this Article:

(D)(1) For a fourth violation during a 12-month period, the city shall be able to install, at the expense of the customer, a flow- restricting device of one gpm capacity on the location receiving water service through up to 1½-inch size distribution systems and comparatively sized restricting devices on locations receiving water service through larger distribution systems. These devices shall be installed for a period of not less than 48 hours on the service of the customer at the location at which the violation occurred

SEC. 22-142. ENFORCEMENT PERSONNEL.

The employees of the police, fire, development services and public works departments and other designated persons shall be responsible for enforcement of the various sections of this Article under their respective authority or as is specifically assigned to them by the city manager.

SEC. 22-153. GENERAL PROHIBITION: ENFORCEMENT.

(A) No customer shall make, cause, use, or permit the use of water in a manner contrary to any provision of this Article or Article VIII in an amount in excess of any reduction levels described in a city council adopted water shortage condition resolution. Any violation of the provisions of this Article or Article VIII may be prosecuted under the provisions of section 1-10 of this code, and each violation of each during which such unauthorized use occurred, continued or was permitted shall be considered a separate violation.

(B) In addition to prosecution under the provisions of section 1-10, any unauthorized water use in violation of this Article shall be a public nuisance. The city may prosecute any violation of the use restrictions set forth in this Article by means of criminal and civil filings, as deemed appropriate by the city attorney.

SEC. 22-154. MANDATORY WATER CONSERVATION MEASURES.

- (A) Whenever the city council declares that water shortage conditions exist, the city council shall also designate the severity of the shortage conditions and establish mandatory conservation measures.
- (B) The severity of each water shortage condition shall be designated in stages, from 1 to 4. Each stage shall correspond to the degree to which the city has or is likely to suffer reduced availability of water supplies, as follows:

Stage	Severity: Reduction in Available Supplies
1	Up to 15%
2	15-25%
3	25-35%
4	Greater than 35%

- (C) Each resolution declaring or modifying a water shortage condition shall include mandatory water use restrictions. Any required reductions in water use shall begin with the customer's next full billing period following the declaration, or as otherwise provided in the resolution. In addition to the restrictions set forth in section 22-136, the required water use restrictions may include, but are not limited to the following:
 - (1) Maximum allowed water use. The manager shall establish a method of determining each customer's water use (baseline use) against which any required reductions shall be measured. The methodology for determining each customer's baseline use shall be described in the water shortage resolution, and shall include historical use and usage for similar situated customers. To the extent practical, customers who have already implemented up-to-date conservation practices shall not be penalized in establishing their baseline use.
 - (2) One-Time and Short-Term Uses:
 - (a) The manager shall grant prior approval for water to be used on a one-time or short-term basis for construction and dust control. The user shall submit to the manager its water use plan at least 30 days in advance of the proposed use.
 - (b) The use of potable water for sanitation, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the manager has determined that use of reclaimed, recycled or other forms of nonpotable water use is a feasible alternative.

- (c) Depending upon the severity of the water shortage, the city may not issue new construction meters or allow short term water use unless reclaimed or non-potable water is used, unless potable water use is necessary to protect the health, safety or welfare.
- (3) Fire Hydrants: The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare.
- (4) Exceptions for Fire/Erosion Protection. Irrigation may be permitted for ground cover for fire protection purposes and erosion control. Depending on the severity of the water shortage conditions, outside residential, municipal or commercial landscape irrigation may be limited or prohibited.
- (5) Expeditious Leak Repair. All leaks, breaks or malfunction within a plumbing or water distribution system shall be repaired as expeditiously as practical. All repairs shall be completed within 48 hours after discovery of such leak, break or malfunction, or receipt of notice from the city of such condition, whichever comes first.
- (6) Restrictions on Potable Water Use for Irrigation. Depending upon the drought severity, the use of potable water for irrigation uses may be restricted or prohibited. The manager shall have the right to shut off water service to any such irrigation service upon seven days advance notice to the customer.
- (7) Limits on Swimming Pools. Watering to maintain the level of water in swimming pools shall occur only when essential. A pool cover shall be used to conserve water at all times. Draining of pools or refilling shall be done only for health or safety reasons as determined by the health department or manager. Depending on the severity of the declared drought emergency, the introduction of water into residential swimming pools and spas may be prohibited.
- (8) Limits on Agricultural Use. Agricultural customers, commercial nurseries and livestock facilities shall use water only when necessary. The water shortage resolution may invoke appropriate measures to limit or prohibit certain use of potable water for commercial agricultural use.
- (9) Irrigation of Public Works. Irrigation of parks, school ground areas, and road median landscaping will not be permitted more than twice a week and only if necessary. Depending on the severity of the drought emergency, these water uses may be prohibited unless recycled water is used.
- (10) Limits on Golf Courses. Golf course water use shall be limited based upon the severity of the drought. To the extent potable water is used for golf course irrigation, limitation on the irrigation of roughs shall be implemented before limitations on fairway irrigation. Efficient use of recycled water on any golf course shall not be limited.

