

March 23, 2023

MEETING NOTICE

WATER CONSERVATION AND DEMAND MANAGEMENT COMMITTEE

Members of the Water Conservation and Demand Management Committee:

Director Nai Hsueh, Committee Chair

Director Barbara F. Keegan

Director Rebecca Eisenberg, Committee Vice Chair

Staff Support of the Water Conservation and Demand Management Committee:

Rick L. Callender, Esq., Chief Executive Officer

Melanie Richardson, Assistant Chief Executive Officer

Aaron Baker, Chief Operating Officer, Water Utility

Rachael Gibson, Chief of External Affairs

J. Carlos Orellana, District Counsel

Joseph Aranda, Assistant District Counsel

Sam Bogale, Deputy Operating Officer, Treated Water Division

Vincent Gin, Deputy Operating Officer, Water Supply Division

Gregory Williams, Deputy Operating Officer, Raw Water Division

Bart Broome, Assistant Officer, Office of Government Relations

Marta Lugo, Assistant Officer, Office of Government Relations

Kirsten Struve, Assistant Officer, Water Supply Division

Antonio Alfaro, Government Relations Advocate, Office of Government Relations

Vanessa De La Piedra, Groundwater Management Manager, Groundwater Monitoring and Analysis Unit

Metra Richert, Unit Manager of the Water Supply Planning and Conservation Unit

Samantha Greene, Senior Water Resources Specialist, Water Supply Planning & Conservation Unit

Jing Wu, Senior Water Resources Specialist, Water Supply Planning & Conservation Unit

Justin Burks, Senior Water Conservation Specialist, Water Supply Planning & Conservation Unit

The regular meeting of the Water Conservation and Demand Management Committee is scheduled to be held on **Monday March 27, 2023, at 11:00 a.m., in the Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, CA 95118.**

The meeting agenda and corresponding materials are located on our website:

<https://www.valleywater.org/how-we-operate/committees/board-advisory-committees>



Water Conservation and Demand Management Committee Meeting

Public and non-presenting staff Join Zoom Meeting
<https://valleywater.zoom.us/j/92597340524>

Meeting ID: 925 9734 0524

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Meeting ID: 925 9734 0524



Santa Clara Valley Water District Water Conservation and Demand Management Committee Meeting

**Headquarters Building Boardroom
5700 Almaden Expressway
San Jose CA 95118**

REGULAR MEETING AGENDA

**Monday, March 27, 2023
11:00 AM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

BOARD REPRESENTATIVES:
Director Nai Hsueh, Committee Chair
Director Barbara F. Keegan
Director Rebecca Eisenberg, Committee
Vice Chair

All public records relating to an item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Vincent Gin
Kirsten Struve
(Staff Liaisons)

Glenna Brambill, (COB Liaison)
Management Analyst II
gbrambill@valleywater.org
1-408-630-2408

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Water Conservation and Demand Management Committee
REGULAR MEETING
AGENDA

Monday, March 27, 2023

11:00 AM

HQ Boardroom

*****IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS*****

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the “Raise Hand” tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=TojJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water’s bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of

uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:
<https://valleywater.zoom.us/j/92597340524>

Meeting ID: 925 9734 0524 Join
by Phone:
1 (669) 900-9128, 92597340524#

1. CALL TO ORDER:

1.1. Roll Call.

- 2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.** *Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

3. REGULAR AGENDA:

- 3.1. Consider changes to Water Shortage Emergency Condition.

[23-0368](#)

Recommendation: Recommend that Valley Water's Board take the following actions due to significantly improved water supply conditions in Santa Clara County:

- A. Adopt a Resolution Rescinding: (i) Resolution 21-68 Declaring a Water Shortage Emergency Condition Calling for Water Use Reduction, and (ii) Resolution 22-20, which amended Resolution 21-68. The rescission of the foregoing resolutions will take effect upon the rescission, expiration, or material modification of California Code of Regulations, title 23, section 996(c) (1); and
- B. Suspend enforcement of Amended Water Use Restriction Ordinance 22-02 and transition to an educational based water waste prevention program; and
- C. Direct the CEO to bring a recommendation for the Board's consideration, which calls for water conservation as a way of life in Santa Clara County.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: PowerPoint Presentation](#)
[Attachment 2: Proposed Reso to Rescind WSEC 3-22](#)
[Attachment 3: Resolution 21-68](#)
[Attachment 4: Amended Emergency Water Shortage Resolution 2](#)
[Attachment 5: Amended Water Use Restriction Ordinance 22-02](#)

Est. Staff Time: 30 Minutes

- 3.2. Review Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests; and the Committee's Next Meeting Agenda.

[23-0369](#)

Recommendation: Review the Committee work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: WCaDMC 2023 Work Plan](#)

Est. Staff Time: 5 Minutes

4. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

5. ADJOURN:

- 5.1. Adjourn to Regular Meeting at 11:00 a.m., on Monday, April 24, 2023.



Santa Clara Valley Water District

File No.: 23-0368

Agenda Date: 3/27/2023

Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM **Water Conservation and Demand Management Committee**

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Consider changes to Water Shortage Emergency Condition.

RECOMMENDATION:

Recommend that Valley Water's Board take the following actions due to significantly improved water supply conditions in Santa Clara County:

- A. Adopt a Resolution Rescinding: (i) Resolution 21-68 Declaring a Water Shortage Emergency Condition Calling for Water Use Reduction, and (ii) Resolution 22-20, which amended Resolution 21-68. The rescission of the foregoing resolutions will take effect upon the rescission, expiration, or material modification of California Code of Regulations, title 23, section 996(c)(1); and
- B. Suspend enforcement of Amended Water Use Restriction Ordinance 22-02 and transition to an educational based water waste prevention program; and
- C. Direct the CEO to bring a recommendation for the Board's consideration, which calls for water conservation as a way of life in Santa Clara County.

SUMMARY:

On June 9, 2021, the Board adopted Resolution 21-68, which declared a water shortage emergency condition pursuant to California Water Code §350 (Emergency Water Shortage Resolution), called for water use reduction of 15% compared to 2019, and urged the County of Santa Clara (County) to proclaim a local emergency. The County adopted a Resolution ratifying the proclamation of a local emergency due to the drought on June 22, 2021. California's Governor included the County as part of a drought emergency proclamation on July 8, 2021, and this proclamation included all California counties on October 19, 2021. Santa Clara Valley Water District (Valley Water) activated its Emergency Operations Center (EOC) on June 16, 2021 to assist with implementing the Emergency Water Shortage Resolution and other drought-related efforts.

Valley Water Board Resolution 22-20 amended the Emergency Water Shortage Resolution on April 12, 2022 (Amended Emergency Water Shortage Resolution), to call for no more than 2 days of irrigation in a week for ornamental lawns and to prohibit excessive runoff, midday irrigation, and irrigation after rainfall. On May 24, 2022, the Board adopted Ordinance 22-02 to legally obligate County residents to adhere to these restrictions as part of an enforceable water conservation program (Water User Restriction Ordinance). The Water User Restriction Ordinance went into effect on June 1, 2022. On September 13, the Board amended the Water User Restriction Ordinance to include the State's ban against watering commercial, industrial, and institutional (CII) non-function turf amongst its list of enforceable restrictions (Amended Water User Restriction Ordinance).

On February 13, 2023, Governor Newsom signed Executive Order N-3-23 that maintains almost all of the drought-response actions of his prior drought-related proclamations and executive orders. Executive Order N-3-23 ordered state agencies to submit their views on whether any existing provisions in the Governor's drought proclamations and executive orders are no longer needed. State agencies are required to submit their recommendations to the Governor no later than April 28, 2023.

Since then, Valley Water's water supply outlook has improved significantly. In January 2023, California experienced one of the wettest three-week periods on record, yielding a snowpack that is well above average. In response to the improved hydrologic conditions, imported water allocations have been increased significantly. In addition to imported water allocations improving, Valley Water's ten local reservoirs are collectively at 168% of restricted storage capacity and the 2023 end of year groundwater storage is projected to be in the normal range. Despite the improved outlook, Valley Water must comply with a statewide emergency drought regulation which requires it, and other urban water suppliers throughout California, to implement demand reduction actions developed for a "Level 2 shortage" under the State's classification system (California Code of Regulations, title 23, section 996(c)(1)).

