



## **WATER SHORTAGE CONTINGENCY PLAN**

*City of Brisbane / Guadalupe Valley Municipal Improvement District*

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| Attachment B: | Water Shortage Ordinance  |



## 1. INTRODUCTION

On 17 January 2014 the Governor of the State of California proclaimed a state of emergency due to protracted and severe drought conditions throughout the State and called upon all Californians to reduce their water use by 20 percent (%). Following on the Governor's call for action, and in response to below-normal precipitation in the Hetch-Hetchy watershed, on 31 January 2014 the San Francisco Public Utilities Commission (SFPUC) asked all of its wholesale customers to reduce their water use by 10% on a voluntary basis.

On 25 April 2014 the Governor issued an Executive Order that directed the State Water Resources Control Board (SWRCB) to adopt an emergency regulation as it deemed necessary, pursuant to California Water Code section 1058.5, to ensure that urban water suppliers were implementing conservation measures in response to the drought. On 15 July 2014 the SWRCB adopted emergency regulations to require water agencies and their customers to increase water conservation in urban settings or face possible fines or other enforcement (Attachment A). The new conservation regulation is primarily intended to reduce outdoor urban water use and mandates minimum actions by water suppliers and their customers to conserve water supplies into 2015.

In response to the above actions, the City of Brisbane / Guadalupe Valley Municipal Irrigation District (City/GVMID, also referred to herein as "the City") has developed a Water Shortage Ordinance and this associated Water Shortage Contingency Plan (WSCP). Given their small size, the City/GVMID water systems do not meet the threshold requirements for preparation of an Urban Water Management Plan (UWMP)<sup>1</sup>, which must include a WSCP (California Water Code Section 10632). However, for completeness, the City has developed this WSCP as the functional equivalent of a WSCP developed pursuant to California Water Code Section 10632. The City's Water Shortage Ordinance and this WSCP ensure that the City and its water customers can respond effectively and efficiently in the event of a water shortage emergency.

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<sup>1</sup> In 1983, the California Legislature enacted the Urban Water Management Planning Act (UWMP Act) (Water Code Sections 10610 - 10657). The UWMP Act states that every urban water supplier that provides water to 3,000 or more customers, or that provides over 3,000 acre-feet of water annually, should make every effort to ensure the appropriate level of water service reliability to meet the needs of its customers during normal, dry, and multiple dry years.

## 2. BACKGROUND

The City/GVMID collectively serves approximately 2,100 accounts and delivers 0.59 million gallons per day (MGD) of water<sup>2</sup>. Currently, the City/GVMID receives all of its water supply from the City and County of San Francisco (CCSF) via the Hetch-Hetchy Regional Water System (RWS). The City and GVMID have a combined contractual allocation, or Supply Assurance, of 0.98 MGD that survives in perpetuity, as documented in its 2009 Water Supply Agreements (WSAs) with the CCSF. The SFPUC acts as the CCSF's agent in administration of the WSA and is responsible for the operations of the RWS. Given that it only has a single water supply source, and has very low per capita water use, the City/GVMID is vulnerable to drought shortfalls on the RWS.

### 2.1 Historical Drought Response and Water Conservation Actions

Prior to this current drought, the City experienced a prolonged drought on the RWS from 1986 through 1992. As part of its response to the 1986-1992 drought, the City adopted Resolution Number 88-35 on 12 September 1988. This resolution declared a water shortage emergency and established a water conservation program and penalties for violation. The City designed this water conservation program to achieve a 25% system-wide reduction in water usage. A comprehensive water rationing program was authorized by the Brisbane City Council on 29 May 1990. On 1 July 1990, the City adopted Resolution Number 90-41 increasing excess water use charges, and on 11 March 1991, the City adopted Resolution Number 91-13 declaring a water shortage emergency and adopting an even more stringent water conservation program.

A less severe drought occurred on the RWS during 2007 through 2009 wherein all of the SFPUC customers were asked to voluntarily reduce their water use by 10%. In response to the drought, the City focused on public outreach (including blog articles and public education) and reducing non-revenue water (including the implementation of an annual leak detection field survey and the installation of programmable water main flushing units). The City also tracked and monitored its top ten water users, performed an irrigation audit of the City's athletic fields and parks, and promoted its various water conservation rebate programs. These measures were successful in reducing the City's consumption by 10%.

Even in normal years, the City has a strong record of encouraging water conservation, both in its own practices as a water user, and in communications with its customers. Specifically, the City has pursued the following actions:

- Offered financial rebates to its customers for replacing high-water using fixtures such as toilets and washing machines with water-efficient versions;

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<sup>2</sup> Based on FY 2012-2013 deliveries (BAWSCA, 2014).

- Offered financial rebates to its customers for replacing irrigated turf with low-water use plantings;
- Designed its water rates to encourage water conservation; and
- Modified the irrigation systems and schedules at all of the City parks to reduce irrigation demand.

Furthermore, the City has incorporated into its municipal code the following sections that encourage water conservation:

- Chapter 15.72: Indoor Water Use Efficiency Requirements which establish efficiency standards for all new development and major remodels;
- Chapter 15.70: Outdoor Water Use Efficiency requirements which establish landscape efficiency standards for all new development and major landscape renovations; and
- Chapter 8.40: Water Waste Prohibition which describes certain, prohibited uses of water under all hydrologic conditions.

## **2.2 Current Water Use Characteristics**

The City's current water use characteristics are summarized in Tables 2-1 and 2-2 and on Figures 2-1 through 2-4.

Water use in the City has remained relatively consistent over the last five years at a level of approximately 200 MG per year (see Table 2-1 and Figure 2-1). Further, the net result of the conservation actions described above in Section 2.1 and the particular characteristics of the City is that the City already has among the lowest residential per capita water use of the Bay Area Water Supply and Conservation Agency (BAWSCA) agencies and the State, making additional dry year cutbacks difficult to achieve without incurring significant impact. Specifically, as can be seen in Table 2-2, the City's baseline residential per capita water use is 50 gallons per capita per day (GPCD). By comparison, the average residential per capita water use for the BAWSCA region is 79 GPCD (BAWSCA, 2014).

However, as can be seen in Table 2-2 and Figure 2-2, customer water use in the City does demonstrate seasonal variation, with use ranging from approximately 0.78 MGD during the summer months, to approximately 0.37 MGD during the winter months. This variation in use is attributable to the proportion of the City's water use that is used for outdoor irrigation. Figure 2-3 shows the relative proportion of indoor and outdoor water use for each customer type. Figure 2-4 then shows what percent of the City's total water use is attributable to outdoor irrigation. Specifically, approximately 42% of the City's total water use is for irrigation purposes through a combination of dedicated irrigation account use (32% of total water consumption), commercial outdoor water use (6% of total water consumption), and residential outdoor water use (4% of total water consumption). Thus, it

would appear that significant water savings can be achieved by limiting outdoor irrigation, without significant impacts to the City's already-efficient residential and commercial customers.

**Table 2-1  
Annual Water Use by Customer Type**

| Annual Water Use by Customer Type (MG) | Year       |            |            |            |            |                 |
|--|------------|------------|------------|------------|------------|-----------------|
|  | 2009-2010  | 2010-2011  | 2011-2012  | 2012-2013  | 2013-2014  | 5-Year Baseline |
| Single Family                          | 66         | 65         | 64         | 64         | 63         | <b>65</b>       |
| Multi-Family                           | 14         | 14         | 14         | 14         | 13         | <b>14</b>       |
| Commercial                             | 58         | 57         | 54         | 56         | 58         | <b>57</b>       |
| Irrigation                             | 59         | 59         | 61         | 67         | 67         | <b>63</b>       |
| <b>Total Annual Water Use</b>          | <b>197</b> | <b>195</b> | <b>193</b> | <b>201</b> | <b>201</b> | <b>198</b>      |

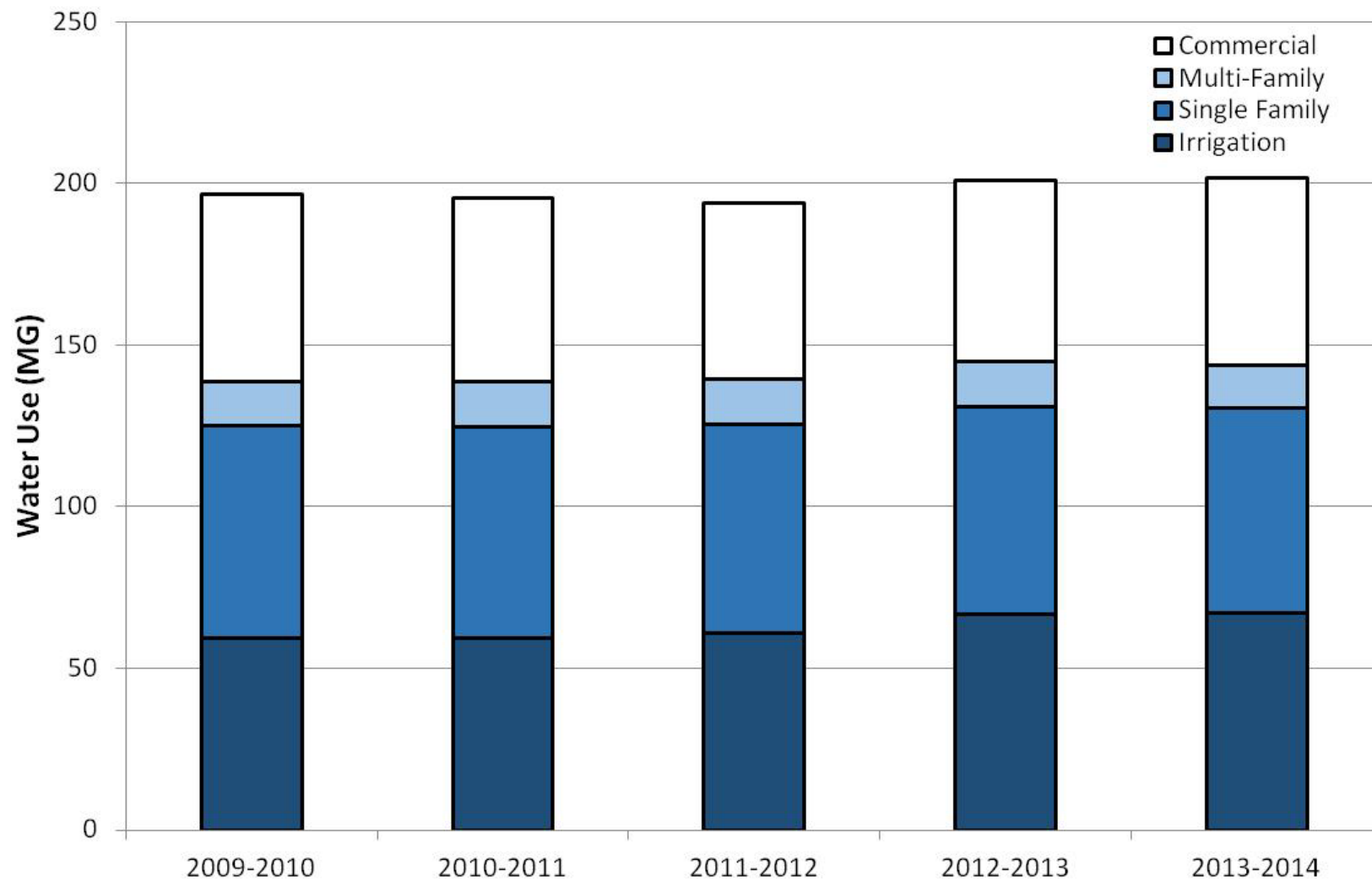
**Table 2-2  
Five-Year Baseline Water Use Characteristics**