- (11) Limit New Water Service. Depending on the severity of the drought, issuance of building permits which require new or expanded water service may be limited or withheld, except to protect the public's health, safety and welfare, or in cases which meet City Council adopted conservation offset requirements.
- (12) Other Prohibited Uses. The city may implement other water-related restrictions or prohibitions based on the severity of the emergency.
- (D) Each water shortage condition resolution shall set forth a scheduled time for its expiration or further review of the water shortage situation.

SEC. 22-157. ENFORCEMENT.

In addition to the remedies provided pursuant to section 1-10 of the city code, the manager shall take the following steps in response to the failure of any customer to comply with water use restrictions established in any water shortage conditions resolution.

(C) The city shall charge the customer for the costs incurred for installing and removing the flow-restricting devices and for restoration of normal service. The charge and any surcharges shall be paid before normal service is restored.

SEC. 22-179. RECYCLED WATER MASTER PLAN

(B) The recycled water master plan shall include, but not be limited to, the following:

(1) Policies encouraging the use of recycled water. This includes requiring the use of recycled water when the manager has provided the customer an analysis showing that recycled water is a cost-effective alternative to potable water for such uses and the customer has had a reasonable time to make the conversion to recycled water.

SEC. 22-182. DEVELOPMENT AND WATER SERVICE APPROVALS

(A) Upon application for any new industrial, commercial, or residential subdivision or building permit located within a designated recycled water use area, the manager shall, based upon the recycled water master plan, make a determination whether the proposed use of the property shall include the use of recycled water. All applicable subdivisions and building permits shall include, as a condition of approval, the requirement for construction of:

- (1) Recycled water transmission facilities which shall be dedicated to the city as city-owned recycled water facilities, and
- (2) On-site recycled water facilities, as may be necessary to allow for the delivery and use of recycled water.

(B) When a customer applies for a permit for the alteration or remodeling of a multi-family, commercial, or industrial structure, the manager shall make a determination consistent with the recycled water master plan whether the project permit shall include, as a condition of approval, the requirement for construction of on-site recycled water facilities necessary to allow for the delivery and use of recycled water.

Severability. If any provision of this ordinance, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.

Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation in the City. Ordinance No. ____ was read on _____, 2009, and finally adopted on _____, 2009, to become effective thirty (30) days thereafter.

Passed and adopted this __ day of __, 2009 by the following vote:

AYES: Councilmembers:

NOES:

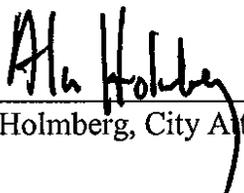
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ASSEMBLY BILL

No. 1420

Introduced by Assembly Member V. Manuel Perez

February 27, 2009

An act to add Section 8321 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1420, as introduced, V. Manuel Perez. State government: research.

Existing law establishes various tasks by the California Council on Science and technology.

This bill would request the California Council on Science and Technology to undertake an assessment of the state's innovation infrastructure and seek the cooperation of public colleges and universities and other private entities to perform this task.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8321 is added to the Government Code,
2 to read:
3 8321. (a) The Legislature finds and declares that California's
4 public colleges and universities, which are recognized as being
5 among the world's finest, require assistance to remain globally
6 competitive. To this end, the Legislature finds that it is in the public
7 interest to facilitate the development and expansion of the state's
8 public and private innovation infrastructure.