Given the continued statewide regulatory mandate, staff will present a resolution for the Board's consideration which would rescind the Amended Emergency Water Shortage Resolution upon rescission, expiration, or material modification of California Code of Regulations, title 23, section 996 (c)(1). This approach would remove the mandatory call for water use reductions, consistent with state law. Given the removal of the mandatory call for water use reduction, staff also recommends suspending enforcement of Amended Water Use Restriction Ordinance and transition to an educational based water waste prevention program.

Some of our peer agencies have started modifying their drought restrictions. For instance, the Metropolitan Water District of Southern California removed the Water Shortage Emergency Condition for their State Water Project dependent area, but kept other drought emergency declarations in place. The San Francisco Public Utilities Commission (SFPUC) staff will recommend on April 11, 2023 that the SFPUC find that a water shortage condition no longer exists and that its local Water Shortage Emergency Condition be rescinded, but plans to keep the systemwide water use reduction in effect until the State Water Board modifies its regulations. The East Bay Municipal Utility District voted to suspend its drought surcharges for their retail customers, however, similar to the staff recommendation, maintain its emergency condition until 30 days from when the State of California changes its emergency declaration. The Contra Costa Water District has scheduled a similar action

for April 5, 2023.

Staff will review and continue to assess the water supply outlook in the County along with other related State actions. Staff is developing proposed actions to make water conservation a way of life following the rescission of the Amended Emergency Water Shortage Resolution. These actions may include a call for permanent water use reduction restrictions, a voluntary call for conservation, and/or other actions, and will align with the State's actions as appropriate.

ATTACHMENTS:

Attachment 1: PowerPoint Presentation

Attachment 2: Proposed Resolution Rescinding Resolution 21-68 Declaring a Water Shortage Emergency Condition Calling for Water Use Reduction and Resolution 22-20, which Amended Resolution 21-68

Attachment 3: Amended Emergency Water Shortage Resolution 22-20

Attachment 4: Amended Water Use Restriction Ordinance 22-02

Attachment 5: Resolution 21-68 Declaring a Water Shortage Emergency Condition Calling for Water Use Reduction

UNCLASSIFIED MANAGER:

Kirsten Struve, 408-630-3138

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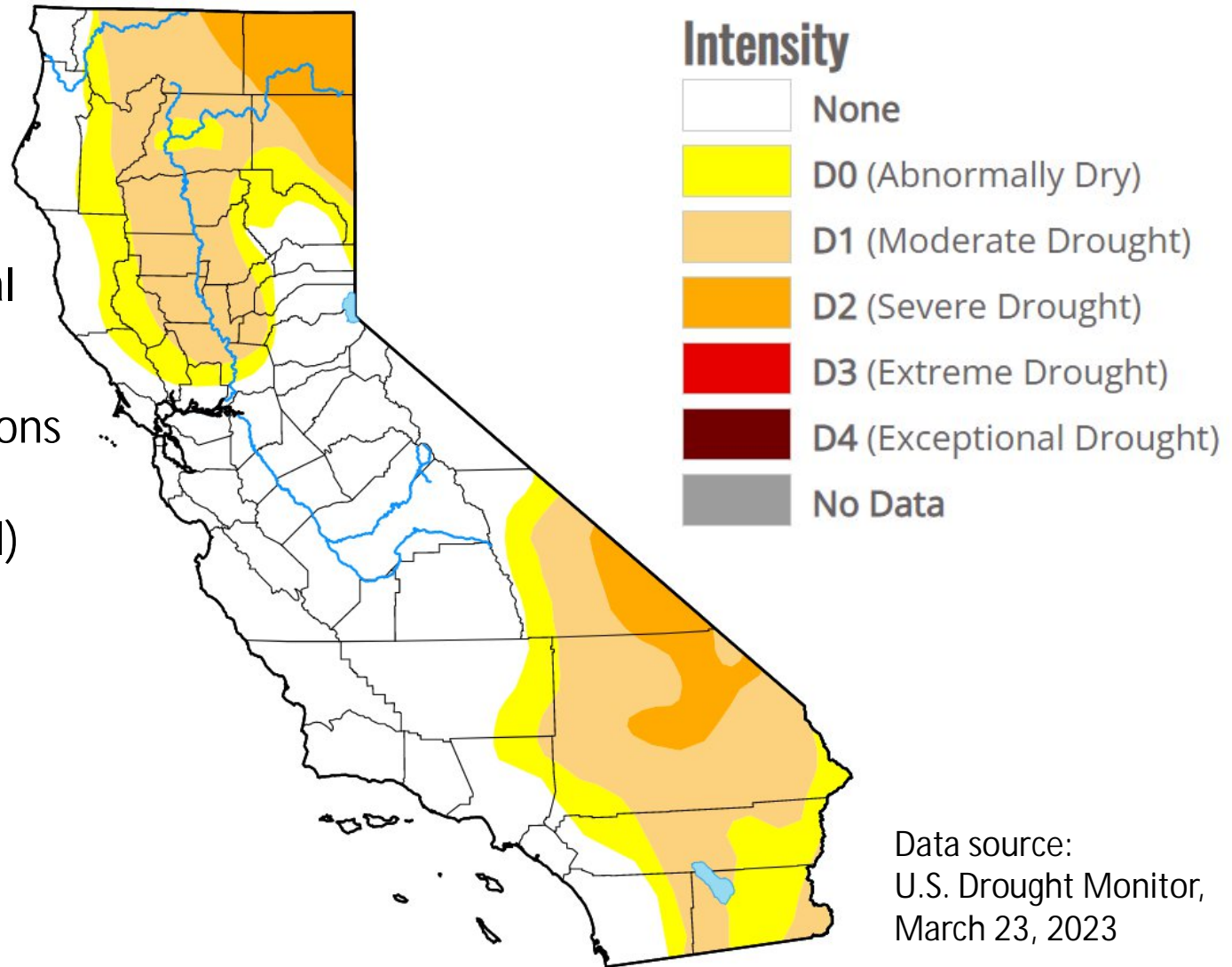


Consider Rescinding Water Shortage Emergency Condition

Water Conservation and Demand Management Committee Meeting
March 27, 2023

Drought Status

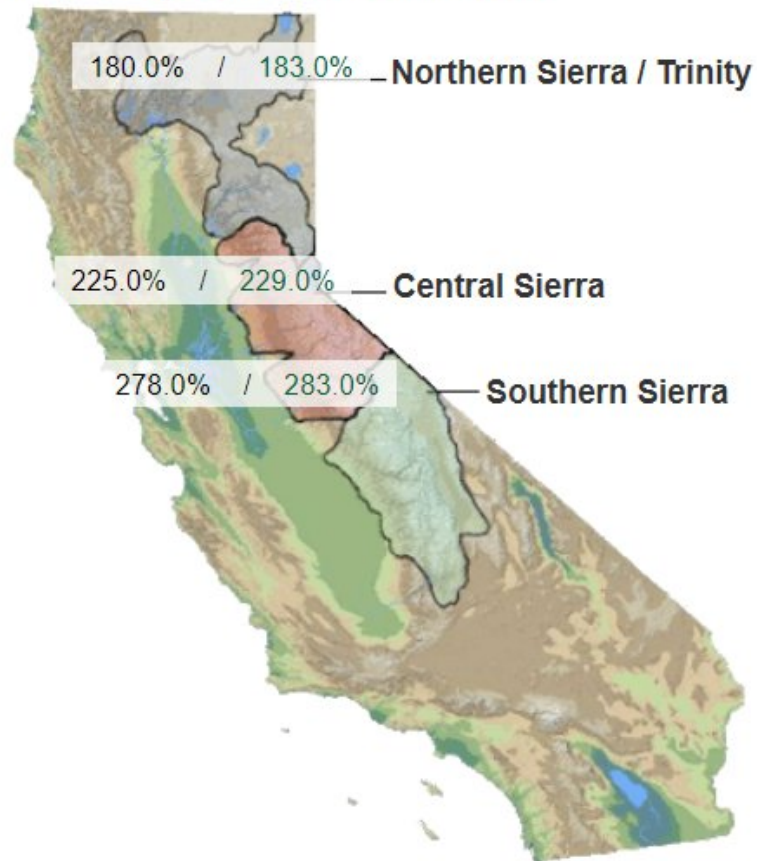
- Improved state and local water availability
- Imported water allocations increased (final allocations in April)
- Statewide drought emergency still in place