| Water Use Characteristics                       | Year      |           |           |           |           |                 |
|---|-----------|-----------|-----------|-----------|-----------|-----------------|
|   | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 | 5-Year Baseline |
| Total Annual Water Demand (MGD) <sup>3</sup>    | 0.57      | 0.57      | 0.58      | 0.59      | --        | <b>0.58</b>     |
| Dry Season Water Use (MGD) <sup>4</sup>         | 0.82      | 0.79      | 0.76      | 0.75      | 0.77      | <b>0.78</b>     |
| Wet Season Water Use (MGD) <sup>4</sup>         | 0.36      | 0.36      | 0.38      | 0.37      | 0.38      | <b>0.37</b>     |
| Residential Per Capita Water Use (GPCD)         | 51        | 51        | 50        | 50        | 49        | <b>50</b>       |
| Indoor Residential Per Capita Water Use (GPCD)  | 44        | 45        | 48        | 45        | 44        | <b>45</b>       |
| Outdoor Residential Per Capita Water Use (GPCD) | 7         | 5         | 2         | 5         | 6         | <b>5</b>        |

<sup>3</sup> Total annual water demand includes annual water use by customer type (City, 2014) plus non-revenue water (BAWSCA, 2014), and represents the average daily rate of water demand in millions of gallons per day over the course of a typical year. The baseline demand is calculated using the most recent four years of data when data for FY 2013-14 are unavailable.

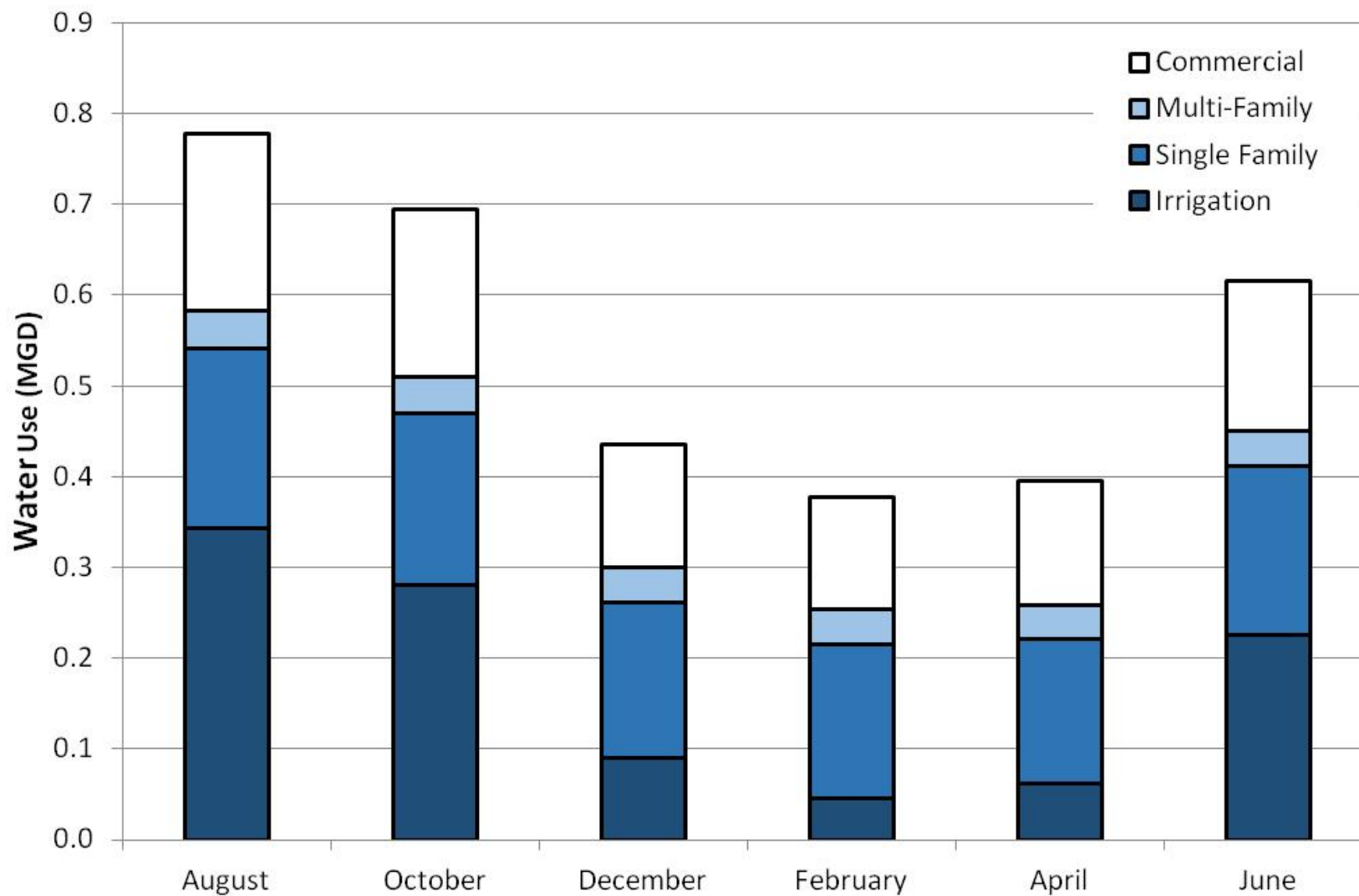
<sup>4</sup> Dry and Wet Season Water Use represent the highest and lowest rates of water use in million gallons per day. The highest rate of water use occurs during the peak of the dry season (i.e., the summer months), while the lowest rate of water use occurs during the wet season (i.e., the winter months).

