

RESOLUTION NO. 15-06-16-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
CAPISTRANO, CALIFORNIA, ESTABLISHING STAGE 2 IRRIGATION  
SCHEDULE AND MONTHLY DROUGHT LIMITS

WHEREAS, the Governor of the State of California has declared a fourth year of exceptional drought in the State, and the State of California Water Resources Control Board (SWRCB) has promulgated emergency regulations applicable to all water consumers and all urban water suppliers (including the City) to conserve water; and,

WHEREAS, on April 1, 2015, Governor Brown issued an Executive Order B-29-15 to strengthen the State's ability to manage water and habitat effectively in drought conditions, and calling on all Californians to achieve a statewide 25 percent reduction in potable urban water usage through February 2016, as compared to the amount used in calendar year 2013; and,

WHEREAS, there is no guarantee that winter precipitation will alleviate the drought conditions, leading to even more severe drought impacts if the drought continues; and,

WHEREAS, 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;" and,

WHEREAS, on August 19, 2014, the City declared a Stage 2 Water Shortage Contingency Plan and adopted Water Conservation Ordinance No. 1017; and

WHEREAS, on May 5, 2015, the City amended the Stage 2 Water Shortage Contingency Plan and adopted Water Conservation Ordinance No. 1023; and

WHEREAS, also on May 5, 2015, the State Water Resources Control Board adopted California Code of Regulations, Title 23, Section 866, and re-adopted sections 863, 864, and 865 as an emergency regulation ("Emergency Regulation"), remaining in effect for 270 days, unless deemed no longer necessary due to changed conditions, or renewed due to continued drought conditions; and,

WHEREAS, Section 865 (c) (1) of the Emergency Regulation states: "To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's April 1, 2015, Executive Order, each urban water supplier shall reduce its total potable

water production by the percentage identified as its conservation standard” relative to its service area’s per capita water usage; and,

WHEREAS, the City of San Juan Capistrano’s conservation standard mandate requires a reduction of total potable water production by 28%, immediate action is required in adopting an Urgency Ordinance to add an additional stage of shortage with additional restrictions and penalties;

WHEREAS, on June 2, 2015, the City adopted Urgency Ordinance No. 1024, to add an additional water-shortage stage with additional restrictions and to authorize additional conservation measures, penalties and restrictions to reduce water use by the required 28 percent;

WHEREAS, the City of San Juan Capistrano is an “urban water supplier” as defined in Water Code Section 10617, and is therefore required to comply with the immediate requirements of the Emergency Regulation by implementing the newly added conservation measures for Stage 2, which are part of the approved Water Shortage Contingency Plan, which is now codified at Sections 6-12.05 and 6-12.06 of Title 6, Chapter 12, of the San Juan Capistrano Municipal Code;

WHEREAS, Section 6-12.06, subd. (b)(2), requires the City to establish by resolution an assigned schedule for outdoor irrigation using potable water; and,

WHEREAS, Section 6-12.03 requires the city to establish by resolution the basis for calculating a customer’s monthly drought limit.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Capistrano does hereby assign the following outdoor irrigation schedule, effective immediately: for residential customers with odd-numbered street addresses, irrigating only on Mondays and Thursdays; for residential customers with even-numbered street addresses, irrigating only on Wednesdays and Saturdays; and for all other accounts including commercial properties and dedicated landscape irrigation meters, irrigating only on Tuesdays and Fridays; and

The basis for establishing a customer’s monthly drought limit is the customer’s budget allocation for the same month in 2013, less 28 percent. New accounts established after 2013 will be assigned a monthly drought limit that reflects those of similar customer accounts; and,

The City Manager is hereby authorized and directed to take all necessary action to implement Water Shortage Stage 2, which imposes, among other things, mandatory limitations on landscape irrigation, and excessive water use violations for exceeding Monthly Drought Limits, consistent with Title 6, Chapter 12 of the Municipal Code, as amended.

PASSED, APPROVED, AND ADOPTED this 16th day of June 2015.

*Derek Reeve*

DEREK REEVE, MAYOR

ATTEST:

*Maria Morris*

MARIA MORRIS, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF SAN JUAN CAPISTRANO )

I, MARIA MORRIS, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing Resolution No. 15-06-16-05 was duly adopted by the City Council of the City of San Juan Capistrano at the Special meeting thereof, held the 16<sup>th</sup> day of June 2015, by the following vote:

AYES: COUNCIL MEMBERS: Allevato, Ferguson, Perry, Patterson and Mayor Reeve  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None

*Maria Morris*

MARIA MORRIS, City Clerk