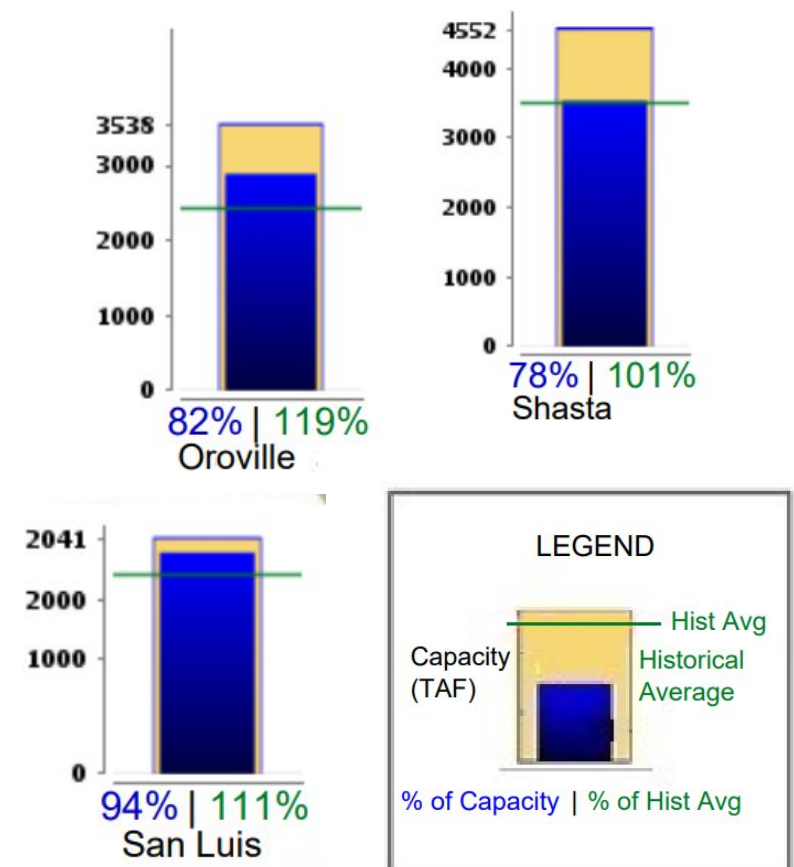
State Conditions

Snowpack Data for Mar. 23, 2023

% Apr 1 Avg. / % Normal for this Date



Reservoir Data for Mar. 22, 2023



Current Imported Water Allocations

- State Water Project – 35% allocation
- Central Valley Project
 - 75% M&I allocation
 - 35% Ag

State's Current Drought Policy

- Maintains the State's drought emergency and most drought response requirements established by Governor's drought emergency executive orders
 - Includes requiring urban water suppliers to implement demand reduction actions at "Level 2 shortage"
(California Code of Regulations, title 23, section 996(c)(1))
- State agencies must submit recommendations on drought policy by April 28, 2023. (Executive Order N-3-23, Section 5).

Valley Water's Current Drought Policy

Amended Resolution 22-20

- Declared a water shortage emergency condition
- Called for water use reduction of 15% compared to 2019
- Urged the County to proclaim a local emergency
- Called for no more than 2 days of irrigation in a week (Apr 2022)

Amended Water Use Restriction Ordinance 22-02

- Enforced outdoor irrigation restrictions (Jun 2022)
- Enforced CII non-functional turf irrigation ban (Sept 2022)

Recommendation

Recommend that Valley Water's Board:

- A. Adopt the proposed resolution (Attachment 1), which rescinds Amended Resolution 22-20 Declaring a Water Shortage Emergency Condition Calling for Water Use Reduction upon the rescission, expiration, or material modification of California Code of Regulations, title 23, section 996(c)(1); and
- B. Suspend enforcement of Amended Water Use Restriction Ordinance 22-02 and transition to an educational based water waste prevention program; and
- C. Direct the CEO to bring a recommendation for the Board's consideration, which calls for water conservation as a way of life in Santa Clara County.

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**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 23-

**RESCINDING RESOLUTION 22-20 THAT AMENDED AND RESTATED RESOLUTION 21-68
DECLARING A WATER SHORTAGE EMERGENCY CONDITION CALLING FOR WATER
USE REDUCTION**

WHEREAS, locally and across California, severely dry conditions culminated in a multi-year drought from January 2020 – March 2023, including the driest January – March period on record in 2022; and

WHEREAS, on June 9, 2021, the Board adopted Valley Water Resolution 21-68 which declared a water shortage emergency condition pursuant to California Water Code §350, called for water use reduction of 15% compared to 2019, and urged the County of Santa Clara (County) to proclaim a local emergency; and

WHEREAS, the County adopted a resolution ratifying the proclamation of a local emergency due to the drought on June 22, 2021; and

WHEREAS, the State of California included Santa Clara County as part of a drought emergency proclamation on July 8, 2021, and this proclamation included all California counties on October 19, 2021; and

WHEREAS, on March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22, which among other things, directed the State Water Resources Control Board to consider adopting emergency regulations, including requiring urban water suppliers to move to at least Level 2 of their water shortage contingency plans; and

WHEREAS, in response to the Governor's Executive Order N-7-22, the State Water Resources Control Board issued a regulation (California Code of Regulations, Title 23, Section 996(c)(1)), which became effective on June 10, 2022, specifying mandatory drought response actions, including a requirement that urban water suppliers move to at least Level 2 of their water shortage contingency plans; and

WHEREAS, Valley Water Resolution 22-20 amended Valley Water Resolution 21-68 on April 12, 2022 to call for no more than 2 days of irrigation in a week for ornamental lawns and prohibit excessive runoff, midday irrigation, and irrigation after rainfall; and

WHEREAS, on May 24, 2022, the Board approved Ordinance 22-02 to enforce these restrictions beginning June 1, 2022; and on September 13, 2022, the Board amended Ordinance 22-02 to include the State's ban against watering commercial, industrial, and institutional (CII) non-function turf amongst its list of enforceable restrictions; and

WHEREAS, on February 13, 2023, the Governor's Executive Order N-3-23 maintains almost all of the drought-response actions of prior drought-related proclamations and executive orders; and orders State agencies to submit recommendations on whether any existing provisions in the Governor's drought proclamations and executive orders are no longer needed by April 28, 2023; and

WHEREAS, in 2023, California is experiencing historic levels of rainfall and snowpack, including one of the wettest three-week periods on record in January 2023; and

WHEREAS, Santa Clara County relies on water supply imported from the State Water Project and the Central Valley Project to provide water for the drinking water treatment plants, replenish the local groundwater basins and prevent the return of historic overdraft and land subsidence that could damage Bayfront levees and other critical infrastructure in Northern Santa Clara County; and

WHEREAS, currently, the 2023 State Water Project allocation is 35 percent; and the Central Valley Project allocation is 75 percent for the South of Delta Municipal and Industrial allocation, and 35 percent for the South of Delta Agriculture water allocation; and

WHEREAS, in 2023 local watershed runoff was well above average and local reservoirs received significant inflows causing some to spill; and

WHEREAS, through careful water management and significant water use savings by the community, Santa Clara County groundwater reserves at the start of 2023 were within the “Normal” stage of Valley Water’s Water Shortage Contingency Plan and groundwater levels were well above thresholds established to minimize the risk of permanent subsidence; and

WHEREAS, the estimated end-of-year 2023 groundwater storage will remain within Stage 1 (Normal) of the Water Shortage Contingency Plan due to the improved imported water allocations and local water supply conditions in 2023; and

WHEREAS, Valley Water commends water retailers, municipalities, and the community for their efforts to respond to the drought and conserve water, including the replacement of over a million square feet of turf with water-efficient landscape; and

WHEREAS, Valley Water’s Water Shortage Contingency Plan calls for no water use reductions in Stage 1 (Normal) groundwater conditions; and

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District hereby:

1. Rescinds Board Amended Resolution 22-20 upon rescission, expiration, or material modification of California Code of Regulations, Title 23, Section 996(c)(1); and
2. Commends water retailers, municipalities, and the community for their drought response actions and the water use reduction achieved during the recent drought.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on April 11, 2023:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

JOHN VARELA
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

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**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 21-68

**RESCINDING RESOLUTION 17-43, DECLARING A WATER SHORTAGE
EMERGENCY CONDITION CALLING FOR WATER USE RESTRICTIONS, AND
URGING THE COUNTY OF SANTA CLARA TO PROCLAIM A LOCAL EMERGENCY**