**Figure 2-1**  
**Total Annual Water Use By Customer Type**

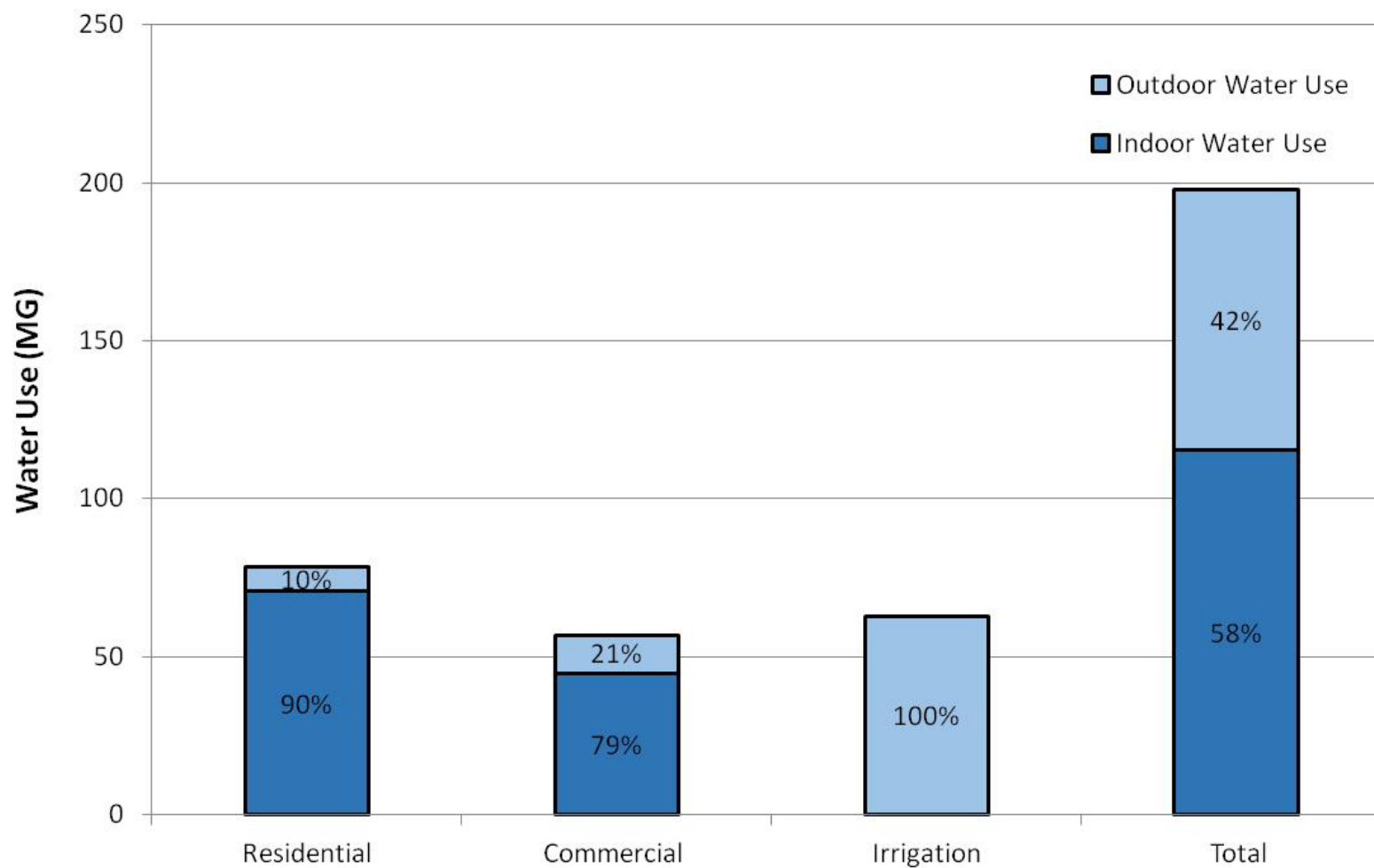




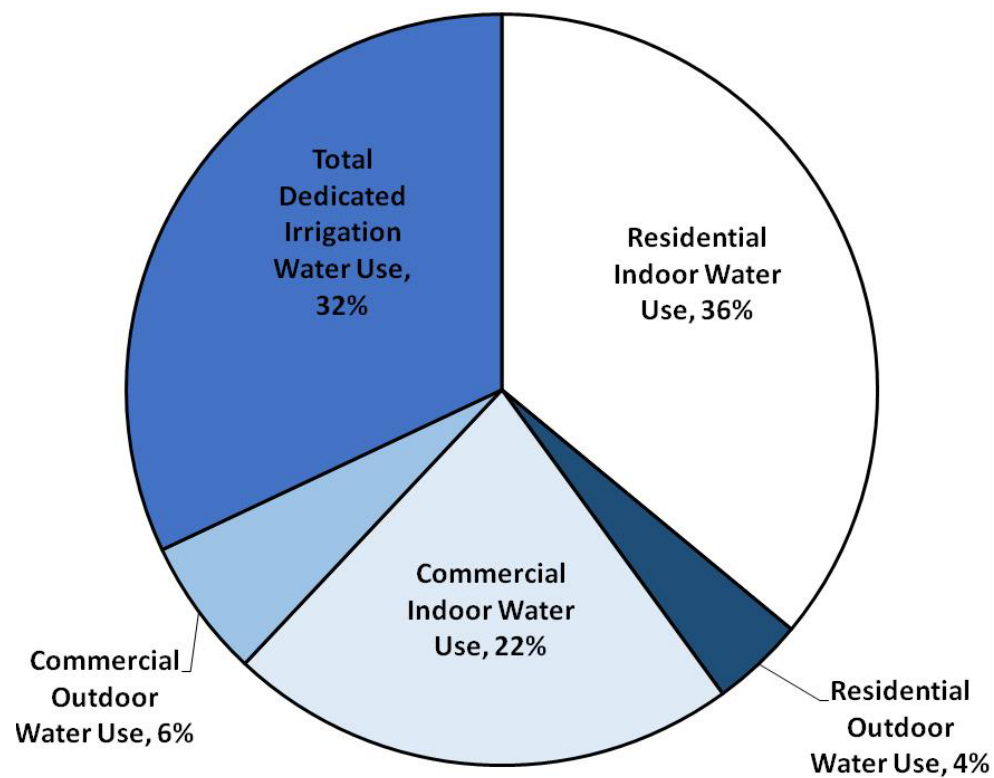
**Figure 2-2**  
**Seasonal Water Use by Customer Type (Based on Five-Year Baseline)**



**Figure 2-3**  
**Five-Year Baseline Indoor Versus Outdoor Water Use by Customer Type**



**Figure 2-4**  
**Five-Year Baseline Indoor and Outdoor Water Use as a Proportion of Total Water Use**



### **3. WATER SHORTAGE CONTINGENCY PLAN PRINCIPLES**

The City developed this WSCP in accordance with the following guiding principle:

*Eliminate water waste and prioritize reducing non-essential water uses: This WSCP concentrates on the reduction of non-essential water uses such as landscape irrigation and other discretionary outdoor water use. The WSCP gives the highest priority to preserving water uses that are essential to the health, safety, welfare, and economic vitality of the City's customers.*

Practically what this means is that as part of the implementation of this WSCP, the City will be asking for a shared contribution from all of its customers towards meeting the stated water reduction goals, while focusing its efforts on reducing water use for irrigation, and attempting to minimize economic and other impacts to its residential and commercial customers.

#### 4. WATER SHORTAGE CONTINGENCY PLAN ELEMENTS

This section contains the main elements of the City’s WSCP, developed to serve as a flexible framework of planned response measures to mitigate water supply shortages. This WSCP has been prepared in general accordance with the format and content suggested in the Department of Water Resources (DWR) *Guidebook to Assist Urban Water Suppliers to Prepare a 2010 Urban Water Management Plan*, dated March 2011. The text of specific sub-sections of the California Water Code, as it relates to the preparation of WSCPs, has been included in italicized font at the beginning of specific sections of this WSCP. The information presented in that section of the WSCP and the associated figures, tables, attachments, and references are collectively intended to functionally comply with the requirements of that sub-section of the California Water Code.

##### 4.1 Stages of Action

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(a) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.*

This plan establishes four levels of increasingly restrictive drought response actions to be implemented in times of water shortage. The provisions of each drought response level are triggered upon the Director of the Department of Public Works or City Engineer’s (Director’s) determination that the SFPUC or another Governing Authority (e.g., the SWRCB) has required a voluntary or mandatory reduction in water use because of water shortage conditions. The four stages of action are listed below:

**Table 4-1  
Water Shortage Stages of Action and Water Use Reduction Goals**

| Stages of Action |                            |                       |
|------------------|----------------------------|-----------------------|
| Stage            | Stage Name                 | Consumption Reduction |
| 1                | Voluntary Restrictions     | 10% (Voluntary)       |
| 2                | Water Shortage             | 10% (Mandatory)       |
| 3                | Significant Water Shortage | 20% (Voluntary)       |
| 4                | Severe Water Shortage      | 20% (Mandatory)       |

For water shortages between 20% and 50% and water shortages that result from catastrophic events including fire, flood, earthquake, natural calamity or acts of God, the City will follow the procedures described in Section 4.3.

### **Stage 1 Drought Response Measures – Voluntary Restrictions**

Stage 1 Drought Response Measures apply when a Governing Authority declares a need for the City to voluntarily reduce consumption by up to 10%, and the Director gives notice of his or her determination that the Stage 1 Drought Response Measures must be triggered.

The overall goal of the Stage 1 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 10% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 1 Drought Response Measures, until such time as a Governing Authority determines that a voluntary reduction in consumption of at least 10% is no longer necessary. The City will endeavor to increase its public education and outreach efforts to increase public awareness of the need for all persons to implement the Stage 1 Drought Response Measures listed in Section 4.7, and will increase its outreach and enforcement efforts with each stage of action.

### **Stage 2 Drought Response Measures – Water Shortage**

Stage 2 Drought Response Measures apply when a Governing Authority imposes a mandatory requirement for the City to reduce consumption system-wide by up to 10%, and the Director gives notice of his or her determination that the Stage 2 Drought Response Measures must be triggered.

The overall goal of the Stage 2 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 10% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 2 Drought Response Measures, until such time as a Governing Authority determines that a mandatory reduction in consumption of at least 10% is no longer necessary. While the Stage 2 Drought Response Measures are effective, all persons shall also comply with the Stage 1 Drought Response Measures, which will become mandatory. The Stage 1 and 2 Drought Response Measures are presented in Section 4.7.

### **Stage 3 Drought Response Measures – Significant Water Shortage**

Stage 3 Drought Response Measures apply when a Governing Authority declares a need for the City to voluntarily reduce consumption by up to 20%, and the Director gives notice of his or her determination that the Stage 3 Drought Response Measures must be triggered.

The overall goal of the Stage 3 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 20% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 3 Drought Response Measures, until such time as a Governing Authority, determines that a voluntary reduction in consumption of at least 20% is no longer necessary. While the Stage 3 Drought Response Measures are effective, all persons shall also comply with the

Stage 1 and 2 Drought Response Measures, both of which will be voluntary. The Stage 1, 2, and 3 Drought Response Measures are presented in Section 4.7.

#### **Stage 4 Drought Response Measures – Severe Water Shortage**

Stage 4 Drought Response Measures apply when a Governing Authority imposes a mandatory requirement for the City to reduce consumption by up to 20%, and the Director gives notice of his or her determination that the Stage 4 Drought Response Measures must be triggered.

The overall goal of the Stage 4 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 20% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 4 Drought Response Measures, until such time as a Governing Authority determines that a mandatory reduction in consumption of at least 20% is no longer necessary. While the Stage 4 Drought Response Measures are effective, all persons shall also comply with the Stage 1, 2 and 3 Drought Response Measures, all of which will be mandatory. The Stage 1, 2, 3 and 4 Drought Response Measures are presented in Section 4.7.

#### **4.2 Minimum Water Supply Estimate**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.*

The following is a discussion regarding the Tier One Drought Allocation between SFPUC and BAWSCA, the Tier Two Drought Allocation amongst the BAWSCA agencies, and the resultant minimum water supply estimates for the City/GVMID.

#### **Drought Allocation of RWS Water**

In July 2009, in connection with the WSA, the wholesale customers and San Francisco adopted a Water Shortage Allocation Plan (WSAP) to allocate water from the RWS to retail and wholesale customers during system-wide shortages of 20% or less (the “Tier One Plan”). The Tier One Plan replaced the prior Interim Water Shortage Allocation Plan, adopted in 2000, which also allocated water for shortages up to 20%. The Tier One Plan also allows for voluntary transfers of shortage allocations between the SFPUC and any wholesale customer and between the wholesale customers themselves. In addition, water “banked” by a wholesale customer, through reductions in usage greater than required, may also be transferred.

The Tier One Plan, which allocates water between SFPUC and the wholesale customers collectively, distributes water based on the level of shortage as shown in Table 4-2.

**Table 4-2  
Tier One SFPUC and Wholesale Water Allocations**

| Level of System Wide Reduction in Water Use Required | Share of Available Water |                          |
|--|--------------------------|--------------------------|
|  | SFPUC Share              | Wholesale Customer Share |
| 5% or less   | 35.5%                    | 64.5%                    |
| 6% through 10%                                       | 36.0%                    | 64.0%                    |
| 11% through 15%                                      | 37.0%                    | 63.0%                    |
| 16% through 20%                                      | 37.5%                    | 62.5%                    |

The Tier One Plan will expire in 2034 at the end of the term of the WSA, unless extended by San Francisco and the wholesale customers.

The wholesale customers have negotiated amongst themselves and adopted the “Tier Two Plan”, the second component of the WSAP, which allocates the collective wholesale customer share among each of the 26 wholesale customers. This Tier Two Plan allocation is based on a formula that takes multiple factors for each wholesale customer into account, including:

- Individual Supply Guarantee;
- Seasonal use of all available water supplies; and
- Residential per capita use.

The water made available to the wholesale customers collectively will be allocated among them in proportion to each wholesale customer’s Allocation Basis, expressed in MGD, which in turn is the weighted average of two components. The first component is the wholesale customer’s ISG, as stated in the WSA, and is fixed. The second component, the Base/Seasonal Component, is variable and is calculated using the monthly water use for three consecutive years prior to the onset of the drought for each of the wholesale customers for all available water supplies. The second component is accorded twice the weight of the first, fixed component in calculating the Allocation Basis. Minor adjustments to the Allocation Basis are then made to ensure a minimum cutback level, a maximum cutback level, and a sufficient supply for certain wholesale customers.

