

ORDINANCE No.

AN ORDINANCE OF THE CITY OF ANTIOCH ESTABLISHING DROUGHT MANAGEMENT REGULATIONS AND WATER CONSERVATION GOALS, IMPOSING MEASURES TO CONTROL THE EXCESSIVE USE OF WATER

The City Council of the City of Antioch does ordain as follows:

SECTION 1. INTRODUCTION AND FINDINGS

The City of Antioch purchases both raw and treated water from the Contra Costa Water District (CCWD) which the City subsequently treats, distributes and sells to our residential, commercial and industrial customers. In addition, the City does have a pre-1914 “non-statutory” appropriative right that allows the City to take raw water directly from the San Joaquin River when the quality is determined to be suitable for municipal use. Even under the most favorable conditions, the City obtains the largest percentage of our raw water from CCWD.

CCWD is part of the federal water project, Central Valley Project (CVP), controlled by the United States Bureau of Reclamation. Because California is currently experiencing a third consecutive year of below normal rainfall and because federal reservoirs continue to be at below normal levels for this time of year, the Bureau of Reclamation has decided to reduce the amount of water available to users including CCWD, which is the largest municipal contractor of the CVP; additionally, the CVP is CCWD’s primary source of untreated water.

Due to the Bureau of Reclamation decreasing CCWD’s 2009 water allocations to 55% of historical use, CCWD has requested that their Wholesale Water Customers, such as the City of Antioch, establish Drought Management Regulations with a goal of achieving 15% reductions in water use based on their historical average consumption for the three year period 2005-2007. The focus on our Drought Management Regulations and 15% water reduction goal would be on reducing outside water use while minimizing impacts on jobs and the economy. In addition, CCWD has implemented an excessive use penalty for consumption that does not meet specific requirements outlined in their 15% reduction program.

On March 24, 2009, the City Council adopted Resolution No. 2009/24 declaring a water shortage emergency and directing the preparation of a drought emergency program ordinance. The focus of the Drought Management Regulations and 15% water reduction goals would be on reducing outside water use while minimizing impacts on jobs and the economy, as well as ensuring that the City has the resources to pay any excess use penalty imposed by CCWD.

The City intends to implement an extensive customer outreach and public education program to help ensure that customers are knowledgeable about the 15% water reduction

goals. The City will provide educational information, services and resources to assist customers in establishing and meeting their water reduction goal.

The City Council finds that the notice of the consideration of this ordinance was published pursuant to the requirements of Water Code §352.

SECTION 2. DECLARATION OF WATER SHORTAGE

In accordance with the California Water Code, the City Council recognizes the need to implement Drought Management Regulations. Council hereby finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City and that there could be insufficient water for human consumption, sanitation and fire protection unless regulations and water conservation goals specified herein are implemented.

The regulations specified herein shall be effective from the effective date of this ordinance until such time as the City Council declares that the condition has ended.

SECTION 3. ALLOCATION OF WATER

In order to achieve the recommended 15% water conservation reduction goal, the City does hereby allocate as follows:

<u>Customer Type</u>	<u>Allocation</u>
Each single unit residence	15% below historical use
Apartments and condominiums	15% below historical use
Commercial	15% below historical use
Industrial	5% below historical use
Municipal/Institutional	15% below historical use
Landscaping	15% below historical use

Historical use shall be determined by averaging the corresponding month's actual use for the years 2005, 2006 and 2007. The water use year of 2008 will not be considered in the historical use calculation due to many customers already implementing water conservation measures. If there has not been water service at a location since 2005, the available corresponding monthly consumption history will be used. For residential customers who began water service in 2008 or later, the monthly consumption goal of 20 units will be used.

SECTION 4. NONESSENTIAL USE OF WATER PROHIBITED

- A. No person shall use any water provided by the City for a nonessential purpose.
- B. For the purposes of this Ordinance, each of the following is declared a nonessential use of water:
 - 1. Permitting water to flow onto a sidewalk, driveway or street, or escape down a gutter, ditch or other service drain;
 - 2. Outside watering that results in excessive flooding or runoff into a gutter, drain, walkway or street;
 - 3. Using City-furnished water for non-recirculating decorative fountains or filling of decorative lakes or ponds;
 - 4. Washing of paved or other hard surface areas, including sidewalks, walkways, driveways, patios and parking areas with City-furnished water;
 - 5. Failing to repair a controllable leak of water; and/or
 - 6. Using a hose without an automatic shutoff nozzle.

SECTION 5. EXCESSIVE USE OF WATER

All customers that have a monthly consumption of 21 units or more and who do not meet their established 15% water reduction goal, will be subject to an excess use charge of four times the quantity charge applied to consumption in excess of their reduction goal if excessive use charges are imposed upon the City by CCWD. All customers who increase their usage above their historical use will also be subject to an excess use charge of four times the quantity charge applied to consumption in excess of their historical use for the amount of the overage if excessive use charges are imposed upon the City by CCWD.

SECTION 6. RULES AND VARIANCES

The City Manager and/or his designee are hereby authorized to promulgate further rules and regulations further implementing the policies in this ordinance. The City Manager and/or his designee is also authorized to settle disputes regarding definitions of terms, applicability and other disputes or questions that may arise regarding the implementation of this ordinance. Requests for dispute resolution shall be made in writing to the City Manager and/or his designee.

The City Manager and or his designee are also authorized to provide procedures for, and to consider, grant, or deny requests for variances or exceptions to the provisions of this ordinance. For example, provisions shall be made for exceptions of this water reduction goal based upon medical needs.

Any appeals shall be made through the appeals process set by Chapter 4 of Title 1 of the Antioch Municipal Code.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after adoption. This ordinance, or summary, shall be published once in the East Contra Costa Times as required by state law.

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The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on May 12, 2009, and was adopted on May 26, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James D. Davis, Mayor

Attest:

L. Jolene Martin, City Clerk