WHEREAS, a public hearing was held on June 9, 2021, on the matter of whether the Santa Clara Valley Water District (Valley Water) Board of Directors should declare that a water shortage emergency condition exists within Santa Clara County (County); and

WHEREAS, notice of said hearing was published on June 2, 2021, in the *San Jose Mercury News*, a newspaper of general circulation printed and published within the County; and

WHEREAS, at said hearing, all persons present were given an opportunity to be heard by the Board; and

WHEREAS, the Board heard and considered public testimony, staff's presentation, and other evidence presented at said hearing; and

WHEREAS, the County is in its second consecutive year of drought, and the County is now in an extreme drought condition according to the United States Drought Monitor; and

WHEREAS, pursuant to Water Code Section 350 a "governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection"; and

WHEREAS, the Board seeks to conserve the limited water supply of Valley Water for the greatest public benefit with particular regard to public health, fire protection, and domestic use without threatening local land subsidence, by ensuring the conservation of water, by avoiding the waste of water, and to the extent necessary and by reason of the existing water shortage emergency condition, by reducing water use in the County in a manner that is fair and equitable; and

WHEREAS, on March 22, 2021, the California State Water Resources Control Board mailed early warning notices to water rights holders in California, including Valley Water, urging them to plan for potential shortages by reducing water use and adopting practical conservation measures; and

WHEREAS, local watershed runoff was substantially limited in the 2020 and 2021 water years due to extreme dry conditions and Valley Water's current local surface water storage as of June 1 is at 26 percent of the 20-year average; and

WHEREAS, Anderson Reservoir is Valley Water's largest surface water reservoir and holds up to 89,278 acre-feet of water—more than all of Valley Water's other nine surface water reservoirs combined; and

WHEREAS, on February 20, 2020, the Federal Energy Regulatory Commission, for public health and safety reasons, ordered Valley Water to drain Anderson Reservoir to deadpool beginning no later than October 1, 2020; and

WHEREAS, Anderson Reservoir has been drained to deadpool and will not be available as a surface water storage facility for the duration of the Anderson Dam Seismic Retrofit Project, which is expected to last 10 years; and

WHEREAS, the availability of Coyote Reservoir, Valley Water's second largest reservoir, is also limited because of California Department of Water Resources Division of Safety of Dams storage limits; and

WHEREAS, due to the unavailability of Anderson Reservoir and limited availability of Coyote Reservoir due to regulatory restrictions, Valley Water's ability to store water locally for groundwater recharge and water treatment plant supplies, and as a buffer to mitigate against current and future water shortages, is significantly limited; and

WHEREAS, the snowpack in the northern Sierra Nevada Mountains was 5 percent of normal and the statewide snow water equivalent was zero percent of normal as of June 1, 2021; and the 2021 State Water Project allocation is 5 percent, and the 2021 South-of-Delta Central Valley Project allocation is currently 25 percent for Municipal & Industrial water and zero percent for Agricultural water; and

WHEREAS, there is significant uncertainty as to local and statewide water supply conditions, and imported supplies may continue to be negatively impacted; and

WHEREAS, Santa Clara County relies heavily on unpredictable imported water to supplement local water to supply its drinking water treatment plants, to replenish the local groundwater basins, and to prevent adverse community impacts such as the return of historic overdraft and land subsidence in northern Santa Clara County; and

WHEREAS, through careful groundwater management, Santa Clara County groundwater storage at the start of 2021 was well within the "Normal" stage (Stage 1) of Valley Water's Water Shortage Contingency Plan, but without additional water use reduction this storage is expected to drop significantly by as much as 80,000 acre-feet by the end of 2021 due to limited recharge and increased pumping as a result of drought conditions, reduced imported water allocations, and the loss of Anderson Reservoir as a surface water storage facility; and

WHEREAS, if drought conditions continue into 2022 and imported water supplies continue to be severely limited, the worst case scenario projects groundwater to drop to the "Emergency" stage (Stage 5) of the Water Shortage Contingency Plan without additional water use reduction, which would greatly increase the risk of resumed land subsidence in northern Santa Clara County, risk wells going dry in residential areas of the County where groundwater is the sole source of drinking water, and risk that the ordinary demands and requirements of water consumers will not be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, due to historic groundwater overdraft, the greater San José metropolitan area and heart of Silicon Valley had up to 14 feet of permanent subsidence, which resulted in seawater

intrusion, increased flood risk, and widespread damage to infrastructure, conservatively estimated to cost over \$947 million in 2021 dollars; and

WHEREAS, over 3,000 domestic wells users in southern Santa Clara County depend on groundwater for potable water supplies and these wells are often more vulnerable than public water supply wells, which are typically deeper; and

WHEREAS, Valley Water must maintain sufficient groundwater storage to guard against land subsidence, meet local water demands, cope with supply interruptions from natural disasters and ensure sufficient water for fire protection; and

WHEREAS, it is Valley Water's policy and is in the interest of Valley Water and the community to reduce the severity and occurrences of drought or dry weather induced water shortages by encouraging water use reduction measures so that available water supplies can meet at least 80 percent of average annual demand in drought years; and

WHEREAS, Santa Clara County and the region are subject to reoccurring droughts of varying severity, such as those prompting Valley Water to call for water use reductions in 1977, 1987 to 1992, 2007 to 2010; and

WHEREAS, Santa Clara County and California experienced a historic, multiyear drought from 2012 to 2016, prompting Valley Water to call for mandatory water use reductions between 20 to 30 percent since 2014; and

WHEREAS, on June 13, 2017, by Resolution 17-43, Valley Water continued its call for a voluntary 20 percent water use reduction (as compared to 2013 water use), and called for efforts to make water conservation a way of life; and

WHEREAS, on April 27, 2021, the Board voted to call for a voluntary 25 percent water use reduction (as compared to 2013 water use); and

WHEREAS, continuing the progress and momentum of community water use reductions and water wise efforts to make water conservation a way of life will improve long-term water supply reliability; and

WHEREAS, increasing long-term water conservation efforts and improving water use efficiency; strengthening local and regional drought planning; and increasing water supply and land use planning coordination are critical to Santa Clara County's resilience to drought, which may be intensified in the future with climate change; and

WHEREAS, Valley Water continues to work closely with its retail water agencies, untreated surface water customers, well owners, farmers, regulatory agencies, state and federal project operators, other water districts, and local municipalities and land use agencies to develop common sense approaches with the goal of achieving drought resiliency.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District hereby:

1. Rescinds Board Resolution 17-43; and
2. Declares pursuant to California Water Code Section 350 that a water shortage emergency condition now prevails within the County and a continued supply of water cannot be assured for human consumption, sanitation, and fire protection without threatening local land subsidence, and that such water shortage emergency condition shall continue until the Valley Water's Board adopts a finding determining otherwise; and
3. Establishes a water reduction program pursuant to Article C(4)(c) of Valley Water's treated water contracts by calling for water retailers to achieve a water use reduction equal to 33 percent of 2013 water use (15 percent of 2019 water use), which will result in a 23 percent reduction of Valley Water treated water scheduled deliveries to water retailers while such water reduction program is in effect; and
4. Commits to aggressively promote its conservation programs and information for the public, residents, businesses, agricultural and untreated water customers, and retailers to support all sectors in reducing water use; and
5. Urges Santa Clara County farmers and untreated water customers to consider the water shortage emergency condition in planting and irrigation practices; and
6. Calls for the public to restrict outdoor watering of ornamental landscapes or lawns with potable water to a maximum of three days a week; and
7. Urges local enforcement of other water waste restrictions currently in effect by local agencies and retailers, or as may be amended; and
8. Requests that the Santa Clara County Board of Supervisors proclaim a local emergency now exists throughout the County due to drought conditions; and
9. Supports local adoption and enforcement of additional water waste restrictions by cities, retailers, and the County as needed to achieve the water use reduction target of 15 percent of 2019 water use (33 percent of 2013 water use); these may include prohibitions against the following:
 - Use of potable water for more than minimal landscaping, as defined in the landscaping regulated of the jurisdiction or as described in Article 10.8 of the California Government Code in connection with new construction;
 - Excessive use of water: when a utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to affect such repairs within five business days, the utility may install a flow restriction device;
 - Use of potable water that results in flooding or runoff in gutters or streets;

- Individual private washing of cars with a hose except with the use of a positive action shut-off nozzle. Use of potable water for washing commercial aircraft, cars, buses, boats, trailers, or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use;
 - Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except in the cases where health and safety are at risk;
 - Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping by means other than drip irrigation, or hand watering without quick acting positive action shut-off nozzles, on a specific schedule, for example: 1) before 9:00 a.m. and after 5:00 p.m.; 2) every other day; or 3) selected days of the week;
 - Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public;
 - Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used;
 - Use of potable water for construction purposes unless no other source of water or other method can be used;
 - Use of potable water for street cleaning;
 - Operation of commercial car washes without recycling at least 50 percent of the potable water used per cycle;
 - Use of potable water for watering outside plants, lawn, landscape, and turf areas during certain hours if and when specified in CPUC Tariff Schedule No. 14.1 when the schedule is in effect;
 - Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water;
 - Use of potable water for the filling or refilling of swimming pools;
 - Service of water by any restaurant except upon the request of a patron; and
 - Use of potable water to flush hydrants, except where required for public health or safety.
10. Recommends cities, retailers, and the County consider adopting water waste restrictions that are permanent.