The Allocation Basis is used in a fraction, as numerator, over the sum of all wholesale customers’ Allocation Bases to determine each wholesale customer’s Allocation Factor. The final shortage allocation for each wholesale customer is determined by multiplying the



amount of water available to the wholesale customers' collectively under the Tier One Plan, by the wholesale customer's Allocation Factor.

The Tier Two Plan requires that the Allocation Factors be calculated by BAWSCA each year in preparation for a potential water shortage emergency. As the wholesale customers change their water use characteristics (e.g., increases or decreases in SFPUC purchases and use of other water sources, changes in monthly water use patterns, or changes in residential per capita water use), the Allocation Factor for each wholesale customer will also change.

The Tier Two Plan in its current form will expire in 2018 unless extended by the wholesale customers.

**Minimum Water Supply Estimate for 2014**

Based on information provided by SFPUC from its Water Supply Reliability Model<sup>5</sup>, the following Table 4-3 presents the City's estimated minimum three year supply.

**Table 4-3  
Estimated Minimum Three Year Supply**

|                                   | 2010  | One Critical Dry Year | Deliveries during Multiple Dry Years |        |        |
|-----------------------------------|-------|-----------------------|--------------------------------------|--------|--------|
|                                   |       |                       | Year 1                               | Year 2 | Year 3 |
| System-Wide Shortage in Percent   | 0%    | 10%                   | 10%                                  | 20%    | 20%    |
| Wholesale Allocation (MGD)        | 184.0 | 152.6                 | 152.6                                | 132.5  | 132.5  |
| City of Brisbane Allocation (MGD) | 0.83  | 0.69                  | 0.69                                 | 0.60   | 0.60   |

The dry year supply estimates shown in Table 4-3 are based on an Allocation Factor of 0.45% for the City, as determined by BAWSCA as part of its Tier Two Plan calculation dated 25 February 2014. However, these estimates can only be relied upon after completion of the SFPUC's Water System Improvement Program (WSIP), which involves a broad range of projects to improve the reliability of the RWS. For the year 2014, prior to completion of the WSIP, the following allocation estimates have been developed by BAWSCA<sup>6</sup> as part of its Tier Two Plan calculation (see Table 4-4).

<sup>5</sup> This information was provided to the BAWSCA agencies by the SFPUC in support of the 2010 UWMP preparation.

<sup>6</sup> The Tier Two Plan estimate was provided by BAWSCA on 25 February 2014.

**Table 4-4  
Estimated 2014 Minimum Supply**

|                                     | <b>2014</b> |
|-------------------------------------|-------------|
| System-Wide Shortage in Percent     | 20%         |
| Wholesale Customer Allocation (MGD) | 108         |
| City of Brisbane Allocation (MGD)   | 0.49        |

The potential 2014 dry year allocation of 0.49 shown in Table 4-4 represents an approximate 17% cutback in expected water deliveries to the City which currently purchases approximately 0.59 MGD<sup>7</sup> from the RWS. In this cutback scenario, the City would likely have to require at least Stage 2 or 3 rationing to achieve the necessary water use reduction goals.

#### **4.3 Actions in Response to a Catastrophic Interruption to Water Supply**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.*

In the event of a catastrophic supply interruption, the response procedures that the City would follow are described in:

- SFPUC Emergency Operations Plan (EOP);
- San Mateo County’s Operational Area EOP Potable Water Procurement and Distribution Annex; and
- The City of Brisbane’s EOP.

Actions described in the SFPUC EOP focus on maintaining flow within, and from, the RWS pipelines. Brisbane’s EOP (City of Brisbane, 2007) was written in coordination with the County of San Mateo’s Operational Area EOP Potable Water Procurement and Distribution Annex (County of San Mateo, 2004).

Together, these EOPs provide the framework for responding to major emergencies or disasters associated with natural disasters, technological incidents, and national security/terrorism emergencies. Annexes to these Plans outline specific strategies to prepare for, mitigate, respond to, and recover from an emergency or disaster that affects

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<sup>7</sup> Based on FY 2012-2013 deliveries (BAWSCA, 2014).

the water utilities that serve the population within San Mateo County, and the City in particular.

Brisbane's Water Distribution Annex to the City's EOP guides the City's emergency management in an organized response to water treatment and distribution emergencies that affect the City. In the event of an emergency, the City will follow the procedures detailed in its EOP, including distribution of potable water to residents at distribution centers in the event that the water from the RWS or the City's distribution system is unsafe to drink.

#### **4.4 Mandatory Prohibitions**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.*

Chapter 8.40 of the City's Municipal Code describes the following prohibited uses of water under all hydrologic conditions:

- Excessive irrigation of landscaping, defined as the irrigation of landscaping that allows water to accumulate on the surface and overflow into adjacent gutters, storm drains, driveways, sidewalks, streets, or other unlandscaped areas for a period of four or more consecutive hours.
- Excessive watering of impervious surfaces, defined as watering so that water falls directly onto impervious surfaces to the extent that running water leaves the property and flows into adjacent gutters, storm drains, driveways, sidewalks, streets, or other conveyance for a period of four or more consecutive hours.
- Failure to repair water leak - the leakage of water from any broken or defective plumbing, sprinklers, watering or irrigation system for a period of forty-eight (48) hours during which the leak should reasonably have been discovered and corrected.

Additionally, for customers of urban water suppliers<sup>8</sup>, certain mandatory water waste prohibitions are set forth in the SWRCB's emergency regulations adopted on 15 July 2014 (Attachment A). For customers of urban water suppliers, the following activities are now prohibited in promotion of water conservation, 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 (Article 22.5, Sec. 864):

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<sup>8</sup> Because the City and GVMID do not serve more than 3,000 connections, or more than 3,000 AFY, they are not an "urban water supplier" as defined in Section 10617 of the California Water Code. Therefore, this portion of the SWRCB emergency regulations does not technically apply to the City or its customers.

- 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;
- 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;
- The application of potable water to driveways and sidewalks; and
- The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

The SWRCB emergency regulations also set forth mandatory actions to be performed by all distributors of a public water supply, as defined by Section 350 of the California Water Code. Because it meets the definition of a distributor of a public water supply, the following requirements are applicable to the City (Article 22.5, Sec. 865):

- Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or
- Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Because the City has developed this WSCP and will adopt a Stage of Action that will result in a comparable reduction in water consumption<sup>9</sup>, the City/GVMID will be in compliance with the new SWRCB regulations.

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<sup>9</sup> In the Frequently Asked Questions that the SWRCB posted on its website they addressed the issue of “comparable reduction of water consumption” as follows:

Q. What would be a sufficient “comparable” level of conservation under the regulations?

A. The regulations anticipate that the outdoor irrigation restrictions can result in up to a 20% reduction in outdoor water use. The expectation is that the imposition of conservation measures, other than the 2-day per week default provision should achieve a similar or better level of savings.

#### **4.5 Consumption Reduction Methods**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.*

Table 4-5 describes the consumption reduction measures associated with each stage of action as described in Section 4.1. For all stages, the consumption reduction measures primarily target outdoor water use.

**TABLE 4-5**  
**REQUESTED AND MANDATORY WATER USE PROHIBITIONS AND CONSUMPTION REDUCTION METHODS**  
**City of Brisbane/ GVMID WSCP**

| <b>Drought Stage</b>   | <b>Implementation Procedures</b>  | <b>City / Customer Consumption Reduction Measures</b>   |
|--|---|---|
| <p><b>Stage 1 – Voluntary Restrictions</b></p> <p><b>Goal: Voluntary 10% Reduction</b></p> | <ul style="list-style-type: none"> <li>• Inform customers that there is a water shortage emergency and the list of actions they can take to reduce water use (e.g., via direct mail, bill inserts, etc.)</li> <li>• Expand outreach for existing water conservation programs.</li> <li>• Enforce the water waste ordinance to the maximum extent.</li> <li>• Coordinate with BAWSCA and the SFPUC.</li> <li>• Convert to more frequent meter reading for high water users.</li> </ul> | <ul style="list-style-type: none"> <li>• Stop washing down paved surfaces, including but not limited to, sidewalks, driveways, parking lots, tennis courts or patios, except when necessary to address an immediate health, safety or sanitation need.</li> <li>• Stop the application of potable water to outdoor landscapes in a manner that causes excessive runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or other hardscapes and structures.</li> <li>• Do not irrigate residential and commercial landscapes between the hours of 9:00 a.m. and 6:00 p.m. or during rain events.</li> <li>• Use a hand-held hose equipped with an automatic shut-off nozzle or bucket to water landscaped areas that are not irrigated by a landscape irrigation system.</li> <li>• Irrigate nursery and commercial grower’s products before 10:00 a.m. and after 6:00 p.m. Watering is permitted at any time with a hand-held hose equipped with an automatic shut-off nozzle, a bucket, or a drip/micro-irrigation system. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.</li> <li>• Use only re-circulated or recycled water to operate ornamental fountains.</li> <li>• Wash vehicles using a bucket, a hand-held hose with an automatic shut-off nozzle, a mobile high pressure/low volume wash system, or at a commercial site that re-circulates (i.e., reclaims) water on-site.</li> <li>• Serve and refill water in restaurants and other food service establishments only upon request.</li> <li>• Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.</li> <li>• Use recycled water for construction purposes, if available.</li> <li>• No new, non-residential water meters may be issued unless the Director determines that such issuance will not impede the City’s compliance with the required water use reductions.</li> </ul> |

**TABLE 4-5**  
**REQUESTED AND MANDATORY WATER USE PROHIBITIONS AND CONSUMPTION REDUCTION METHODS**  
**City of Brisbane/ GVMID WSCP**

| Drought Stage  | Implementation Procedures  | City / Customer Consumption Reduction Measures  |
|--|--|---|
| <p><b>Stage 2 – Water Shortage</b></p> <p><b>Goal: Mandatory 10% Reduction</b></p> | <ul style="list-style-type: none"> <li>• Continue with actions and measures from Stage 1.</li> <li>• Increase public outreach, including information regarding fines or penalties for non-compliance.</li> <li>• Conduct in-house training so City staff are prepared to respond to customer calls, reports and complaints, and to support enforcement actions.</li> <li>• Inform local fire department of water supply status and request cooperation in reducing of fire training exercises that use water.</li> <li>• Suspend routine flushing of water mains.</li> </ul> | <ul style="list-style-type: none"> <li>• Continue with actions and measures from Stage 1 except where superseded by more stringent requirements.</li> <li>• Residential and commercial landscape irrigation with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m., during rain events, and for more than ten (10) minutes per day.</li> <li>• Residential and commercial landscape irrigation with potable water is limited to no more than three (3) days per week on a schedule established by the Director and posted on the City’s website. During November through May, landscape irrigation is limited to no more than one (1) day per week on a schedule established by the Director and posted on the City’s website. This provision does not apply to commercial growers or nurseries.</li> <li>• Filling or re-filling ornamental of lakes or ponds is prohibited except (1) to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level, or (2) with recycled water, if available.</li> </ul> |

