

June 1, 2023

## **SPECIAL 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

Bhavani Yerrapotu, Acting 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 special meeting of the Water Conservation and Demand Management Committee is scheduled to be held on **Monday, June 5, 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

One tap mobile

+16699009128,,92597340524# US (San Jose)

Dial by your location

+1 669 900 9128 US (San Jose)

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**

## **SPECIAL MEETING AGENDA**

**Monday, June 5, 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**  
**SPECIAL MEETING**  
**AGENDA**

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Monday, June 5, 2023

11:00 AM

Headquarters Building Boardroom

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**\*\*\*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. Guiding Principles and Enforcement to Support Water Conservation as a Way of Life. [23-0622](#)

Recommendation: Recommend that Santa Clara Valley Water District's (Valley Water) Board take the following actions to promote ongoing water conservation and help meet Valley Water's current voluntary call for conservation in Santa Clara County:

- A. Adopt a Resolution Calling for Water Conservation as a Way of Life in Santa Clara County (Attachment 1), which includes guiding principles to support long-term conservation and helps meet Valley Water's current voluntary call for conservation; and
- B. Conduct a public hearing to rescind Ordinance 22-02 and replace it with the proposed ordinance "Enforcement Measures for Water Conservation in Santa Clara County" (Attachment 2).

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Draft Conservation Framework Reso](#)  
[Attachment 2: Enforcement Ordinance](#)  
[Attachment 3: Conservation Framework Resolution redline](#)  
[Attachment 4: Enforcement Ordinance redline](#)

Est. Staff Time: 20 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, June 26, 2023.



# Santa Clara Valley Water District

File No.: 23-0622

Agenda Date: 6/5/2023

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:

Guiding Principles and Enforcement to Support Water Conservation as a Way of Life.

### RECOMMENDATION:

Recommend that Santa Clara Valley Water District's (Valley Water) Board take the following actions to promote ongoing water conservation and help meet Valley Water's current voluntary call for conservation in Santa Clara County:

- A. Adopt a Resolution Calling for Water Conservation as a Way of Life in Santa Clara County (Attachment 1), which includes guiding principles to support long-term conservation and helps meet Valley Water's current voluntary call for conservation; and
- B. Conduct a public hearing to rescind Ordinance 22-02 and replace it with the proposed ordinance "Enforcement Measures for Water Conservation in Santa Clara County" (Attachment 2).

### SUMMARY:

On June 9, 2021, the Board adopted Resolution 21-68, which declared a water shortage emergency condition pursuant to California Water Code §350, called for mandatory water use reduction of 15% compared to 2019, and urged the County of Santa Clara to proclaim a local emergency. Santa Clara Valley Water District (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, which went into effect on June 1, 2022. On September 13, the Board amended Ordinance 22-02 to include the State's ban against watering commercial, industrial, and institutional (CII) non-functional turf amongst its list of enforceable restrictions (Attachment 4,

Amended Water User Restriction Ordinance).

Santa Clara County received high levels of precipitation in winter and spring of 2023 and on March 16, 2023, Santa Clara County was out of drought according to the U.S. Drought Monitor. In addition, local reservoirs are full, groundwater levels are healthy, and for the first time since 2006 Valley Water has received one hundred percent of imported water allocations. As Valley Water's water supply outlook improved considerably, on April 11, 2023, Valley Water's Board unanimously approved to:

- Rescind the Amended Emergency Water Shortage Resolution calling for a countywide mandatory 15% water-use reduction compared 2019 usage; and
- Call for a countywide voluntary 15% water-use reduction call compared 2019 usage; and
- Direct the CEO to bring a recommendation for the Board's consideration for additional actions to support water conservation as a way of life in our county and state.

The Board also chose to continue enforcement of all water waste restrictions contained in Ordinance 22-02.

### **Recommendation to support Water Conservation as a Way of Life**

As discussed at the April 24, 2023, Committee meeting, staff developed a proposed resolution and an ordinance which address the Board's direction to bring a recommendation for additional actions to support water conservation as a way of life in our county. Staff obtained the Committee's and public's feedback on the proposed resolution and ordinance at the May 22, 2023, Committee meeting and incorporated this feedback (Attachments 1 and 2).

The proposed resolution (Attachment 1) includes guiding principles intended to guide Valley Water staff's efforts towards making water conservation a way of life in Santa Clara County. Staff proposes replacing Ordinance 22-02 with the proposed ordinance (Attachment 2) which addresses both non-drought and drought periods and allows for quicker response to future droughts. A significant accomplishment within the proposed ordinance is a list of permanent water waste prohibitions that Valley Water worked collaboratively with water retailers to develop. This will help ensure that there is countywide consistency in prohibitions, and that eliminating water waste will be a permanent habit in Santa Clara County.