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1 (b) The California Council on Science and Technology is hereby
2 requested to undertake an assessment of the state's innovation
3 infrastructure, including university research facilities, private
4 research parks, laboratories, and incubators.

5 (c) The California Council on Science and Technology may
6 seek the cooperation of the University of California, the California
7 State University, the California Maritime Academy, independent
8 colleges and universities within the state, corporations with
9 research and development capacity, and the California community
10 college districts to perform the assessment.

11 (d) The assessment may include, but not be limited to, a
12 directory of public and private innovation facilities and
13 infrastructure in the state, a list of national and global alliances
14 that contribute to the state's ability to be a innovation leader, a
15 comparison of the state's current resources to those that would be
16 necessary to remain globally competitive in the near and mid-term,
17 and a list of recommendations on how to access public and private
18 resources to meet the state's innovation facility needs.

19 (e) The assessment may be presented in a format that facilitates
20 its use by potential applicants for green and other innovation-based
21 federal economic stimulus funding.

22 (f) The assessment may be completed within 120 days of being
23 awarded.

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Enclosure 1

Compliance with AB 1420 Requirements

Assembly Bill (AB) 1420 (Stats. 2007, ch. 628) amended the Urban Water Management Planning Act, Water Code Section 10610 et seq., to require, effective January 1, 2009, that the terms of, and eligibility for, any water management grant or loan made to an urban water supplier and awarded or administered by the Department of Water Resources (DWR), State Water Resources Control Board (SWRCB), or California Bay-Delta Authority (CBDA) or its successor agency (collectively referred to as "Funding Agencies"), be conditioned on the implementation of the water Demand Management Measures (DMMs) described in Water Code Section 10631(f).

Water management grants and loans include programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability and water supply augmentation. This funding includes, but is not limited to, funds made available pursuant to Public Resources Code Section 75026 (Integrated Regional Water Management Program).

Who is an Urban Water Supplier?

"Urban Water Supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3000 customers or supplying more than 3000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers (Water Code Section 10617).

All urban water suppliers, whether members or not of the California Urban Water Conservation Council (CUWCC) Memorandum of Understanding (MOU), regardless of duration of membership, are subject to AB 1420 if applying for a water management grant or loan.

Demand Management Measures and Best Management Practices

AB 1420 conditions eligibility for a water management grant or loan on implementing the DMMs listed in Water Code section 10631(f). These DMMs correspond to the fourteen Best Management Practices (BMPs) listed and described in the CUWCC MOU. Based on this, DWR has consulted with the CUWCC and appropriate funding agencies, and determined that it will equate the DMMs with the BMPs described in the CUWCC MOU for loan and grant funding eligibility purposes.

AB 1420 Requirements

AB 1420 requires:

- (1) DWR, the State Water Board, and CBDA to condition water management grants or loans made to an urban water supplier on the implementation of the DMMs described in Water Code section 10631. [As noted above, the DMMs correspond to the BMPs described in the CUWCC Memorandum of Understanding (MOU)],

(2) DWR, in consultation with the State Water Board and the CBDA, to develop eligibility requirements that consider the California Urban Water Conservation Council's BMPs; and,

3) DWR to exercise its discretionary authority to determine whether an urban water supplier is eligible for a water management grant or loan.

What does BMP Implementation Compliance Mean?

Urban water supplier may be eligible for a water management grant or loan if it demonstrates that it is implementing or scheduling the implementation of BMPs, as follows:

1. The urban water supplier is currently implementing all BMPs at a coverage level determined by the CUWCC MOU: <http://www.cuwcc.org/mou-main-page.aspx> ;
or
2. The urban water supplier has submitted a schedule, budget, and finance plan commencing within the first year of the agreement for which grant funds are requested to implement all BMPs at the coverage level determined by the CUWCC MOU; or
3. The urban water supplier has demonstrated by providing supporting documentation that certain BMPs are "not locally cost effective." "Not locally cost effective" means that the present value of the local benefits of implementing a BMP is less than the present value of the local costs of implementing that BMP.