**TABLE 4-5**  
**REQUESTED AND MANDATORY WATER USE PROHIBITIONS AND CONSUMPTION REDUCTION METHODS**  
**City of Brisbane/ GVMID WSCP**

| Drought Stage  | Implementation Procedures   | City / Customer Consumption Reduction Measures  |
|--|---|---|
| <p><b>Stage 3 – Significant Water Shortage</b></p> <p><b>Goal: Voluntary 20% Reduction</b></p> | <ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 1 and 2.</li> <li>• Increase public outreach.</li> <li>• Inform local fire department of water supply status and request elimination of fire training exercises that use water.</li> <li>• Develop allotments for all dedicated irrigation accounts and notice those accounts appropriately.</li> </ul> | <ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 1 and 2 except where superseded by more stringent requirements.</li> <li>• Limit residential and commercial landscape irrigation with potable water to no more than two (2) days per week on a schedule established by the Director and posted on the City’s website. During the months of November through May, landscape irrigation is limited to no more than one (1) day per week on a schedule established by the Director and posted on the City’s website.</li> <li>• Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.</li> <li>• No new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates or letters of availability) shall be issued by the City, except under the following circumstances:               <ol style="list-style-type: none"> <li>1. A valid, unexpired building permit has been issued for the project; or</li> <li>2. The project is necessary to protect the public’s health, safety, and welfare; or</li> <li>3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the Director; or</li> <li>4. To provide continuation of water service or to restore service that has been interrupted for a period of one year or less.</li> </ol> </li> <li>• Water use, by individual water service account, shall be reduced to the following allotments:               <ol style="list-style-type: none"> <li>1. For dedicated irrigation accounts: Sixty percent (60%) of the water used during the average monthly usage over the three (3) calendar years preceding the effective date of the Drought Response Measures implementation.</li> </ol> </li> </ul> |



**TABLE 4-5**  
**REQUESTED AND MANDATORY WATER USE PROHIBITIONS AND CONSUMPTION REDUCTION METHODS**  
**City of Brisbane/ GVMID WSCP**

| Drought Stage   | Implementation Procedures  | City / Customer Consumption Reduction Measures  |
|---|--|---|
| <p><b>Stage 4 – Severe Water Shortage</b></p> <p><b>Goal: Mandatory 20% Reduction</b></p> | <ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 1, 2 and 3.</li> <li>• Increase public outreach, including establishment of a dedicated customer service hotline.</li> <li>• Schedule staff for enforcement and customer service, including on weekends. May include hiring additional, temporary staff.</li> <li>• Convert to more frequent meter reading and billing for all customers.</li> <li>• Develop allotments for all accounts and notice those accounts appropriately.</li> </ul> | <ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 1, 2 and 3 except where superseded by more stringent requirements.</li> <li>• Landscape irrigation with potable water, except crops and landscape products of commercial growers and nurseries is prohibited. This restriction shall not apply to the following categories of use unless the Director has determined that recycled water is available and may be lawfully applied to the use.               <ol style="list-style-type: none"> <li>1. Maintenance of trees and shrubs located on residential and commercial properties, no more than one (1) time per week by using a bucket, hand-held hose with an automatic shut-off nozzle, or low-volume non-spray irrigation on a schedule established by the Director and posted on the City’s website</li> <li>2. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;</li> <li>3. Maintenance of existing landscaping for erosion control;</li> <li>4. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;</li> <li>5. Maintenance of landscaping within active public parks and playing fields, daycare centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established by the Director and posted on the City’s website;</li> <li>6. Watering of livestock; and</li> <li>7. Public works projects and actively-irrigated environmental mitigation projects.</li> </ol> </li> <li>• Repair all water leaks within twenty-four (24) hours of notification by the Director unless another schedule is approved by the Director.</li> <li>• Water use, by individual water service account, shall be reduced to the following allotments:               <ol style="list-style-type: none"> <li>1. For dedicated irrigation accounts: Fifty percent (50%) of all other water used during the average monthly usage over the three (3) calendar years preceding the effective date of the Drought Response Measures implementation.</li> <li>2. For all non-dedicated irrigation accounts: Ninety percent (90%) of the water used during the average monthly usage over the three (3) calendar years preceding the effective date of the Drought Response Measures implementation.</li> <li>3. For new single-family residential accounts: The allotment for single-family residences shall be thirteen (13) units per billing period. This allotment is calculated based on 40 gallons per capita per day (GPCPD) and an assumed four (4) persons per residence. Water customers may petition the Director for an increased allotment based on more than four persons residing full-time at the residence. No allotment for a single-family residence shall exceed twenty-six (26) units per billing period.</li> <li>4. For new multi-family residential accounts: The allotment for each multiple-family dwelling unit or secondary dwelling unit shall be seven (7) units per billing period. This allotment is calculated based on 40 gallons per capita per day (GPCPD) and an assumed two (2) persons per residence. Water customers may petition the Director for an increased allotment based on more than two persons residing full-time at the residence. No allotment for a multi-family residence shall exceed twenty-six (26) units per billing period.</li> <li>5. Any new residential accounts that had no water service in the prior year shall be assigned a minimum allotment based on the allocation formulas presented in (1) and (3), above.</li> </ol> </li> </ul> |

Due to the low proportion of outdoor water use for residential and commercial customers (see Figures 2-3 and 2-4), the direct impacts of the consumption reduction measures listed in Table 4-5 on residential and commercial consumers will be relatively low. The estimated impact to residential per capita water use is shown in Table 4-6, below.

**Table 4-6  
Projected Impacts of Drought Reduction Measures on Residential Per Capita Water Use**

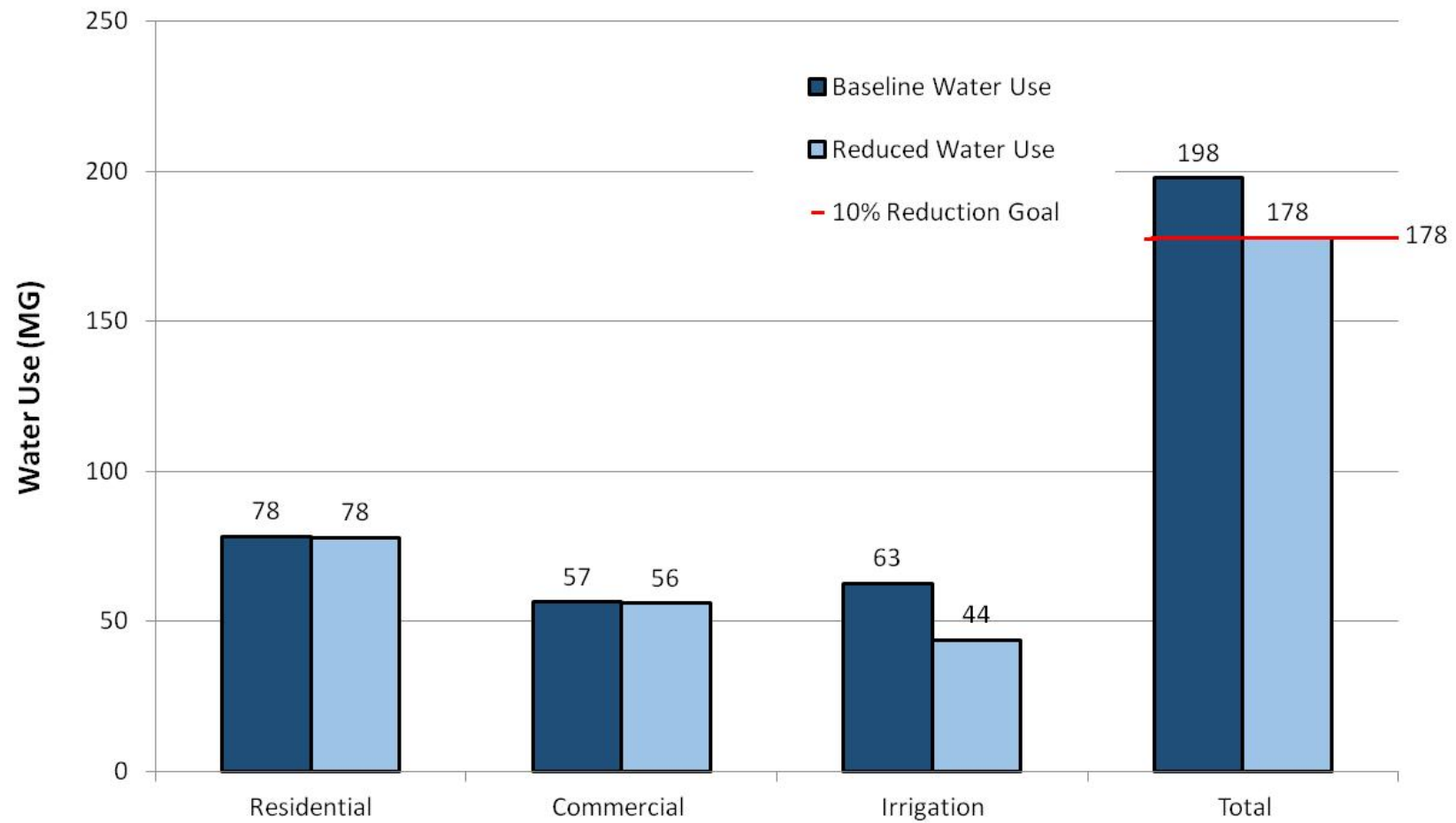
|   | <b>Five-year Baseline<br/>(From Table 2-2)</b> | <b>Stages 1 &amp; 2</b> | <b>Stages 3 &amp; 4</b> |
|---|--|-------------------------|-------------------------|
| Residential Per Capita Water Use (GPCD) | 50   | 50                      | 48                      |

Figures 4-1 and 4-2 also present the estimated impacts of the consumption reduction measures in Table 4-5 on residential (combined single family and multi-family accounts), commercial, and dedicated irrigation customers.