Rescinding Resolution 17-43, Declaring a Water Shortage Emergency Condition Calling for
Water Use Restrictions, and Urging the County of Santa Clara to Proclaim a Local Emergency
Resolution No. 21-68

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by
the following vote on June 9, 2021:

AYES: Directors R. Santos, N. Hsueh, T. Estremera, B. Keegan, G. Kremen,
L. LeZotte, J. Varela
NOES: Directors None
ABSENT: Directors None
ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT



TONY ESTREMER
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC


Clerk, Board of Directors

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT
RESOLUTION NO. 22-20**

**RESOLUTION AMENDING RESOLUTION NO. 21-68 RESCINDING RESOLUTION 17-43,
DECLARING A WATER SHORTAGE EMERGENCY CONDITION CALLING FOR WATER
USE RESTRICTIONS, AND URGING THE COUNTY OF SANTA CLARA TO PROCLAIM A
LOCAL EMERGENCY**

WHEREAS, on June 9, 2021, the Board of Directors (Board) of the Santa Clara Valley Water District (Valley Water) adopted Resolution No. 21-68 (Exhibit A) declaring a water shortage emergency condition pursuant to Water Code Section 350 and calling for water use restrictions; and

WHEREAS, the Board's call for water use restrictions included, but was not limited to: (i) a restriction to outdoor watering of ornamental landscapes or lawns with potable water to a maximum of three days a week, and (ii) support of local adoption and enforcement of additional water waste restrictions by cities, retailers, and the County to achieve a 15% water use reduction target compared to 2019 water use; and

WHEREAS, Santa Clara County's Director of Emergency Services has proclaimed a local drought emergency on June 15, 2021, which was ratified by the Santa Clara County Board of Supervisors on June 22, 2021; and

WHEREAS, Santa Clara County was included in the Governor's drought emergency proclamation on July 8, 2021, and the entire state of California was included on October 19, 2021; and

WHEREAS, on January 4, 2022, the State Water Resources Control Board adopted an emergency regulation by Resolution No. 2022-0002, which contains restrictions to prevent the wasteful and unreasonable use of water, promote water conservation, and set forth monetary penalties for its violation; and

WHEREAS, the first three months of Calendar Year 2022 were the driest on record for Santa Clara County, and Valley Water's Federal and State imported water allocations have been reduced to historic lows; and

WHEREAS, on March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22 to call on local water suppliers to move to Stage 2 of their water shortage contingency plans (which equates to a 20% water use reduction) and directed the State Water Resources Control Board to evaluate the adoption of regulations banning irrigation of decorative grass around commercial, industrial and institutional buildings, which is estimated to result in potential water savings of several hundred thousand acre-feet; and

WHEREAS, trees and shrubs can be responsibly planted and maintained during drought, even one as historic and severe as the current one; and that trees, especially drought-tolerant, native species, can provide many social and environmental benefits; and

WHEREAS, because of persistent and unyielding drought conditions, the Board seeks to amend and add a number of restrictions to those previously adopted under Resolution No. 21-68,

RESOLUTION AMENDING RESOLUTION NO. 21-68 RESCINDING RESOLUTION 17-43, DECLARING A WATER SHORTAGE EMERGENCY CONDITION CALLING FOR WATER USE RESTRICTIONS, AND URGING THE COUNTY OF SANTA CLARA TO PROCLAIM A LOCAL EMERGENCY

Resolution No. 22-20

including reducing the maximum number of days per week the public may irrigate ornamental landscapes or lawns; and

WHEREAS, the amended and additional restrictions as stated in this Amended Resolution are necessary to conserve the limited water supply of Valley Water for the greatest public benefit with particular regard to public health, fire protection, and domestic use without threatening local land subsidence, by ensuring the conservation of water, by avoiding the waste of water, and by reducing water use in the County in a fair and equitable manner.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District hereby amends Resolution No. 21-68 (attached as Exhibit A) as follows:

1. Section 6 is replaced with:

“Calls for the public to:

- restrict outdoor watering of ornamental landscapes and lawns with potable water to no more than two days a week, avoiding watering during midday hours (See Sections 9 and 11), with the goal of significantly reducing the amount of potable water used for outdoor irrigation; and
- prioritize irrigation of established trees using low-flow irrigation over that of ornamental landscapes and lawns to reduce tree loss; and
- restrict the application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water does not flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures; and
- restrict the application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain.”

2. In Section 9, replace the 6th bulleted item with:

“• Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping by means other than drip irrigation, or hand watering without quick acting positive action shut-off nozzles, on a specific schedule, for example: 1) before 7:00 a.m. and after 7:00 p.m.; or 2) selected days of the week;”

3. Add the following as Section 11:

“Calls for the County, water retailers and cities to:

- prohibit irrigation of lawns and ornamental landscaping during midday hours (for example no irrigation from 7:00 a.m. to 7:00 p.m.); and

RESOLUTION AMENDING RESOLUTION NO. 21-68 RESCINDING RESOLUTION 17-43, DECLARING A WATER SHORTAGE EMERGENCY CONDITION CALLING FOR WATER USE RESTRICTIONS, AND URGING THE COUNTY OF SANTA CLARA TO PROCLAIM A LOCAL EMERGENCY

Resolution No. 22-20

- restrict ornamental landscape and lawn irrigation within their service or jurisdictional areas to Mondays and Thursdays for odd numbered and numberless addresses and to Tuesdays and Fridays for even numbered addresses, for those that have not already adopted specific days when irrigation is permitted within their jurisdictional area.”

4. Add the following as Section 12:

“Directs Valley Water staff to continue pursuing actions corresponding to Stage 3 of the Water Shortage Contingency Plan, including close coordination with the County, cities, retailers, large landscapers and agricultural users to implement ordinances and water use restrictions; aggressive communication efforts to request significant behavioral change of water users; and augmentation of local water supplies through transfers and withdrawals from groundwater banks.”

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on April 12, 2022:

AYES:	Directors	R. Santos, T. Estremera, N. Hsueh, B. Keegan, G. Kremen, L. LeZotte, J. Varela
NOES:	Directors	None
ABSENT:	Directors	None
ABSTAIN:	Directors	None

SANTA CLARA VALLEY WATER DISTRICT

DocuSigned by:

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JOHN L. VARELA
Chair Pro Tem, Board of Directors

ATTEST: MICHELE L. KING, CMC

DocuSigned by:

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Clerk, Board of Directors

**RESOLUTION AMENDING RESOLUTION NO. 21-68 RESCINDING RESOLUTION 17-43,
DECLARING A WATER SHORTAGE EMERGENCY CONDITION CALLING FOR WATER
USE RESTRICTIONS, AND URGING THE COUNTY OF SANTA CLARA TO PROCLAIM A
LOCAL EMERGENCY**

Resolution No. 22-20

EXHIBIT A

No. of Pages: 6

Exhibit Attachment: BOARD RESOLUTION NO. 21-68

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 21-68

**RESCINDING RESOLUTION 17-43, DECLARING A WATER SHORTAGE
EMERGENCY CONDITION CALLING FOR WATER USE RESTRICTIONS, AND
URGING THE COUNTY OF SANTA CLARA TO PROCLAIM A LOCAL EMERGENCY**