Compliance on a regional basis requires participation in a regional conservation program consisting of two or more urban water suppliers that achieves the level of conservation or water efficiency savings equivalent to the amount of conservation or savings achieved if each of the participating urban water suppliers implemented the water demand management measures. The urban water supplier administering the regional program shall provide participating urban water suppliers and DWR with data to demonstrate that the regional program is consistent with this clause. DWR shall review the data to determine whether the urban water suppliers in the regional program are meeting the eligibility requirements [Water Code section 10631.5(b)(2)(A)(ii)].

Past, current, and near future implementation of each BMP must together demonstrate that the urban water supplier is implementing BMPs at the coverage level determined by the CUWCC MOU.

Alternative Conservation Approaches:

AB 1420 allows for the implementation of alternative conservation approaches. [Water Code section 10631.5(b)(1)(A)]. For the purpose of loan and grant program this includes CUWCC Flex Track BMPs and/or other alternative conservation approaches. If an urban water supplier chooses to implement alternative conservation approaches, they must provide equal or greater water savings than the established BMPs.

For the details of BMP implementation and Flex Track, see <http://www.cuwcc.org/mou/exhibit-1-bmp-definitions-schedules-requirements.aspx>. The CUWCC is currently in the process of writing BMP Guidebooks to assist agencies with their BMP program implementation.

What Do I have to do to Demonstrate Compliance with AB 1420?

Urban water suppliers must demonstrate, by completing AB 1420 Self-Certification Statement Table 1, that they are implementing all BMPs at the coverage level determined by the CUWCC MOU.

Urban water suppliers are required to complete the AB 1420 Self-Certification Statement Table 1 (Table 1). Table 1 provides an update of past and current BMP implementation, to demonstrate whether suppliers are implementing BMPs at the coverage level determined by the CUWCC MOU.

If urban water suppliers are not implementing all BMPs at the coverage level determined by the CUWCC MOU, they may be eligible to receive grant and loan funds by providing a schedule, budget, and finance plan to implement all BMPs at the coverage level determined by the CUWCC MOU.

Table 2 provides information on the schedule, budget, and finance plan to implement all BMPs, commencing during the first year of the agreement, for a project for which the urban water supplier receives funds.

Tables 1 and 2 are not complete without a signature of an authorized representative of the urban water supplier. By signing Table 1, the authorized representative certifies under penalty of perjury that all information and claims regarding compliance, implementation of the BMPs, and financing plans are true and accurate. The urban water supplier and its authorized representative understand that the information in Tables 1 and 2 and the supporting documents are extremely important and must be true and accurate. Falsification or inaccuracies in Tables 1 and 2 and in any supporting documents may, at the discretion of the Funding Agency, result in loss of all grant or loan funds to the applicant. Additionally, the Funding Agency may take legal action to recover any disbursed funds and refer the matter to the Attorney General's Office.

Urban water suppliers must also submit hard copies of any reports that support or substantiate claims made on Tables 1 and 2 regarding past, current, and planned BMP implementation or alternative conservation approaches, as well as any documentation supporting a claim of exemption. These reports include urban water management plans, and the most recent BMP reports to the CUWCC as part of the Urban MOU. If the urban water supplier is not a CUWCC member, any reports on BMP implementation and/or alternative conservation approaches must be submitted to DWR in the CUWCC report format.

Some Funding Agencies may provide funds to help the urban water supplier implement BMPs and/or alternative conservation approaches to comply with AB 1420. AB 1420 Compliance Table 3 should be completed and submitted **only** if the grant or loan program allows funding to be used for BMP implementation, **and** the urban water supplier is

proposing to use grant or loan funds for BMP implementation to comply with AB 1420. The use of grant or loan funds for BMP compliance and/or alternative conservation approaches, and conditions of that usage (amount of funding, cost-share, etc.) are program specific.

How Often Must Documentation be Provided?