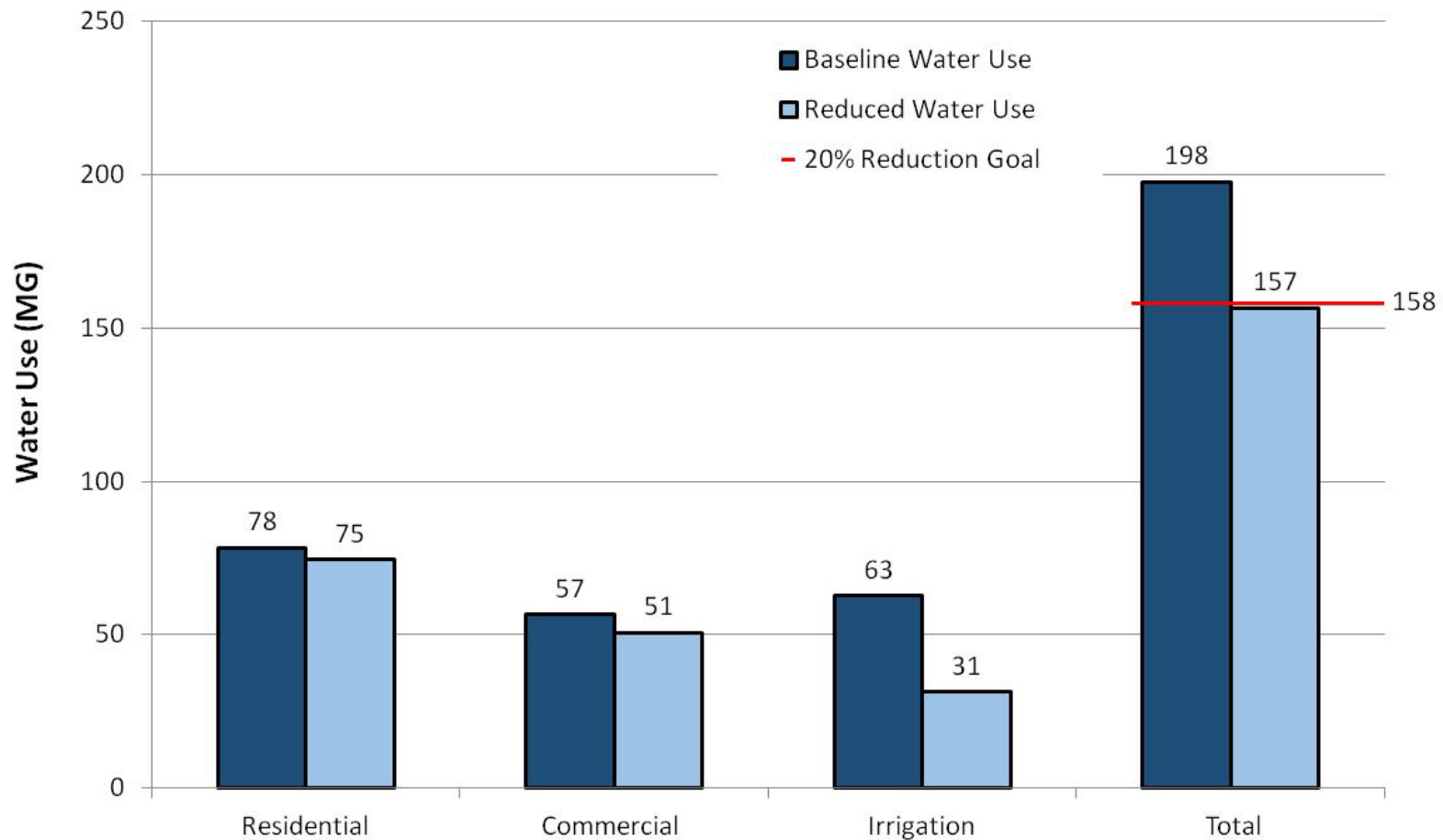
What can be seen in Figure 4-1 is that under Stages 1 and 2, the 10% reduction scenarios, almost all of the necessary water savings can be achieved without significantly impacting residential water use or the commercial sector. Again, since the baseline residential per capita water use is only 50 GPCD in the City, it is appropriate to target the non-essential use of water for outdoor irrigation to achieve the majority of the necessary water use reductions during a drought or other water shortage emergency (see also Section 3).

What can be seen in Figure 4-2 is that under Stages 2 and 3, the 20% reduction scenarios, is that, again, by targeting outdoor water use, almost all of the necessary water savings can be achieved without significantly impacting residential water use or the commercial sector. However, as stated in Section 3, it is expected that all customers will have to do their part in the event of a drought and water shortage emergency. In addition, what can be seen in Figure 4-2 is that even in a 20% shortage condition, the target water use savings can be met without reducing dedicated irrigation by 100%. This finding gives the City some latitude in managing its operations of City parks to preserve some irrigation for public spaces for the benefit and welfare of the community.

**Figure 4-1**  
**Stages 1 & 2 Estimated Drought Impacts to Customers**



**Figure 4-2**  
**Stages 3 & 4 Estimated Drought Impacts to Customers**



#### **4.6 Penalties or Charges**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(f) Penalties or charges for excessive use, where applicable.*

Violations of the City's Water Shortage Ordinance may be subject to administrative penalties (as provided in Chapter 1.16 of the Brisbane Municipal Code and California Water Code Section 71590) and may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days and/or by a fine not exceeding \$1,000 (as provided in California Water Code Section 377).

Furthermore, the taking of any of the prohibited actions set forth in the SWRCB's emergency regulations and detailed in Section 4.4, in addition to any other applicable civil or criminal penalties, is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

#### **4.7 Revenue Impacts**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(g): An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.*

The City's water rates are designed to fully fund ongoing annual costs such as wholesale water purchases and water system operation, a base level of annual capital improvement projects, and maintain an adequate Water Fund reserve. The City's water rates consist of a service charge, plus a volumetric consumption charge based on a five tier rate structure. The consumption charge increases as the volume of water consumed crosses the threshold between tiers.

Reduced water consumption during a water shortage will cause City Water Fund operating revenues to decline. In the event of a water shortage, the Director will consider options for correcting revenue shortfalls depending on the severity of the water shortage and the City's ability to recover both operationally and financially. The City may consider several actions, including adjusting the water rate structure, implementing a one-time water use surcharge, reallocating staff resources, and/or reassessing capital improvement project expenditures.

#### **4.8 Draft Resolution or Ordinance**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(h): A draft water shortage contingency resolution or ordinance*

The City has developed a Water Shortage Ordinance adopting and giving the Director the authority to implement this WSCP in accordance with certain procedures and the actual conditions encountered at the time of a water shortage. The Water Shortage Ordinance is included as Attachment B.

#### **4.9 Mechanism for Determining Water Use Reductions**

*10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier...(i): A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.*

City staff currently monitors water use through monthly analyses of wholesale water purchases and bi-monthly meter readings. During a supply shortage, staff will continue to monitor water use on this schedule to determine the effectiveness of the customer response to the implementation of specific water use restrictions under this WSCP.

Monthly or more frequent meter reading and billing gives the City and its customers faster feedback on meeting reduction goals, and allows the City the opportunity to notify and work with customers to meet reduction goals in a timely manner. In the event that the Director determines it is necessary, the City will move to monthly or more frequent meter reading and billing cycles.

## **5. WATER SHORTAGE CONTINGENCY PLAN IMPLEMENTATION**

This section describes how the WSCP will be implemented.

### **5.1 Water Shortage Declaration and Termination Procedures**

The provisions of each drought response level are triggered upon the Director's determination that a Governing Authority has required the City to achieve a voluntary or mandatory reduction in water use because of water shortage conditions.

The provisions of each drought response level will become effective five (5) days after the Director determines that a particular level should be triggered and has published notice of this determination by mail to its customers. Once effective, the provisions of a drought response level will stay in effect until (1) the effective date of a different drought response level is triggered; or (2) the Director determines that the water shortfall condition no longer exists and has published notice of this determination by mail.

After the termination of the water shortage conditions, the Director will oversee any remaining termination and WSCP review activities. These activities could include:

- Publicize gratitude for the community's cooperation.
- Restore water utility operations, organization, and services to pre-event levels.
- Document the event and response and compile applicable records for future reference.
- Collect cost accounting information, assess revenue losses and financial impact, and review deferred projects or programs.
- Debrief staff to review effectiveness of actions, to identify the lessons learned, and to enhance response and recovery efforts in the future.
- Update the WSCP, as needed.

### **5.2 Public Outreach**

Even before formal declaration of a water shortage, a public information program will be activated to provide customers with as much advance notice as possible. Following declaration of a shortage, City customers would need to be provided notice of water shortage rules and regulations via a variety of media and communications methods.

Coordination between City departments and with other public agencies can begin prior to formal declaration of a water shortage and can be accomplished through regular meetings, e-mail group updates, and presentations. In a regional water shortage scenario, the City

would use the public outreach resources and materials provided by BAWSCA and/or the SFPUC. In addition to these materials, the City may develop its own materials and use the following media and methods to communicate with customers:

- City of Brisbane web site.
- Direct mailings to customers.
- Utility bill messaging and inserts.
- Brochure racks distributed throughout the City (e.g., the Public Library and City Hall).
- Water Conservation phone hotline.
- Booths at community and corporate events.

### **5.3 Staff Resources**

The City has less than one full-time staff position dedicated to water conservation and related activities. Staff time dedicated to activities related to water conservation and enforcement will increase with the severity of a supply shortage. Additional duties may be assigned to current City employees or hiring of temporary staff may be considered to meet staffing needs during extreme water shortages.

### **5.4 Demand Hardening**

The City's residential customers are currently approaching such low levels of per capita water use that their demand can be considered to be almost fully hardened, leaving limited opportunities for residential water use cutbacks. Per capita residential water use, including single family and multi-family dwellings, is approximately 50 GPCD on average over the course of the year, ranging from approximately 46 GPCPD during the winter, to 56 GPCD during the summer. Therefore, residential irrigation water use is estimated to be approximately 10 GPCD at its dry season peak, or roughly 10% of the annual total residential water use. Eliminating residential irrigation use entirely would decrease per capita water use to approximately 45 GPCD. As shown in Table 4-6, under the current WSCP residential customer water use is expected to drop to 48 GPCD, which is very low.

Landscape irrigation water use through dedicated irrigation accounts represents approximately 32% of the City's total water use (see Figure 2-4). Currently, irrigation needs are met entirely with potable water purchased from SFPUC and there is no availability of recycled water for irrigation purposes. The City has indicated an interest in potentially making recycled water available in the future. Future conversions of dedicated irrigation accounts from potable to recycled water would reduce irrigation demand for potable water, resulting in "demand hardening." Because less landscaping would be irrigated by potable water, restrictions on landscape irrigation would produce smaller reductions in potable water use than if recycled water were not used. Introduction of recycled water into the



City's water supply portfolio is not expected within the next 10 years. However, if recycled water is introduced in future years, this analysis will need to be updated to include recycled water use patterns and their impacts on water conservation potential during shortages.

### **5.5 Non-Revenue Water**

Based on the last five years of water use data, non-revenue water or uncategorized water use account for approximately 0.03 MGD of the City's total water demand (City, 2014; BAWSCA, 2014). As the City has done in prior water shortage emergencies and continues to do as part of its ongoing operations, the City will continue its efforts to reduce non-revenue water use, including minimizing system flushing operations, addressing system leaks, and otherwise improving the efficiency of its system.