WHEREAS, a public hearing was held on June 9, 2021, on the matter of whether the Santa Clara Valley Water District (Valley Water) Board of Directors should declare that a water shortage emergency condition exists within Santa Clara County (County); and

WHEREAS, notice of said hearing was published on June 2, 2021, in the *San Jose Mercury News*, a newspaper of general circulation printed and published within the County; and

WHEREAS, at said hearing, all persons present were given an opportunity to be heard by the Board; and

WHEREAS, the Board heard and considered public testimony, staff's presentation, and other evidence presented at said hearing; and

WHEREAS, the County is in its second consecutive year of drought, and the County is now in an extreme drought condition according to the United States Drought Monitor; and

WHEREAS, pursuant to Water Code Section 350 a "governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection"; and

WHEREAS, the Board seeks to conserve the limited water supply of Valley Water for the greatest public benefit with particular regard to public health, fire protection, and domestic use without threatening local land subsidence, by ensuring the conservation of water, by avoiding the waste of water, and to the extent necessary and by reason of the existing water shortage emergency condition, by reducing water use in the County in a manner that is fair and equitable; and

WHEREAS, on March 22, 2021, the California State Water Resources Control Board mailed early warning notices to water rights holders in California, including Valley Water, urging them to plan for potential shortages by reducing water use and adopting practical conservation measures; and

WHEREAS, local watershed runoff was substantially limited in the 2020 and 2021 water years due to extreme dry conditions and Valley Water's current local surface water storage as of June 1 is at 26 percent of the 20-year average; and

WHEREAS, Anderson Reservoir is Valley Water's largest surface water reservoir and holds up to 89,278 acre-feet of water—more than all of Valley Water's other nine surface water reservoirs combined; and

Rescinding Resolution 17-43, Declaring a Water Shortage Emergency Condition Calling for
Water Use Restrictions, and Urging the County of Santa Clara to Proclaim a Local Emergency
Resolution No. 21-68

WHEREAS, on February 20, 2020, the Federal Energy Regulatory Commission, for public health and safety reasons, ordered Valley Water to drain Anderson Reservoir to deadpool beginning no later than October 1, 2020; and

WHEREAS, Anderson Reservoir has been drained to deadpool and will not be available as a surface water storage facility for the duration of the Anderson Dam Seismic Retrofit Project, which is expected to last 10 years; and

WHEREAS, the availability of Coyote Reservoir, Valley Water's second largest reservoir, is also limited because of California Department of Water Resources Division of Safety of Dams storage limits; and

WHEREAS, due to the unavailability of Anderson Reservoir and limited availability of Coyote Reservoir due to regulatory restrictions, Valley Water's ability to store water locally for groundwater recharge and water treatment plant supplies, and as a buffer to mitigate against current and future water shortages, is significantly limited; and

WHEREAS, the snowpack in the northern Sierra Nevada Mountains was 5 percent of normal and the statewide snow water equivalent was zero percent of normal as of June 1, 2021; and the 2021 State Water Project allocation is 5 percent, and the 2021 South-of-Delta Central Valley Project allocation is currently 25 percent for Municipal & Industrial water and zero percent for Agricultural water; and

WHEREAS, there is significant uncertainty as to local and statewide water supply conditions, and imported supplies may continue to be negatively impacted; and

WHEREAS, Santa Clara County relies heavily on unpredictable imported water to supplement local water to supply its drinking water treatment plants, to replenish the local groundwater basins, and to prevent adverse community impacts such as the return of historic overdraft and land subsidence in northern Santa Clara County; and

WHEREAS, through careful groundwater management, Santa Clara County groundwater storage at the start of 2021 was well within the "Normal" stage (Stage 1) of Valley Water's Water Shortage Contingency Plan, but without additional water use reduction this storage is expected to drop significantly by as much as 80,000 acre-feet by the end of 2021 due to limited recharge and increased pumping as a result of drought conditions, reduced imported water allocations, and the loss of Anderson Reservoir as a surface water storage facility; and

WHEREAS, if drought conditions continue into 2022 and imported water supplies continue to be severely limited, the worst case scenario projects groundwater to drop to the "Emergency" stage (Stage 5) of the Water Shortage Contingency Plan without additional water use reduction, which would greatly increase the risk of resumed land subsidence in northern Santa Clara County, risk wells going dry in residential areas of the County where groundwater is the sole source of drinking water, and risk that the ordinary demands and requirements of water consumers will not be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, due to historic groundwater overdraft, the greater San José metropolitan area and heart of Silicon Valley had up to 14 feet of permanent subsidence, which resulted in seawater

Rescinding Resolution 17-43, Declaring a Water Shortage Emergency Condition Calling for Water Use Restrictions, and Urging the County of Santa Clara to Proclaim a Local Emergency
Resolution No. 21-68

intrusion, increased flood risk, and widespread damage to infrastructure, conservatively estimated to cost over \$947 million in 2021 dollars; and

WHEREAS, over 3,000 domestic wells users in southern Santa Clara County depend on groundwater for potable water supplies and these wells are often more vulnerable than public water supply wells, which are typically deeper; and

WHEREAS, Valley Water must maintain sufficient groundwater storage to guard against land subsidence, meet local water demands, cope with supply interruptions from natural disasters and ensure sufficient water for fire protection; and

WHEREAS, it is Valley Water's policy and is in the interest of Valley Water and the community to reduce the severity and occurrences of drought or dry weather induced water shortages by encouraging water use reduction measures so that available water supplies can meet at least 80 percent of average annual demand in drought years; and

WHEREAS, Santa Clara County and the region are subject to reoccurring droughts of varying severity, such as those prompting Valley Water to call for water use reductions in 1977, 1987 to 1992, 2007 to 2010; and

WHEREAS, Santa Clara County and California experienced a historic, multiyear drought from 2012 to 2016, prompting Valley Water to call for mandatory water use reductions between 20 to 30 percent since 2014; and

WHEREAS, on June 13, 2017, by Resolution 17-43, Valley Water continued its call for a voluntary 20 percent water use reduction (as compared to 2013 water use), and called for efforts to make water conservation a way of life; and

WHEREAS, on April 27, 2021, the Board voted to call for a voluntary 25 percent water use reduction (as compared to 2013 water use); and

WHEREAS, continuing the progress and momentum of community water use reductions and water wise efforts to make water conservation a way of life will improve long-term water supply reliability; and

WHEREAS, increasing long-term water conservation efforts and improving water use efficiency; strengthening local and regional drought planning; and increasing water supply and land use planning coordination are critical to Santa Clara County's resilience to drought, which may be intensified in the future with climate change; and

WHEREAS, Valley Water continues to work closely with its retail water agencies, untreated surface water customers, well owners, farmers, regulatory agencies, state and federal project operators, other water districts, and local municipalities and land use agencies to develop common sense approaches with the goal of achieving drought resiliency.

Rescinding Resolution 17-43, Declaring a Water Shortage Emergency Condition Calling for Water Use Restrictions, and Urging the County of Santa Clara to Proclaim a Local Emergency
Resolution No. 21-68

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District hereby:

1. Rescinds Board Resolution 17-43; and
2. Declares pursuant to California Water Code Section 350 that a water shortage emergency condition now prevails within the County and a continued supply of water cannot be assured for human consumption, sanitation, and fire protection without threatening local land subsidence, and that such water shortage emergency condition shall continue until the Valley Water's Board adopts a finding determining otherwise; and
3. Establishes a water reduction program pursuant to Article C(4)(c) of Valley Water's treated water contracts by calling for water retailers to achieve a water use reduction equal to 33 percent of 2013 water use (15 percent of 2019 water use), which will result in a 23 percent reduction of Valley Water treated water scheduled deliveries to water retailers while such water reduction program is in effect; and
4. Commits to aggressively promote its conservation programs and information for the public, residents, businesses, agricultural and untreated water customers, and retailers to support all sectors in reducing water use; and
5. Urges Santa Clara County farmers and untreated water customers to consider the water shortage emergency condition in planting and irrigation practices; and
6. Calls for the public to restrict outdoor watering of ornamental landscapes or lawns with potable water to a maximum of three days a week; and
7. Urges local enforcement of other water waste restrictions currently in effect by local agencies and retailers, or as may be amended; and
8. Requests that the Santa Clara County Board of Supervisors proclaim a local emergency now exists throughout the County due to drought conditions; and
9. Supports local adoption and enforcement of additional water waste restrictions by cities, retailers, and the County as needed to achieve the water use reduction target of 15 percent of 2019 water use (33 percent of 2013 water use); these may include prohibitions against the following:
 - Use of potable water for more than minimal landscaping, as defined in the landscaping regulated of the jurisdiction or as described in Article 10.8 of the California Government Code in connection with new construction;
 - Excessive use of water: when a utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to affect such repairs within five business days, the utility may install a flow restriction device;
 - Use of potable water that results in flooding or runoff in gutters or streets;