An urban water supplier must complete Tables 1 and 2 for each grant or loan program. An urban water supplier who already has a signed agreement and has submitted Tables 1 and 2 will need to submit an updated Tables 1 and 2 when applying for funds from the same or another grant or loan program. Updated information must include any changes in the implementation schedule, financing, budget, and level of coverage. If there are no updates or changes to Tables 1 and 2, then there is no need to re-submit these tables.

Where to Submit Documents

The completed documents should be submitted as follows:

1. Submit the original Table 1 (and the original Table 2, if applicable), all supporting reports (BMP reporting), and documents substantiating the status of BMP implementation as described in Table 1 or any other documents (e.g., BMPs that have been implemented in the past, are currently being implemented, or are scheduled for implementation with a schedule, budget, level of implementation, and financing plan).

Via US Mail	Via Hand Delivery
Baryohay Davidoff (Attn. AB 1420 Compliance) Department of Water Resources Office of Water Use Efficiency & Transfers PO BOX 942836 Sacramento, CA 94236	Baryohay Davidoff (Attn. AB 1420 Compliance) Department of Water Resources Office of Water Use Efficiency & Transfers 901 P Street, Third Floor Sacramento, CA 95814

2. Submit a copy of Table 1, and a copy of Table 2 (and a copy of Table 3, if applicable) **along with the grant application package to the Funding Agency**

Department Review Process

Upon receipt of a water management grant or loan application, the Funding Agency will request from DWR an AB 1420 eligibility determination. AB 1420 requires that DWR make a determination and respond to the Funding Agency within 60 days of the request. Urban water suppliers that do not submit a completed Table 1 may not be eligible to receive grant or loan funds.

DWR will do the following:

1. Review Self-Certification Statement Tables 1 and 2 to determine whether the urban water supplier is eligible to receive grant or loan funds. The eligibility

determination will be based on information provided in Tables 1 and 2. DWR eligibility determination is subject to an audit of the supporting documents and information provided with Tables 1 and 2;

2. Review AB 1420 Compliance Table 3, if applicable;
3. Inform the Funding Agency, within 60 days of DWR's determination whether an urban water supplier is an eligible to receive funding. DWR may also recommend that Tables 1 and 2 be included in the grant or loan funding agreement and a schedule for submittal of progress reports to the Funding Agency to ensure continued compliance;
4. May audit the supporting documents to verify if all the information provided in Table 1 is accurate and valid, and to verify continued compliance. DWR will notify both the Funding Agency and the urban water supplier if it finds inaccuracies, discrepancies, or false statements to support claims made in Tables 1 and 2; and,
5. May request additional information and documentation, including reports to substantiate the accuracy of the information being reviewed before issuing its audit findings.

Failure to Implement BMPs and/or Alternative Conservation Approaches

Failure to implement BMPs and/or alternative conservation approaches as detailed in Tables 1, 2 or 3, if applicable, may cause the Funding Agency, at its sole discretion, to halt disbursement of grant or loan funds, not pay any pending invoices, and pursue any other applicable legal remedy.

BMP Implementation Requirements

BMPs 1 and 2 - Residential Surveys and Retrofits

To fulfill BMP 1 the City must complete indoor and outdoor water use surveys for 15% of its residential accounts over 10 years at a rate of 1.5% of the accounts each year. To meet these requirements, the City will have to complete approximately 500 surveys of single-family residences and 250 surveys of multi-family residences annually. Single-family residential surveys will require 6 staff hours and multi-family residential surveys will require 2 staff hours. Two new water conservation staff will be necessary at an annual cost of \$85,000 to meet the CUWCC's coverage requirements and comply with AB 1420. BMP 1 and 2 operating costs are estimated to be \$50,000 annually, which includes survey materials, water efficient showerheads, faucet aerators, and toilet flappers to be installed in homes as determined by the survey results. The total annual cost is \$135,000.

Implementation of BMPs 1 and 2 is estimated to generate a cumulative water savings of approximately 1,500 acre-feet over the next 10 years. The estimated annualized water savings is 150 acre-feet for a total annual savings of \$150,000.