### **5.6 Enforcement**

Enforcement of the City's water conservation regulations is focused on soliciting cooperation from water customers who are unaware of the restrictions or have failed to comply with the provisions of the City's Water Shortage Ordinance and this WSCP. If discussions with the customer are unsuccessful in obtaining compliance, available enforcement mechanisms detailed in the City's Water Shortage Ordinance include fines, written warnings, on-site notifications, installation of flow restrictors and, as a last resort, discontinuation of service.

During prior water shortage periods, the City implemented excess use fees for customers who consumed more water than their allocation. Similar excess water use charges may be implemented again if the City's WSCP is implemented and if water use allocations are necessary (i.e., in Stages 3 and 4).

City employees and members of the public may register water waste complaints through a telephone hotline or bring the complaint directly to City staff. Staff will be available to provide information and respond to complaints. Staff may also seek assistance from other City Departments in responding to complaints and enforcing water use restrictions.

## 6. REFERENCES

BAWSCA, 2014. *Annual Survey, FY 2012-13*, dated April 2014.

County of San Mateo, 2004. *San Mateo County/Operational Area Emergency Operations Plan, Potable Water Procurement and Distribution Annex, 3<sup>rd</sup> Edition*, dated July 2004.

City, 2014. *Water Use Data, Fiscal Years 2009-2010 through 2013-2014*, provided via electronic communication dated 16 and 23 July 2014.

City of Brisbane, 2007. *Emergency Operations Plan*, dated October 2007 (Working Draft).



**Attachment A:  
SWRCB Resolution No. 2014-0038 and California Code of Regulations,  
Title 23, Sections 863, 864, and 865**

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2014-0038**

**TO ADOPT AN EMERGENCY REGULATION  
FOR STATEWIDE URBAN WATER CONSERVATION**

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an [executive order](#) to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The executive order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions continue into 2015. The [National Integrated Drought Information System](#) reported that nearly 80% of the state was reported to be under "extreme" drought conditions at the end of June;
2. The executive order refers to the [Governor's Proclamation No. 1-17-2014](#), issued on January 17, 2014, declaring a State of Emergency to exist in California due to severe drought conditions. The January Proclamation notes that the state is experiencing record dry conditions, with 2014 projected to become the driest year on record. Since January, state water officials indicate that reservoirs, rainfall totals and the snowpack remain critically low. This follows two other dry or below average years, leaving reservoir storage at alarmingly low levels. The January Proclamation highlights the State's dry conditions, lack of precipitation and the resulting effects on drinking water supplies, the cultivation of crops, and the survival of animals and plants that rely on California's rivers and streams. The January Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. There is no guarantee that winter precipitation will alleviate the drought conditions that the executive orders address, which will lead to even more severe impacts across the state if the drought wears on;
4. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports";
5. Over 400,000 acres of farmland are expected to be fallowed, thousands of people may be out of work, communities risk running out of drinking water, and fish and wildlife will suffer.

6. Many Californians have taken bold steps over the years and in this year to reduce water use; nevertheless, the dire nature of the current drought requires additional conservation actions from residents and businesses. Some severely affected communities have implemented water rationing, limiting water use in some cases to only 50 gallons per person per day, foregoing showers, laundry, toilet flushing, and all outdoor watering.
7. Water conservation is the easiest, most efficient and most cost effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances that water rationing is required ;
8. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water;
9. Public information and awareness is critical to achieving conservation goals and the Save Our Water campaign, run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response (<http://saveourwater.com>).
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated;
11. The emergency regulations set a minimum standard requiring only modest lifestyle changes across the state. Many communities are already doing more and have been for years. They should be commended, but can and should do more. Others are not yet doing so and should at least do this, but should do much more given the severity of the drought;
12. On July 8, 2014, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board's regularly-scheduled July 15, 2014 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations;
13. On April 25, 2014, the Governor suspended the California Environmental Quality Act's application to the State Water Board's adoption of emergency regulations pursuant to Water Code section 1058.5 to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, to promote water recycling or water conservation;
14. As discussed above, the State Water Board is adopting the emergency regulation because of emergency drought conditions, the need for prompt action, and current limitations in the existing enforcement process;

15. Disadvantaged communities may require assistance in increasing water conservation and state agencies should look for opportunities to provide assistance in promoting water conservation;
16. Nothing in the regulations or in the enforcement provisions of the regulations, preclude a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulations adopted by this resolution and local agencies retain their enforcement discretion in enforcing the regulations, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, sections 863, 864, and 865, as appended to this resolution as an emergency regulation;
2. The State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes;
4. These regulations shall remain in effect for 270 days after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulations due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulations and their effect;
6. Directs State Water Board staff to condition funding upon compliance with the emergency regulations, to the extent feasible;
7. Directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations; and
8. Directs State Water Board staff in developing an electronic reporting portal to include data fields so that local agencies may provide monthly reporting data on (i) conservation-related implementation measures or enforcement actions taken by the local agency and (ii) substitution during the drought of potable water with recycled water to extend water supplies.

THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board commends water suppliers that have increased conservation messaging and adopted innovative strategies to enhance customer awareness of water use, such as applications that let customers compare their water use to water use by others; reduce system losses, such as fixing system leaks which can deplete supplies by 10 percent or more; and establish incentives to reduce demand, such as tiered or drought rate structures. The State Water Board also commends all Californians that have already been working to maximize their conservation efforts, both at home and at work;
10. The State Water Board calls upon water suppliers to take the following actions:

*Educate customers and employees*

- Retail water suppliers should provide notice of the regulations in English and Spanish in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, notices in public libraries;
- Wholesale suppliers should include reference to the regulations in their customer communications;
- All water suppliers should train personnel on the regulations;
- All water suppliers should provide signage where recycled or reclaimed water is being used for activities that the emergency regulations prohibit with the use of potable water, such as operation of fountains and other water features;
- All water suppliers should redouble their efforts to disseminate information regarding opportunities and incentives to upgrade indoor fixtures and appliances;
- All water suppliers should use education and the tools available through the Save Our Water website (<http://saveourwater.com>); and
- All water suppliers should educate and prepare their boards and councils on the drought response actions contained in the emergency regulations and in this resolution, and to make sure that drought response items are placed on agendas as early as possible;

*Increasing local supplies*

- All water suppliers should accelerate the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water, "greywater," and stormwater collection projects;
- All water suppliers should improve their leak reporting and response programs and request that police and fire departments and other local government personnel report leaks and water waste that they encounter during their routine duties/patrols;
- Smaller water suppliers – those with fewer than 3,000 service connections – should take proactive steps to secure their communities' water supplies and educate their customers about water conservation and the status of their supply reserves;
- All water suppliers should conduct water loss audits and make leak detection and repair a top priority for the duration of the drought; and
- All urban water suppliers should evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. Information and assistance on setting and implementing drought rates is available from the Alliance for Water Efficiency. (<http://www.allianceforwaterefficiency.org/>).

11. The State Water Board calls on all Californians to take the following additional actions:
  - Further reduce water demand, whether by using less water in daily routines indoors and out, retrofitting appliances and installing greywater and rainwater catchment systems; and
  - Check residential and business water bills to see if there are high charges that may indicate a leak and to fix the leak, if they are able, or contact their local water utility if they need assistance.
12. The State Water Board encourages its staff, the Department of Water Resources, the Public Utilities Commission, urban water suppliers, and other local agencies to look for opportunities to encourage and promote new technologies that reduce water usage, including through timely access to water usage information and behavioral response.
13. The State Water Board encourages all state and local agencies to look for additional opportunities to minimize potable water use in outdoor spaces.
14. The State Water Board encourages investor-owned utilities to expeditiously submit applications for implementation of the regulations to the California Public Utilities Commission.

#### **CERTIFICATION**


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 15, 2014.

AYE:           Chair Felicia Marcus  
                  Vice Chair Frances Spivy-Weber  
                  Board Member Steven Moore  
                  Board Member Dorene D'Adamo

NAY:           None

ABSENT:       Board Member Tam M. Doduc

ABSTAIN:      None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board



# PROPOSED TEXT OF EMERGENCY REGULATIONS

## Article 22.5. Drought Emergency Water Conservation

### Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

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

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to 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; and

(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.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

### Sec. 864 Prohibited Activities in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, 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; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

# **PROPOSED TEXT OF EMERGENCY REGULATIONS**

## Sec. 865 Mandatory Actions by Water Suppliers

(a) The term “urban water supplier,” when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.



**Attachment B:  
Water Shortage Ordinance  
Introduced 21 August 2014**

**ORDINANCE NO. 589**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRISBANE ADOPTING  
A WATER CONSERVATION PROGRAM AND ADDING CHAPTER 8.41 OF THE  
MUNICIPAL CODE**

**WHEREAS**, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to drought conditions that have persisted since 2012, called upon all Californians to reduce their water usage by 20 percent, and called upon local water suppliers and municipalities to implement water shortage contingency plans immediately to avoid or forestall outright restrictions that could become necessary later in the drought season; and

**WHEREAS**, on January 31, 2014, the San Francisco Public Utilities Commission, from which the City of Brisbane purchases all of its water for resale to customers in the City's water service area, has urged its customers to voluntarily curtail water consumption by 10 percent; and

**WHEREAS**, on April 25, 2014, the Governor of the State of California proclaimed a continued state of emergency under the California Emergency Services Act based on continued drought conditions in the State of California; and

**WHEREAS**, on July 15, 2014, the State Water Resources Control Board approved an emergency regulation to ensure that water agencies, their customers, and residents of the State of California increase water conservation in urban settings or face possible fines or other enforcement; and

**WHEREAS**, the State of California is currently in the third consecutive year of below normal, dry, or critically dry years, resulting in severe impacts to California's water supplies; and

**WHEREAS**, drought conditions will likely continue for the foreseeable future and there is no guarantee that winter precipitation will alleviate the present drought conditions; 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

**WHEREAS**, California Water Code sections 375 et seq. empower any public entity that supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

**WHEREAS**, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare of the City of Brisbane and the Guadalupe Valley Municipal Improvement District; and

**WHEREAS**, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, and installation and use of water-saving devices provide an effective and immediately-available means of conserving water for the City of Brisbane and the Guadalupe Valley Municipal Improvement District; and

**WHEREAS**, the City of Brisbane and the Guadalupe Valley Municipal Improvement District do not meet the definition of an “urban water supplier” under Water Code section 10617, and therefore are not yet required to develop a Water Shortage Contingency Plan as required by Water Code section 10632; and

**WHEREAS**, the terms of the Water Shortage Contingency Plan developed under this Ordinance will provide a substantial framework for complying with Water Code section 10632 should the City of Brisbane and/or the Guadalupe Valley Municipal Improvement District eventually meet the definition of “urban water supplier” under Water Code section 10617; and

**WHEREAS**, the adoption and enforcement of a comprehensive water conservation program is intended to (1) ensure compliance with the voluntary and mandatory reductions requested by governing authorities, such as the San Francisco Public Utilities Commission, by the City of Brisbane and the Guadalupe Valley Municipal Improvement District; (2) conserve the water supply of the City of Brisbane and of the Guadalupe Valley Municipal Improvement District for the greatest public benefit, with particular regard to domestic use, human consumption, sanitation, and fire protection; and (3) allow the City of Brisbane to delay or avoid declaring a water shortage emergency pursuant to Water Code section 350; and

**WHEREAS**, on August 21, 2014, the City Council of the City of Brisbane held a properly noticed public hearing and made appropriate findings of necessity for the adoption of a water conservation program;

**THE CITY COUNCIL OF THE CITY OF BRISBANE HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** The City determines that the above recitals are true and are incorporated herein.