### **ATTACHMENTS:**

- Attachment 1: Draft Resolution - Calling for Water Conservation as a Way of Life in Santa Clara County
- Attachment 2: Draft Ordinance - Enforcement Measures for Water Conservation in Santa Clara County
- Attachment 3: Redline Version of Draft Resolution
- Attachment 4: Redline Version of Draft Ordinance



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**File No.:** 23-0622

**Agenda Date:** 6/5/2023  
**Item No.:** 3.1.

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**UNCLASSIFIED MANAGER:**  
Kirsten Struve, 408-630-3138



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

**RESOLUTION NO. 23-**

**CALLING FOR WATER CONSERVATION AS A WAY OF LIFE IN SANTA CLARA COUNTY**

WHEREAS, locally and across California, severely dry conditions resulted in a historic multi-year drought beginning in 2020; and

WHEREAS, on June 9, 2021, the Board of Directors (Board) of the Santa Clara Valley District (Valley Water) adopted Resolution 21-68 in response to drought, which declared a water shortage emergency condition pursuant to California Water Code §350 and called for mandatory water use reduction of 15 percent as compared to 2019 water use; and

WHEREAS, as of March 16, 2023, Santa Clara County is no longer in drought conditions according to the U.S. Drought Monitor, and Valley Water's local and imported water supplies are above average in 2023; and

WHEREAS, on April 11, 2023, the Board adopted Resolution 23-24, which rescinded Resolutions 21-68 and 22-20 and called for voluntary water conservation of 15 percent as compared to 2019 water use; and

WHEREAS, continuing the progress and momentum of community water use reductions and water use efficiency to make water conservation a way of life will improve long-term water supply reliability and help maintain groundwater levels in Santa Clara County; and

WHEREAS, increasing long-term water conservation efforts is critical to Santa Clara County's resilience to droughts, which are a reoccurring phenomenon for the county and state, and which may be intensified with climate change; and

WHEREAS, through its current Ends Policy E-2.4, the Board established a water supply policy to increase regional self-reliance through water conservation by focusing Valley Water's efforts on maximizing utilization of all demand management tools, and incentivizing water conservation and water use efficiency; and

WHEREAS, the State of California is developing a regulatory framework for Making Water Conservation a California Way of Life, and Valley Water will align with this effort as appropriate; and

WHEREAS, by making small changes in daily habits, residents and businesses in our county can make a big difference in ensuring sufficient water for current and future generations; and

WHEREAS, Valley Water has been and continues to be a leader in water conservation by short-term savings during drought years as well as innovative, comprehensive programs currently resulting in permanent countywide savings of more than 80,000 acre-feet per year; and

WHEREAS, Valley Water's Water Conservation Strategic Plan determined that Valley Water's conservation programs comprehensively address all sectors of the community and there remains a significant potential to further increase conservation, particularly from the multifamily residential, commercial, industrial, and institutional sectors, and that prioritizing outdoor water conservation has the greatest potential for significant, long-term water savings; and

WHEREAS, Valley Water's Agricultural Baseline Study determined growers in Santa Clara County to be highly efficient and Valley Water should continue promoting and enhancing its water conservation programs and services for growers, including the Agricultural Mobile Irrigation Lab; and

WHEREAS, the Water Supply Master Plan includes long-term water conservation targets for saving 99,000 acre-feet of water per year by 2030, and 109,000 acre-feet by 2040.

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

1. Commits Valley Water to being a leader in the effort to make water conservation a way of life in Santa Clara County to ensure a sustainable water future for our communities. Making water conservation a way of life means adopting and supporting permanent changes that reduce water use and implementing best practices developed by Valley Water through the Water Conservation Strategic Plan as well as by other organizations. This requires a commitment from all sectors of our community to make and support permanent changes that ensure water is not wasted and is used efficiently. Water conservation tools should be accessible to all sectors of the community through an equitable, collaborative and inclusive approach. Disadvantaged communities in particular face disproportionate water challenges and economic stresses, and Valley Water commits to ensuring those communities are aware of and have access to Valley Water's water conservation programs. Making water conservation a way of life is critical to the long-term economic and environmental sustainability of Santa Clara County, which is prone to multi-year droughts and resulting water shortages. Valley Water commends the Santa Clara County community for its efforts thus far to reduce water use and seeks to engrain the behavioral changes associated with those efforts by the residents, businesses, organizations, institutions, and farmers in our community to help ensure sustainable water supplies in the face of climate change. Valley Water will ensure adequate funding and resources for water conservation efforts and aggressively pursue funding from external sources. In order to make the foregoing vision a reality, the Board adopts the Long-Term Water Conservation as a Way of Life Guiding Principles set forth in Section 2 below.
2. Declares that water conservation must be a way of life in Santa Clara County and to that end, adopts the Long-Term Water Conservation as a Way of Life Guiding Principles, as shown below. These guiding principles are intended to guide Valley Water staff's efforts towards making water conservation a way of life in Santa Clara County. By adhering to the following guiding principles, Valley Water seeks to lead our community's efforts for promoting long-term water conservation.