BMP 5 - Large Landscape Programs

Coverage requirements for the landscape programmatic BMP consists of two parts: (1) developing landscape water budgets and providing water use notices for not less than 90% of accounts with dedicated irrigation meters, and (2) completing landscape surveys for not less than 15% of all commercial/industrial/institutional (CII) accounts with mixed use meters within 10 years. To meet these requirements, the City will have to develop landscape water budgets at a rate of approximately 130 budgets per year and conduct approximately 6 landscape surveys annually. In addition, the City will need to provide water use notices to all dedicated landscape irrigation accounts with established landscape water budgets on a quarterly basis. Landscape budget development will require approximately 4 staff hours per budget and landscape surveys will require approximately 12 staff hours per survey. To meet the CUWCC's coverage requirements, 1 new water conservation staff person will be required at an annual cost of \$45,000. Operating costs for BMP 5 are estimated to be \$55,000 annually, and include landscape measurements, on-site evaluations, quarterly water use notification and implementation of water budget tracking software. The total annual cost is \$100,000.

A&N has conservatively estimated that implementation of BMP 5 will result in a cumulative water savings of 3,800 acre-feet over the useful lives of the landscape water budgets. The estimated annualized water savings is 380 acre-feet for a total annual savings of \$380,000.

BMP 9 - Commercial/Industrial/Institutional (CII) Programs

To meet the requirements of BMP 9 the City of Oxnard must reduce the total water use of its CII customers by 10% over 10 years. Therefore, the City needs to achieve approximately 75 acre-feet of water savings among its CII customers annually. No new staff will be required for this program. A preliminary cost-benefit analysis conducted by

A&N indicates that the City of Oxnard can achieve these savings through a combination of CII retrofit programs, including urinal replacement, cooling tower retrofits, and a rebate program for waterbrooms, dry vacuum pumps, and other water efficient technologies at an annual operating cost of \$100,000.

By meeting the annual target of 75 acre-feet of CII water saved, the City is estimated to generate a total annual savings of \$75,000.

BMP 13 - Water Waste Prohibition

BMP 13, as outlined by the CUWCC, requires the City to enact and enforce ordinances that prohibit water waste and facilitate implementation of water shortage response measures. To comply with the requirements of this BMP, the City must adopt the updated water waste ordinance described earlier in this report and, once adopted, ensure that the ordinance is enforced. Enforcement of the ordinance will require one new water conservation staff member at an annual cost of \$40,000. This new “water cop” will respond to water waste reports generated by the Public Works Department’s call center and patrol the streets looking for water waste, including watering during prohibited hours, public and private water leaks, and runoff. In addition, this staff member will be cross-trained to identify and report storm water concerns and violations of the new mobile car wash ordinance. Similarly, current source control staff will be cross-trained to identify water waste and report it to the water conservation program. Program operating costs, including public advertisement and education regarding prohibited water uses, door hanger notices, hotel and restaurant signage, and pre-rinse spray valves for restaurant operators are estimated to be \$20,000 annually. The total annual cost is \$60,000.

Unfortunately, little, if any, formal research has been conducted to determine the amount of water that can be saved through the enactment and enforcement of water waste prohibitions. Water conservation practitioners and experts alike agree that well enforced water conservation ordinances are an effective tool for reducing water waste, especially among residential customers; however, because no studies have attempted to quantify their effectiveness to date, an estimate of the amount of water the City can save by updating its water conservation ordinance cannot be provided.

BMP 14 - Residential High Efficiency Toilets

To comply with BMP 14, the City must replace older toilets that use water at a rate of 3.5 gallons per flush or more with high efficiency models that use water at a rate of 1.28 gallons per flush. Due to the number of toilets already replaced by the city through toilet exchange programs in 2002 and 2003 and toilet rebate programs operated from 2003 to the present, the City needs only to achieve approximately 15 acre-feet of water savings by the year 2014, or 5 acre-feet of water savings annually, to comply with this BMP. No additional staff will be required for this program. Estimated annual operating costs of \$100,000 will enhance the current toilet rebate program to gain increased participation.

By meeting the target of 5 acre-feet of water saved through toilet replacement, it is estimated that the City will generate \$5,000 in saved water and be considered in compliance with both BMP 14 and AB 1420.