**SECTION 2:** Pursuant to Water Code section 376 and Government Code section 6061, the City of Brisbane shall publish this ordinance in a newspaper of general circulation within 10 days after its adoption.

**SECTION 3:** Chapter 8.41 of the City of Brisbane Municipal Code is hereby enacted to read as follows:

**Chapter 8.41 – WATER CONSERVATION**

**8.41.010 – Purpose, scope, and notice.**

The purpose of this Chapter is to establish standards and procedures for water conservation; assure the maximum beneficial use of City water supplies; enable the implementation of the

City's drought response measures; facilitate compliance with requirements for voluntary or mandatory reductions during water shortages promulgated by a Governing Authority; ensure sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection; and protect the health, safety, welfare, and economic vitality of the City's customers.

This Chapter establishes four stages of increasingly restrictive drought response actions to be implemented in times of water shortage. The provisions of each drought response stage are triggered upon the Director's determination that a Governing Authority has required a voluntary or mandatory reduction in water use because of shortage conditions.

The provisions of each drought response stage will become effective five (5) days after the Director determines that a particular stage should be triggered and has published notice of this determination by mail. Once effective, the provisions of a drought response stage will stay in effect until the effective date of a different drought response stage that is triggered or until the Director determines that no drought response stages are required and has published notice of this determination by mail.

Nothing in this Chapter is intended to limit the ability of the City to respond to an emergency, including declaring or enforcing a water shortage emergency pursuant to Water Code section 350, or to comply with other requirements promulgated by a Governing Authority.

#### **8.41.020 – Definitions.**

The following definitions apply to this Chapter.

- A. "City" means the City of Brisbane and/or the Guadalupe Valley Municipal Improvement District.
- B. "Director" means the Director of the Department of Public Works/City Engineer of the City, or his or her designee.
- C. "Drought Response Measures" mean the measures in the Water Shortage Contingency Plan. A reference to a particular Stage of Drought Response Measures refers to the corresponding Stage described in the Water Shortage Contingency Plan.
- D. "Governing Authority" means any entity – including, but not limited to, the SFPUC – that has the legal authority to limit the ability of the City to purchase and/or use water.
- E. "Person" or "Persons" means any natural person or persons, corporation, public or private entity, or any other user of water provided by the City.
- F. "SFPUC" means the San Francisco Public Utilities Commission.
- G. "Water Shortage Contingency Plan" means a plan to address water shortages, including a detailed description of four stages of increasingly restrictive drought response actions, developed under the direction of the Director and as amended.

#### **8.41.030 – Water shortage contingency plan.**

The specific terms of the Drought Response Measures are contained in the Water Shortage Contingency Plan. The Water Shortage Contingency Plan shall be developed under the direction of the Director and may be amended as necessary, in the Director's discretion, to better achieve the overall goals in this Chapter or to comply with any terms of a water shortage contingency plan required of urban water suppliers, as defined by Water Code section 10617. The operative version of the Water Shortage Contingency Plan shall be posted as soon as possible on the City's website. The Water Shortage Contingency Plan is intended to comply substantially with the requirements of Water Code section 10632 and may be used as a framework through which to actually comply with the requirements of Water Code section 10632 if the City is legally required to do so.

#### **8.41.040 – Permanent water conservation measures.**

Nothing in this Chapter shall limit the requirements of Chapter 8.40 (Water Waste), Chapter 15.70 (Water Conservation in Landscaping), or Chapter 15.72 (Indoor Water Conservation Regulations) of the Brisbane Municipal Code. These water conservation requirements are in effect at all times.

#### **8.41.050 – Stage 1 drought response measures.**

Stage 1 Drought Response Measures apply when a Governing Authority declares a need for its purchasers to voluntarily reduce consumption by at least 10%, and the Director gives notice pursuant to Section 8.41.010 of his or her determination that the Stage 1 Drought Response Measures must be triggered.

The overall goal of the Stage 1 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 10% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 1 Drought Response Measures, until such time as a Governing Authority determines that a voluntary reduction in consumption of at least 10% is no longer necessary. The City will endeavor to increase its public education and outreach efforts to increase public awareness of the need for all Persons to implement the Stage 1 Drought Response Measures.

#### **8.41.060 – Stage 2 drought response measures.**

Stage 2 Drought Response Measures apply when a Governing Authority imposes a mandatory requirement for its purchasers to reduce consumption system-wide by at least 10%, and the Director gives notice pursuant to Section 8.41.010 of his or her determination that the Stage 2 Drought Response Measures must be triggered.

The overall goal of the Stage 2 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 10% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 2 Drought Response Measures, until such time as a Governing Authority determines that a mandatory reduction in consumption of at least 10% is no longer necessary. While the Stage 2 Drought Response Measures are effective, all Persons shall also comply with the Stage 1 Drought Response Measures, which will be mandatory.

#### **8.41.070 – Stage 3 drought response measures.**

Stage 3 Drought Response Measures apply when a Governing Authority declares a need for its purchasers to voluntarily reduce consumption by at least 20%, and the Director gives notice pursuant to Section 8.41.010 of his or her determination that the Stage 3 Drought Response Measures must be triggered.

The overall goal of the Stage 3 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 20% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 3 Drought Response Measures, until such time as a Governing Authority, determines that a voluntary reduction in consumption of at least 20% is no longer necessary. While the Stage 3 Drought Response Measures are effective, all Persons shall also comply with the Stage 1 and Stage 2 Drought Response Measures, both of which will be mandatory.

#### **8.41.080 – Stage 4 drought response measures.**

Stage 4 Drought Response Measures apply when a Governing Authority imposes a mandatory requirement for its purchasers to reduce consumption by at least 20%, and the Director gives notice pursuant to Section 8.41.010 of his or her determination that the Stage 4 Drought Response Measures must be triggered.

The overall goal of the Stage 4 Drought Response Measures is to reduce water usage by the City and its water consumers by at least 20% of the average annual use by the City and its water consumers over the most recent 5 calendar years preceding the effective date of the Stage 4 Drought Response Measures, until such time as a Governing Authority determines that a mandatory reduction in consumption of at least 20% is no longer necessary. While the Stage 4 Drought Response Measures are effective, all Persons shall also comply with the Stage 1, Stage 2, and Stage 3 Drought Response Measures, all of which will be mandatory.

#### **8.41.090 – Enforcement.**

The Director shall enforce this Chapter. Violations of this Chapter may be subject to administrative penalties (as provided in Chapter 1.16 of the Brisbane Municipal Code and Water Code section 71590) and may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days and/or by a fine not exceeding \$1,000 (as provided in Water Code section 377).

Prior to, or in addition to imposing administrative penalties as described above, the Director may, in his or her sole discretion, take any or all of the following actions:

- A. Written Warning: If the City determines that a Person is using water in violation of this Chapter, the City may send a written warning to the Person that lists the name and address of the Person on the account, identifies the wasteful use of water that violates the restrictions on water use currently in effect, requests that the Person stop such wasteful use, informs the Person about the process for applying for an



exception from the requirements of this Chapter, and informs the Person that failure to comply with this Chapter may result in the termination of service.

- B. On-site Warning: The City may conduct an on-site visit to ascertain whether wasteful use of water is occurring. In the event that waste of water that violates the restrictions on water use current in effect is observed, and no exception has been granted, the City will make reasonable efforts to notify an adult residing at the property if a residential account or an adult working on the property if a non-residential account, and will issue a written on-site warning of wasteful water use. This warning will include a written warning hand-delivered to the adult on the premises or posted on the premises.
- C. Termination of Water Service: In the event that City personnel observe continued waste of water that violates the restrictions on water use currently in effect occurring on the Person's premises more than 48 hours after the on-site warning, it shall be deemed to be a willful violation of the restrictions on water use currently in effect, and the Director may authorize termination of water service.
- D. Restoring Water Service: The reconnection charge established in the City's Rate and Fee Schedule shall be paid before the City restores service. In addition, the Person must have stopped the wasteful use of water and have paid all charges owed to the City under this Chapter, and all other rates and fees owed, before the City restores water service.
- E. Installation of Flow Restricting Device: The City may, in its sole discretion, install a water flow restricting device in the service line of a Person who violates this Chapter. Written notice will be provided to the Person by hand delivery at least 48 hours prior to installation of the flow restricting device. The flow restricting device will be at least one gallon per minute (1 GPM) capacity for services up to one and one-half (1.5) inch size and comparatively sized restrictors for larger services. The cost of installation of the flow restricting device shall be charged to the Person.

#### **8.41.100 – Relief from compliance.**

- A. Upon written application made to the Director for an exception or adjustment to the requirements of this Chapter, the Director may grant, in his or her sole discretion, variances to a Person who demonstrates that the Person has adopted all reductions in water consumption that could practically be achieved. Any exception or adjustment shall not grant a special privilege inconsistent with the limitations placed upon similarly-situated Persons. Exceptions or adjustments may also be granted if failure to do so would adversely affect the sanitation, fire protection, health, safety, or welfare of the public, or of the Person applying for an exception or adjustment.
- B. The denial of an application for an exception or adjustment may be appealed in writing to the City Manager within thirty (30) days of the date of the notice of the denial of the application. The City Manager shall grant or deny the appealed application within fifteen (15) days and shall mail notice thereof to the appellant as soon as practicable. The City Manager's decision shall be final and non-appealable.

The above and foregoing Ordinance was regularly introduced after the waiting time required by law and was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the \_\_\_\_ day of \_\_\_\_\_ 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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W. Clarke Conway, Mayor

ATTEST:

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Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:

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David Kahn, City Attorney