

ORDINANCE NO. 22- 01

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF CONTRA COSTA WATER DISTRICT
ESTABLISHING A DROUGHT MANAGEMENT PROGRAM
IN RESPONSE TO THE GOVERNOR OF CALIFORNIA'S EXECUTIVE ORDER N-7-22**

WHEREAS, the Contra Costa Water District (District) is a County Water District organized and existing pursuant to the County Water District Law, Division 12 of the California Water Code beginning with section 30000 and is empowered thereunder and under article XI, section 9 to provide raw and treated water service to its customers in northern, eastern and central Contra Costa County; and

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare, and further declares that it is self-executing; and

WHEREAS, the District is authorized pursuant to sections 31024, 31026, 31027, 31028, 31029, and 31035 of the County Water District Law, and California Water Code sections 350 et seq., and sections 375 et seq., to establish and enforce rules and regulations for the sale, distribution, and use of water; and to enact rules and regulations to restrict the use of water during any water emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of District water or the use of District water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the District and may prohibit use of such water during such periods for specific uses which the District may from time to time find to be non-essential; and

WHEREAS, District Regulations 5.04.020, 5.04.030, 5.04.060, and 5.04.070 provide further authority for the District's adoption of rules and regulations regarding the use of water delivered by the District, the prevention of waste or unreasonable use during times of water shortage, and compliance with District rules and regulations; and

WHEREAS, on May 10, 2021, the California Governor formally declared a condition of drought related emergency conditions for a total of 41 counties, including Contra Costa County, and directed state agencies to take action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of public health and safety and the environment; and

WHEREAS, the District adopted a 10 percent drought management program on July 7, 2021 in response to the Governor's May 2021 Executive Order and worsening water supply conditions; and

WHEREAS, on July 8, 2021, the Governor expanded the drought declaration to the entire state and called on all Californians to voluntarily reduce water use by 15 percent compared to 2020 levels;

WHEREAS, on March 28, 2022, the Governor issued Executive Order N-7-22 which, in part, directs the State Water Resources Control Board (SWRCB) to consider adopting emergency regulations requiring urban water suppliers to implement, at a minimum, the drought response actions outlined in Stage 2 of their Water Shortage Contingency Plans; and

WHEREAS, on May 24, 2022, the SWRCB issued emergency regulations to implement the directives of Executive Order N-7-22; and

WHEREAS, the United States Bureau of Reclamation (Reclamation) has announced its 2022 water year allocations for the Central Valley Project (CVP) and has forecast that the water supply available to the District to be for public health and safety needs only; and

WHEREAS, drought conditions contribute to further uncertainty regarding regulatory conditions in the Sacramento-San Joaquin Delta that affect the amount and quality of water that can be legally moved from Reclamation's reservoirs to pumping plants in the Delta, including the District's; and

WHEREAS, as of the date of enactment of this resolution, based on current and historic water supply availability and Executive Order N-7-22, District staff projects that the District water supplies will be negatively impacted in 2022-2023 and potentially in future years, as a result of drought conditions; and

WHEREAS, conservation and waste prevention measures are necessary to manage demands within the District in order to comply with Executive Order N-7-22 and the anticipated emergency regulations to be considered by the SWRCB; and, to ensure sufficient water is available for critical domestic, municipal, and industrial water needs of the District's customers in 2022-2023; and, to ensure that available water supplies are not depleted in the event that the following year is also dry; and

WHEREAS, while District water conservation efforts, recycled water, and supplemental water purchases have stretched the District's available water supplies, discretionary outdoor water use will require further reduction pursuant to the actions and requirements of the State and to preserve water supplies for future years.

NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Contra Costa Water District that the Board hereby finds and determines that:

1. Based upon the facts recited above, and upon the authority contained in Water Code sections 350 et seq., sections 375 et seq., sections 31021 et seq., sections 31024 et seq., and sections 31026 et seq., drought and water shortage conditions exist that will negatively affect water supply and quality available to the District.
2. Conservation and measures to prevent waste and unreasonable use are necessary to manage demands so that the reasonable water needs of District customers can be met in

2022-2023, and to ensure that water supplies are not depleted in the event that the following year is also dry.

3. The District, by direction of the Board of Directors contained in Resolution 22-013, intends to meet the overall drought management program requirements by activating Stage 2 of its Water Shortage Contingency Plan, with a planned goal of reducing water use by 15 percent through the following actions:
 - a. As of the effective date of this Ordinance, Stage 2 of the Contra Costa Water District Water Shortage Contingency Plan is activated and in full effect, including all water conservation and waste prevention measures contained therein which measures may also be augmented, modified or rescinded in the discretion of the Board of Directors; and
 - b. Commercial and industrial customers are hereby required to reduce their water use by 5 percent, as compared to water use for the same billing period during calendar year 2020 which shall be used as the baseline for reduction; and
 - c. Dedicated Irrigation and Agricultural customers are hereby required to reduce their irrigation water use by 25 percent, as compared to water use for the same billing period during calendar year 2020 which shall be used as the baseline for reduction; and
 - d. Municipal Retail customers are hereby requested to reduce their water use by 15 percent pursuant to Executive Orders N-10-21 and N-7-22, as compared to water use for the same billing period during calendar year 2020 which shall be used as the baseline for reduction; and
 - e. Residential and all other customer classes are hereby required to reduce their water use by 15 percent, as compared to water use for the same billing period during calendar year 2020 which shall be used as the baseline for reduction.

