



Board Agenda Item 11

DATE: March 1, 2016

TO: Board of Supervisors

SUBMITTED BY: Bernard Jimenez, Interim 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 and impose the corresponding regulations within County Service Area No. 34B under Fresno County Ordinance Code Chapter 14.01.**
- 5. Adopt a resolution declaring Water Conservation Stage Two during the dates of April 1, 2016, through November 30, 2016, and March 2, 2017, through March 31, 2017, and Stage Three during the dates of December 1, 2016, through March 1, 2017, and impose the corresponding regulations within County Service Area No. 39 Zones A & B under Fresno County Ordinance Code Chapter 14.01.**
- 6. Adopt a resolution declaring Water Conservation Stage Two and impose the corresponding regulations within County Service Area No. 44D under Fresno County Ordinance Code Chapter 14.01.**
- 7. Adopt a resolution declaring Water Conservation Stage Two and impose the corresponding regulations within County Service Area No. 47 under Fresno County Ordinance Code Chapter 14.01.**
- 8. 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 the respective Districts:

- 9. Conduct a public hearing on the Annual Water Conservation Report.**
- 10. Adopt a resolution declaring Water Conservation Stage Two and impose the corresponding regulations within Waterworks District No. 37 under Fresno County Ordinance Code Chapter 14.01.**
- 11. 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.**
- 12. Adopt a resolution declaring Water Conservation Stage Two and impose the corresponding regulations within Waterworks District No. 41W under Fresno County Ordinance Code Chapter 14.01.**

The recommended actions will implement a water conservation stage (Stage) for County Service Areas 30, 32, 34 Zone B (34B), 39 Zones A & B (39AB), 44 Zone D (44D), 47, 49 and Waterworks Districts 37, 40, 41W. The Stage for County Service Areas (CSAs) No. 30, 32, 34B, 39AB, 44D, 47, 49 and WWDs (WWDs) 37, 40, 41W 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 2016-17 Water Conservation Report (Report) were notified of this public hearing per section 14.01.040 the Fresno County Ordinance Code 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 doing so 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 different Stage 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 different Stage could mean implementing restrictions less stringent than those already being self-imposed by residents of the 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, 34B, 39AB, CSA 44D, 47, 49 and WWDs 37, 40, 41W would be funded by the district where the enforcement occurs.

DISCUSSION:

On September 30, 2014, the County of Fresno Board of Supervisors (Board) approved the Ordinance. On October 31, 2014, the Ordinance became effective and the Normal Water Conservation regulations were implemented for the Districts.

On January 4, 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 and requested that comments, questions, and concerns regarding the draft Report be addressed to staff by January 25, 2016. Staff received several comments from the CACs regarding the recommendations in the Report for each of the districts (Attachment A to this agenda item). All comments were considered in finalizing the Report.

On January 29, 2016, per section 14.01.050 of the Ordinance titled "Notice of Board Hearing", staff mailed a

notice (Attachment B 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 2016-17 water year (April 1, 2016 through March 31, 2017) based on relevant information regarding water demand and availability during the relevant period as well as State mandates detailed in the California Code of Regulations Title 23, Division 3, Chapter 2 Article 22.5, sections 863 through 866 (State Emergency Regulations). The districts for which staff recommends a Stage are CSAs 30, 32, 34B, 39AB, 44D, 47, and 49 and WWDs 37, 40 and 41W. 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 (March 2 through November 30) and section 14.01.100 "Water Conservation Stage Three" (Stage Three) of the Ordinance during winter months (December 1 through March 1). For this reason staff recommends Stage Two during the dates of April 1, 2016, through November 30, 2016, Stage Three during the dates of December 1, 2016, through March 1, 2017, and Stage Two during the final portion of the 2016-17 water year March 2, 2017, through March 31, 2017, 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 the District have self-regulated their water usage. Staff has received comments from the District's CAC regarding the draft version of the Report for WWD 40; the CAC has recommended continuing the implementation of Stage Four water conservation for the District in the 2016-17 water year. In addition, the implementation of Stage Four may make WWD 40 eligible for drought-related emergency State funding. For these reason staff recommends Stage Four for WWD 40.

On November 13, 2015, Governor Brown issued Executive Order B-36-15 (EO B-36-15) that calls for an extension of the State Emergency Regulations through October 31, 2016, should drought conditions persist through January 2016. Due to the extension of the State Emergency Regulations, and because CSAs 34B, 44D, 47 and WWDs 37, 41W were unable to meet the mandatory 25% reduction in water usage while under Normal Water Conservation measures during the 2015-16 water year, staff is recommending Stage Two for those districts. Stage Two is recommended because it limits outdoor watering to two days per week, which is consistent with the State Emergency Regulations.

If the Board adopts resolutions declaring a Stage for CSAs 30, 32, 34B, 39AB, 44D, 47, 49 and WWD 37, 40, 41W, the Stages will go into effect on April 1, 2016.

REFERENCE MATERIAL:

BAI #9, August 19, 2014
BAI #24, September 30, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A
Attachment B
On file with the Clerk - 2016-2017 Annual Water Conservation Report
On file with the Clerk - Resolutions

CAO ANALYST:

John Hays