Rescinding Resolution 17-43, Declaring a Water Shortage Emergency Condition Calling for Water Use Restrictions, and Urging the County of Santa Clara to Proclaim a Local Emergency
Resolution No. 21-68

- Individual private washing of cars with a hose except with the use of a positive action shut-off nozzle. Use of potable water for washing commercial aircraft, cars, buses, boats, trailers, or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use;
 - Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except in the cases where health and safety are at risk;
 - Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping by means other than drip irrigation, or hand watering without quick acting positive action shut-off nozzles, on a specific schedule, for example: 1) before 9:00 a.m. and after 5:00 p.m.; 2) every other day; or 3) selected days of the week;
 - Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public;
 - Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used;
 - Use of potable water for construction purposes unless no other source of water or other method can be used;
 - Use of potable water for street cleaning;
 - Operation of commercial car washes without recycling at least 50 percent of the potable water used per cycle;
 - Use of potable water for watering outside plants, lawn, landscape, and turf areas during certain hours if and when specified in CPUC Tariff Schedule No. 14.1 when the schedule is in effect;
 - Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water;
 - Use of potable water for the filling or refilling of swimming pools;
 - Service of water by any restaurant except upon the request of a patron; and
 - Use of potable water to flush hydrants, except where required for public health or safety.
10. Recommends cities, retailers, and the County consider adopting water waste restrictions that are permanent.

Rescinding Resolution 17-43, Declaring a Water Shortage Emergency Condition Calling for
Water Use Restrictions, and Urging the County of Santa Clara to Proclaim a Local Emergency
Resolution No. 21-68

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by
the following vote on June 9, 2021:

AYES: Directors R. Santos, N. Hsueh, T. Estremera, B. Keegan, G. Kremen,
L. LeZotte, J. Varela

NOES: Directors None

ABSENT: Directors None

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT


TONY ESTREMERERA
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC


Clerk, Board of Directors

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

ORDINANCE NO. 22-02

**A FIRST AMENDED AND RESTATED ORDINANCE OF
SANTA CLARA VALLEY WATER DISTRICT ADOPTING DROUGHT
OUTDOOR WATER CONSERVATION AND ENFORCEMENT MEASURES**

The Board of Directors of Santa Clara Valley Water District does ORDAIN as follows:

SECTION 1: PURPOSE

- 1.1 Due to water shortage conditions existing in the service area of the Santa Clara Valley Water District (Valley Water), as well as historically low imported water allocations of Valley Water's State Water Project (SWP) and Central Valley Project (CVP) supplies, the purpose of this ordinance is to establish mandatory outdoor water conservation measures with corresponding enforcement measures as part of a mandatory outdoor water conversation program. To ensure Valley Water continues providing a safe, reliable water supply when its supplies are limited due to current or future shortage conditions, the measures in this water conservation program are intended to preserve and extend Valley Water's available water supply in Santa Clara County and to reduce the hardship on the general public to the greatest extent possible. They are also aimed at ensuring the efficient use of Valley Water's water supply outdoors to maintain sufficient supplies to meet public health, safety and welfare needs during uncertain water supply conditions.
- 1.2 Valley Water adopts this ordinance consistent with Article X, Section 2 of the California Constitution pursuant to its authority under Water Code Section 350 et seq, Water Code Section 375 et seq, and the Santa Clara Valley Water District Act, (Stats. 1951, ch. 1405, p. 3336 et seq., West's Ann. Wat.—Appen. (1999 ed. & 2012 supp.) ch. 60, p. 354 et seq.).

SECTION 2: DEFINITIONS

- 2.1 "Turf" means a ground cover surface of non-native, ornamental grass, or a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
- 2.2 "Non-Functional Turf" means Turf that is solely ornamental and does not serve a community or neighborhood function, including, use for recreational purposes, or civic or community events.
- 2.3 "Incidental Runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.
- 2.4 "Property Owner" means the owner of the land where a possible violation of one or more of the water waste prohibitions described in Subsection 3.1 of this ordinance is occurring.
- 2.5 "Water Retailer" means municipalities or investor-owned water retailers that supply potable water made available by Valley Water to Property Owners.

An Ordinance of Santa Clara Valley Water District Adopting Drought Outdoor Water
Conservation and Enforcement Measures Amended and Restated Ordinance No. 22-02

SECTION 3: OUTDOOR DROUGHT WATER WASTE PROHIBITIONS

- 3.1 Violations of the prohibitions set forth below are subject to the enforcement measures described in Section 4. All Property Owners in Santa Clara County who receive potable water supplied or managed by Valley Water either directly or indirectly by a Water Retailer shall not do any of the following:
- (a) irrigate Non-Functional Turf more than 2 days a calendar week.
 - (b) irrigate any outdoor landscape between the hours of 9:00 AM and 6:00 PM.
 - (c) apply potable water to any outdoor landscape in a manner that causes more than Incidental Runoff. More than Incidental Runoff includes water that flows onto an adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
 - (d) apply potable water to any outdoor landscape during and within 48 hours after measurable daily rainfall of at least one fourth of one inch (0.25 inches) of rain. In determining whether measurable daily rainfall of at least fourth of one inch (0.25 inches) of rain occurred on a property, enforcement will be based on records of the closest weather station to the property available from the National Weather Service (weather.gov) or the Valley Water ALERT website (valleywateralert.org/scvwd/pgi.php).
 - (e) apply potable water to Non-Functional Turf at commercial, industrial and institutional sites, including homeowner's associations.
- 3.2 The use of potable water is not prohibited to the extent necessary to ensure the health of trees and other perennial non-Turf plantings or to the extent necessary to address immediate health and safety, sanitation, or fire protection needs as determined by the fire marshal. Unless otherwise permitted by the fire marshal, the watering permitted under this Subsection 3.2 must be completed in a manner that prevents runoff.

SECTION 4: ENFORCEMENT

- 4.1 For violations set forth in Subsection 3.1, the following enforcement procedures 4.1 (a) – (e) shall apply. Valley Water will emphasize an educational approach to addressing reported violations of water waste prohibitions to encourage water conservation and to prevent water waste.

Reports of water waste will be made through public complaints to Valley Water. For Property Owners who receive potable water supplied or managed by Valley Water either directly or indirectly by a Water Retailer, steps 4.1 (a) – (e) will be followed. If the property is supplied by a Water Retailer, Valley Water will notify the Water Retailer of each complaint. Valley Water will offer Water Retailers the opportunity to initiate their own enforcement process established for their respective service area at either steps 4.1 (a), (b), or (c). While the Water Retailer pursues its enforcement process, Valley Water will not conduct any of the steps in its enforcement process.

If the Water Retailer does not initiate its own enforcement process, or if the Water Retailer who previously initiated its enforcement process requests that Valley Water resume its enforcement process, then Valley Water will perform the remaining steps between 4.1 (a) – (e) that Valley Water has not yet completed.

- (a) Notice of Report of Violation

If a report of a violation of outdoor water waste prohibitions in Subsection 3.1 is submitted to Valley Water, a Notice of Report of Violation will be issued to the Property Owner. A Notice of Report of Violation will contain information on how to

An Ordinance of Santa Clara Valley Water District Adopting Drought Outdoor Water
Conservation and Enforcement Measures Amended and Restated Ordinance No. 22-02

correct violations and a warning that failure to correct a violation within fourteen (14) calendar days from the issuance date of that written notification may result in future enforcement action. No administrative fine is issued by Valley Water at this time.

(b) Notice of Second Report of Violation

If a second report of a violation of outdoor water waste prohibitions in Subsection 3.1 is submitted to Valley Water for the same property following fourteen (14) calendar days and within twelve (12) calendar months of the issuance of a Notice of Report of Violation, Valley Water or its contractors shall conduct a site visit of the property to document the violation, if possible, and provide a door hanger. The door hanger will state that failure to comply with water waste prohibitions may result in future enforcement action. Furthermore, Valley Water will send the Property Owner a Notice of Second Report of Violation.