4. The water use prohibitions, including those previously adopted as permanent measures, attached hereto as Exhibit A and incorporated herein as if fully set forth, are necessary to conserve water, promote effective water supply planning, assure reasonable and beneficial use of water, prevent waste and unreasonable use of water, and prevent unreasonable methods of use of water within the District; and said water use prohibitions are necessary to assure that sufficient supplies of water will be available to meet the needs of, and to protect the health and safety of, the District's customers and other members of the public. This paragraph is not a limit on the District's authority to determine that a customer is wasting or failing to put water received from the District to reasonable and beneficial use.

5. The District shall implement a temporary pricing adjustment (Temporary Drought Surcharge) of \$0.79 per unit (748 gallons) increase in the treated water quantity charge, and of \$0.37 per 1,000-gallon increase in the untreated water quantity charge, to be effective for water delivered on and after July 1, 2022, and applicable to all customer classes to recover the necessary revenue to fund ongoing operating and maintenance cost of the water system in times of reduced water usage and the additional customer support staff and outreach related to conservation efforts. Residential customers who use less than 200 gallons per day are considered efficient and will be credited with a rebate for the Temporary Drought Surcharge if use over the entire billing cycle averages less than 200 gallons per day. The rebate, if provided, shall be fully funded through the use of non-rate revenues, to the extent that these revenues are available for use, consistent with the principles of Proposition 218.

6. The rules and regulations contained in this Ordinance shall take effect immediately after its adoption pursuant to Water Code section 31027. A summary of this Ordinance was published at least five days prior to adoption and said summary will be published again within fifteen days of this adoption in a newspaper of general circulation within the District. The General Manager is authorized to cause the rules and regulations established hereby to be inserted in Title 5 of the Contra Costa Water District Code of Regulations and to effect the immediate enforcement thereof. Should any rule or regulation contained or referenced

herein conflict with an existing District rule or regulation, the conflicting rule or regulation contained or referenced herein shall apply during the time in which this Ordinance is in effect and operative.

7. CCWD Resolution 2022-013 is hereby repealed and superseded in full by this Ordinance 22-01 upon this Ordinance becoming effective and operative.
8. The General Manager is hereby delegated the authority to impose additional water use prohibitions, or to suspend enforcement of any prohibition, depending on water supply conditions or to comply or conform to further actions of the Governor or State Water Resources Control Board.
9. Collection of the Temporary Drought Surcharge may be suspended or terminated by the Board of Directors by a resolution adopted following a public hearing held at a duly noticed regular or special meeting of the Board of Directors.

The foregoing Ordinance was duly and regularly adopted at a meeting held on the 15th day of June 2022, by the Board of Directors of the Contra Costa Water District by the following vote:

AYES: Burgh, Martinez, Avila, Holdaway

NOES:

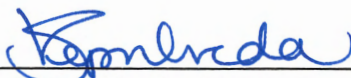
ABSTAIN:

ABSENT:



Ernesto A. Avila, President

ATTEST:



Veronica Sepulveda, District Secretary

Water Waste Prohibitions

Existing Permanent Water Waste Prohibitions and Fines, as provided for in CCWD Code of Regulations Section 5.44.010

- Failure to repair a leak
- Causing excess water run-off
- Watering during and up to 48 hours after rainfall
- Watering between 9 a.m. and 5 p.m.
- Using a hose without a shutoff valve to wash a vehicle
- Washing hardscapes, unless failure to do so would create a hazard to health and safety
- Using potable water in a non-re-circulating fountain
- Irrigating ornamental turf in public street medians with potable water
- Irrigating landscapes outside of newly constructed buildings in a manner inconsistent with State regulations
- Violation of any prohibitions subject an administrative fine of not more than two hundred fifty dollars (\$250.00) for a first offense, and five hundred dollars (\$500.00) for a second offense; each administrative fine to be accompanied by an additional penalty of up to \$10.00 per unit of water used or applied, in an amount to be determined in the District's sole discretion

Additional Drought Management Program Water Use Prohibitions, as provided for in this Ordinance 22-01

- Watering of newly constructed homes/buildings that is not drip or microspray
- Serving drinking water other than upon request in eating and drinking establishments
- Hotels/motels shall provide guests with the option of choosing not to have towels and linens laundered daily
- Using non-recycled water for dust control/construction
- Irrigation of non-functional turf (i.e., turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events) in the commercial, industrial, and institutional sectors with potable water, except to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to address an immediate health and safety need