



Board Agenda Item 11

DATE: March 7, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Board Hearing on the Annual Water Conservation Report under Fresno County Ordinance Code Chapter 14.01

RECOMMENDED ACTION:

Sitting as the Board of Supervisors:

- 1. Conduct a public hearing on the Annual Water Conservation Report.**
- 2. Adopt a resolution declaring Water Conservation Stage Four and impose the corresponding regulations within County Service Area No. 30 under Fresno County Ordinance Code Chapter 14.01.**
- 3. Adopt a resolution declaring Water Conservation Stage Four and impose the corresponding regulations within County Service Area No. 32 under Fresno County Ordinance Code Chapter 14.01.**
- 4. Adopt a resolution declaring Water Conservation Stage Two during the dates of May 1, 2017 through November 30, 2017 and Stage Three during the dates of April 1, 2017 through April 30, 2017 and December 1, 2017 through March 31, 2018 and impose the corresponding regulations within County Service Area No. 39 Zones A & B under Fresno County Ordinance Code Chapter 14.01.**
- 5. Adopt a resolution declaring Water Conservation Stage Four and impose the corresponding regulations within County Service Area No. 49 under Fresno County Ordinance Code Chapter 14.01.**

Sitting as the Board of Directors of Waterworks District No. 40:

- 6. Conduct a public hearing on the Annual Water Conservation Report.**
- 7. Adopt a resolution declaring Water Conservation Stage Four and impose the corresponding regulations within Waterworks District No. 40 under Fresno County Ordinance Code Chapter 14.01.**

The recommended actions will implement a water conservation stage (Stage) for County Service Areas (CSAs) 30, 32, 39 Zones A & B (39AB), 49 and Waterworks District (WWD) 40. The Stage for CSAs 30, 32, 39AB, 49 and WWD 40 will be implemented independently. All other water districts not specifically identified remain under the Normal Water Conservation regulations in Ordinance Code Chapter 14.01. Record owners of properties

within the districts that make up the 2017-18 Water Conservation Report (Report) were notified of this public hearing per section 14.01.040 of the Ordinance Code of Fresno County, Chapter 14.01 (Ordinance).

ALTERNATIVE ACTION(s):

Your Board can choose to impose a different Stage than those recommended by staff in the Report. For CSAs 30, 32 and 49 imposing a lower Stage than recommended (or Normal Water Conservation) could mean a violation of the regulations placed on these districts by Westlands Water District (Westlands), their raw water provider. For CSA 39AB, choosing to impose a lower Stage than recommended (or Normal Water Conservation) could mean a violation of the regulations placed on the County as a customer of the City of Fresno (City), their potable water provider. For WWD 40, choosing to impose a lower Stage than recommended (or Normal Water Conservation) could mean implementing restrictions less stringent than those already being self-imposed by residents of this district.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. All costs associated with the recommendations within the Report are funded from the 22 districts that make up the Report. Enforcement of the recommend Stage for CSAs 30, 32, 39AB, 49 and WWD 40 would be funded by the district where the enforcement occurs.

DISCUSSION:

On September 30, 2014, the Board approved the Ordinance. On October 31, 2014, the Ordinance became effective and the Normal Water Conservation regulations were implemented for all water districts operated and managed by the County (Districts).

On December 23, 2016, per section 14.01.040 of the Ordinance titled "Water Conservation Reports", staff sent the draft version of the Report to all Citizens Advisory Committee (CAC) members of all Districts and requested that comments, questions, and concerns regarding the draft Report be addressed to staff by January 20, 2017. Staff received no comments or questions from the CACs regarding the recommendations in the Report.

On February 5, 2017, per section 14.01.050 of the Ordinance titled "Notice of Board Hearing", staff mailed a notice (Attachment A to this agenda item) of the Board public hearing by United States Postal Service first-class mail to all property owners within all districts that make up this the Report as shown on the last equalization assessment roll. The notice included all information required by the Ordinance.

In the Report (on file with the Clerk to the Board) staff recommends certain districts be placed on a Stage for the 2017-18 water year (April 1, 2017 through March 31, 2018) based on relevant information regarding water demand and availability during the relevant period. The districts for which staff recommends a Stage are CSAs 30, 32, 39AB and 49 and WWD 40. In the Report staff recommends that all other districts remain at Normal Water Conservation. CSAs 30, 32 and 49 purchase untreated water from Westlands. As the water-providing agency, Westlands has implemented water restrictions which are outlined in Appendix C of the Report. The restrictions imposed by Westlands most closely relate to section 14.01.110 "Water Conservation Stage Four" (Stage Four) of the Ordinance. For this reason, staff recommends Stage Four for CSAs 30, 32 and 49.

CSA 39AB purchases treated water from the City through an agreement between the City and the County. As a customer of the City, the County is expected to comply with the current water regulations enforced by the City. Staff believe that the City's water regulations, as outlined in Appendix D of the Report, most closely align with section 14.01.090 "Water Conservation Stage Two" (Stage Two) of the Ordinance during summer/spring months (May 1 through November 30) and section 14.01.100 "Water Conservation Stage Three" (Stage Three) of the Ordinance during winter months (December 1 through April 30). For this reason, staff recommends Stage Two during the dates of May 1, 2017 through November 30, 2017 and Stage Three during the dates of April 1, 2017 through April 30, 2017 and December 1, 2017 through March 31, 2018, for CSA 39AB.

WWD 40 has experienced water capacity issues during the critical period as detailed in the Report. Because of these capacity issues the residents of this district have self-regulated their water usage. Staff has received direction from the CAC to continue supporting the self-imposed regulations which most closely align with section 14.01.110 "Water Conservation Stage Four" of the Ordinance until such a time as a sustainable water source is established for WWD 40. In addition, the implementation of Stage Four may make WWD 40 eligible for drought-related emergency State funding. For these reasons staff recommends Stage Four for WWD 40.

On May 9, 2016, Governor Brown issued Executive Order B-37-16 (EO B-37-16) that calls for an extension of the State Emergency Regulations through February 28, 2017. The State Emergency Regulations mandate that small water suppliers track and report water usage reduction in the months of December 2015 through November 2016 compared to the same months in calendar year 2013. All Districts are considered small water suppliers by the State. The Report identifies the water usage reduction percentage in the aforementioned months of 2015 and 2016 compared to the same months in 2013. The usage reduction data for the Districts were reported to the State per the State Emergency Regulations.

If the Board adopts resolutions declaring a Stage for CSAs 30, 32, 39AB, 49 and WWD 40, the Stages will go into effect on April 1, 2017.

REFERENCE MATERIAL:

BAI #9, August 19, 2014

BAI #24, September 30, 2014 - Fresno County Ordinance Code Chapter 14.01

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

On file with Clerk - 2017-2018 Annual Water Conservation Report

On file with Clerk - Resolution CSA 30

On file with Clerk - Resolution CSA 32

On file with Clerk - Resolution CSA 39

On file with Clerk - Resolution CSA 49

On file with Clerk - Resolution WWD 40

CAO ANALYST:

John Hays