(c) Notice of Third Report of Violation

If a third report of a violation of outdoor water waste prohibitions in Subsection 3.1 is submitted to Valley Water for the same property following fourteen (14) calendar days from the issuance of a Notice of Second Report of Violation and within twelve (12) calendar months of the issuance of a Notice of Report of Violation, Valley Water will send a Notice of Third Report of Violation to the Property Owner. This will state that the Property Owner may receive administrative fines for uncorrected violations.

(d) Notice of Violation

Valley Water or its contractors will conduct a site visit of the property following fourteen (14) calendar days following the issuance of a Notice of Third Report of Violation to document the violation. If the violation is continuing, then Valley Water will send a Notice of Violation to the Property Owner which will state that the Property Owner is now subject to administrative fines for uncorrected violations.

The Property Owner is subject to an administrative fine of up to one-hundred dollars (\$100) for each violation found. Notwithstanding the foregoing, Valley Water may impose an administrative fine of up to ten thousand dollars (\$10,000) in extraordinary circumstances where it finds that: the Property Owner had actual notice of the water waste prohibition found to be violated; the Property Owner's conduct was intentional; and the amount of water involved was substantial.

(e) Repeat Violations

Valley Water will conduct a site visit thirty-one (31) days following the issuance of a Notice of Violation, or when a subsequent report of violation of outdoor water waste prohibitions in Subsection 3.1 is submitted to Valley Water following thirty-one (31) calendar days from the issuance of a Notice of Violation and within twelve (12) calendar months of the issuance of a Notice of Report of Violation, to determine if the confirmed violation is continuing. If the violation is continuing, the Property Owner shall be subject to an additional administrative fine of up to ten thousand dollars (\$10,000). For each successive violation, the Property Owner is subject to an additional administrative fine of five hundred dollars (\$500) for each additional day that the violation continues.

An Ordinance of Santa Clara Valley Water District Adopting Drought Outdoor Water
Conservation and Enforcement Measures Amended and Restated Ordinance No. 22-02

SECTION 5: HEARING

- 5.1 A Property Owner subject to an administrative fine will be provided notice and may request a hearing to present evidence that the violation did not occur by following the procedure set forth below:
- (a) Within thirty (30) calendar days of receiving a Notice of Violation, the Property Owner mails a written request for a hearing to the Clerk of the Board, 5750 Almaden Expressway, Valley Water, San José, CA 95118-3686. For purposes of this Section 5, the request for hearing shall be deemed received by Valley Water on the day it arrives at Valley Water. The Clerk of the Board shall notify the Property Owner, in writing, of the place, date and time of the hearing, which shall take place no earlier than thirty (30) calendar days after a Notice of Violation was issued.
 - (b) The Chief Executive Officer or designee shall conduct a hearing considering all applicable facts and issue a written decision. The Chief Executive Officer's or designee's decision shall be final.
 - (c) Any administrative fine not timely contested in a hearing per this Section 5 shall be deemed final.

SECTION 6: EFFECTIVE DATE

NOW, THEREFORE BE IT ORDAINED by the Board of Directors of the Santa Clara Valley Water District that this ordinance shall be in effect starting on September 13, 2022.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on September 13, 2022:

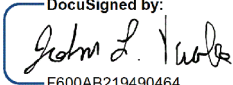
AYES: Directors: T. Estremera, R. Santos, N. Hsueh, B. Keegan, G. Kremen, J. Varela

NOES: Directors: None

ABSENT: Directors: L. LeZotte

ABSTAIN: Directors: None

SANTA CLARA VALLEY WATER DISTRICT

By:  F600AB219490464...
JOHN L. VARELA
Chair Pro Tem, Board of Directors

ATTEST: MICHELE L. KING, CMC

 7E1632DBD93E40C...
Clerk, Board of Directors



Santa Clara Valley Water District

File No.: 23-0369

Agenda Date: 3/27/2023

Item No.: 3.2.

COMMITTEE AGENDA MEMORANDUM **Water Conservation and Demand Management Committee**

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Review Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests; and the Committee's Next Meeting Agenda.

RECOMMENDATION:

Review the Committee work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.

SUMMARY:

The attached Work Plan outlines the approved topics for discussion to be able to prepare policy alternatives and implications for Board deliberation. The work plan is agendaized at each meeting as accomplishments are updated and to review additional work plan assignments by the Board.

BACKGROUND:

Governance Process Policy-8:

The District Act provides for the creation of advisory boards, committees, or commissions by resolution to serve at the pleasure of the Board.

Accordingly, the Board has established Advisory Committees, which bring respective expertise and community interest, to advise the Board, when requested, in a capacity as defined: prepare Board policy alternatives and provide comment on activities in the implementation of the District's mission for Board consideration. In keeping with the Board's broader focus, Advisory Committees will not direct the implementation of District programs and projects, other than to receive information and provide comment.

Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.

ATTACHMENTS:

Attachment 1: WCaDMC 2023 Work Plan

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193

Water Conservation and Demand Management Committee Work Plan 2023

Item No.	Work Plan Item	Meeting Date Discussion/Action Item	Accomplishment Date and Outcome
Water Supply Master Plan Strategy 1: Secure Existing Supplies Goal: 99,000 AF conservation by 2030			
1	Monitor progress in achieving water conservation goal: <ul style="list-style-type: none"> • Amount of water conserved • Water conservation program success metrics (participation, lawn conversion, etc.) • Water conservation outreach success metrics • Collaboration with retailers • Communicating about water waste • Engage and support private-sector stakeholders, local, state, and federal agencies that promote water conservation. • Drought Updates – progress toward 15% reduction compared to 2019, specific actions 	March 17, 2023 March 27, 2023	Accomplished March 17, 2023 The Committee received an update on progress towards achieving Valley Water’s water use reduction target and water conservation efforts related to the drought emergency and took no action. The Committee received a presentation on the Water Conservation Savings Model and Program Overview and took no action.
2	Recommend policies towards water conservation goal: <ul style="list-style-type: none"> • Water Conservation Strategic Plan • Making Water Conservation a Way of Life • Review the current 15% call for water use reduction compared to 2019 water use • New programs • SCW funding 		

Water Conservation and Demand Management Committee Work Plan 2023

Item No.	Work Plan Item	Meeting Date Discussion/Action Item	Accomplishment Date and Outcome
Water Supply Master Plan Strategy 2: Increase Water Conservation and Stormwater Capture Goal: Increase water conservation to 109,000 AF/year and increase stormwater capture to 1,000 AF/year by 2040.			
3	Monitor progress in achieving the long-term water conservation and stormwater capture goal: <ul style="list-style-type: none"> Investments in no-regrets package/stormwater resource plan implementation Ag Water Use Baseline study Collaboration with UC Water on Flood Managed Aquifer Recharge (Flood MAR) 		
4	Recommend policies towards achieving long-term water conservation goal <ul style="list-style-type: none"> Collaboration on ordinances 		
Water Supply Master Plan Strategy 3: Optimize the Use of existing supplies and infrastructure			
5	South County Recharge		

Water Conservation and Demand Management Committee Work Plan 2023

Item No.	Work Plan Item	Meeting Date Discussion/Action Item	Accomplishment Date and Outcome
6	Sustainable Groundwater Management Plan (SGMA) <ul style="list-style-type: none"> • Updates on our 2021 Groundwater Management Plan • New Groundwater Sustainability Plan (GSP) for North San Benito Subbasin 		
Future Demand Projections			
7	Monitor progress and recommend policies <ul style="list-style-type: none"> • Urban Water Management Plan • CCAP water supply portion • Water Shortage Contingency Plan update (Drought Response Plan update) 		
Work Plan Updates			
8	Review Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests; and the Committee's Next Meeting Agenda.	March 17, 2023 March 27, 2023	Accomplished March 17, 2023 The Committee reviewed their work plan and took no action.
Additional Items:			

Water Conservation and Demand Management Committee Work Plan 2023

Item No.	Work Plan Item	Meeting Date Discussion/Action Item	Accomplishment Date and Outcome
9	Outreach messaging for water-wise concerns.		
10	<p>Find opportunities to ensure new development have improved water wise features</p> <ul style="list-style-type: none"> • Proactively engage to ensure new development have improved water wise features and review major developments within the county • Work on contacting the building trades about water conservation practices. • Work on contacting Planning Commissions on adopting the model ordinances 		

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