**Guiding Principle No. 1 – Make it easier for all members of our community, including disadvantaged community members, to conserve water.** Valley Water provides water conservation programs, resources, and services to all sectors of our community for both indoor and outdoor conservation and water-efficient landscape practices. Programs will or may include landscape and stormwater rebate programs, graywater programs, water waste enforcement, water surveys and audits, landscape water budgets, water-saving devices, and reports on water use for single and multi-family residences and the commercial, industrial, and institutional (CII) sector; and water-efficient technologies for the CII sector. Valley Water is committed to strategic

continuous improvement of its water conservation program offerings through a data-informed approach and through benchmarking with other agencies.

**Guiding Principle No. 2 – Partner with outside organizations to promote Water Conservation as a Way of Life.** Valley Water will partner with water retailers, the County, cities, schools, businesses, non-profit organizations, and other organizations to promote Water Conservation as a Way of Life; provide a uniform message to our community; and ensure multiple resources are leveraged. Valley Water will work with our partners on uniform permanent restrictions to ensure water is used efficiently and is not wasted.

**Guiding Principle No. 3 – Educate the community about the importance of water conservation.** Valley Water will continue its multilingual educational efforts on water conservation, including year-round promotion and messaging of its indoor and outdoor water conservation programs and water conservation habits, tips, and practices; providing the community with relevant data about their water use through reports on water use and advanced metering infrastructure; providing water waste education and enforcement, including water educational programs for schools.

**Guiding Principle No. 4 – Work with the local CII community to ensure efficient water use.** Promote programs targeted towards the CII sector and assist small and large businesses in adopting water-efficient technologies and landscapes.

**Guiding Principle No. 5 – Work with the local agricultural community to ensure efficient irrigation of crops.** Valley Water will continue targeted water conservation services geared towards the agricultural community, such as irrigation scheduling assistance and water auditing. We will continue to collaborate with the Santa Clara County Farm Bureau and Agricultural Water Advisory Committee to ensure efficient irrigation practices in our community.

**Guiding Principle No. 6 – Support Federal and State legislative efforts that promote water conservation.** Valley Water will continue to support federal and state efforts to increase water use efficiency, improve integration of water conservation in land use decision-making processes, and advocate for water conservation funding, pursuant to the Legislative Guiding Principles annually reviewed and adopted by the Board. The Board's annual review of the Legislative Guiding Principles will help ensure Valley Water remains a leader as water conservation practices and principles evolve into the future.

**Guiding Principle No. 7 – Support local policy efforts that promote water conservation.** Valley Water will continue to support local efforts to increase water conservation, pursuant to the Legislative Guiding Principles and by promoting adoption of more stringent water-use efficiency codes, such as those in the Model Water Efficient New Development Ordinance, which includes requirements for increased water conservation including infrastructure to allow for the use of alternative water sources and on-site reuse, ensuring water-wise features are included in new development, and advocating for retrofit of existing developments.

**Guiding Principle No. 8 – Coordinate with land-use agencies to promote water conservation.** Valley Water will coordinate with land-use agencies to help ensure water conservation is addressed in local ordinances, land-use planning, and general plans as a method of assessing adequate water supply.

**Guiding Principle No. 9 – Periodically reevaluate Valley Water’s long-term water conservation targets.** Valley Water will periodically reevaluate its long-term water conservation targets during each Water Supply Master Plan update cycle to ensure its conservation targets are appropriate and achievable.

**Guiding Principle No. 10 – Utilize data and studies to inform conservation programs and explore innovative technologies to ensure efficient water use.** Valley Water will use data and studies, including studies on approaches and best practices to 1) inform the development and targeting of conservation programs, and 2) evaluate, implement, and promote technologies that enable efficient water use and onsite re-use.

**Guiding Principle No. 11 – Promote equitable and affordable approaches to Water Conservation as a Way of Life.** Valley Water will ensure that water conservation opportunities, outreach, and education are available to all sectors of our community, including renters, seniors, United States veterans, and those from disadvantaged communities.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on June 13, 2023:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

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JOHN L. VARELA  
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors

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

**ORDINANCE NO. 23-**

**ADOPTING WATER CONSERVATION MEASURES IN SANTA CLARA COUNTY**

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

**SECTION 1: PURPOSE**

- 1.1 The purpose of this ordinance is to establish mandatory enforcement measures as part of a water conversation program. To ensure the Santa Clara Valley Water District (Valley Water) continues providing a safe, reliable water supply, the measures in this water conservation enforcement program are intended to promote the efficient use of water and prevent its waste to ensure sufficient and reasonable availability for any present or future beneficial use or uses in Santa Clara County.
- 1.2 This ordinance replaces and rescinds Amended Ordinance 22-20, which contains water use prohibitions previously adopted by Valley Water's Board of Directors (Board).
- 1.3 Valley Water adopts this ordinance pursuant to the authorities granted to it by the California Water Code Section 375 et seq. and the Santa Clara Valley Water District Act (California Water Code Appendix, Chapter 60).

**SECTION 2: DEFINITIONS**

- 2.1 "Turf" means a ground cover surface of non-native, ornamental grass, or a ground cover surface of mowable grass.
- 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.
- 2.6 "Mandatory Water Use Reduction" refers to a call made by Valley Water's Board for required water use reduction in Santa Clara County. These calls are typically made during times of drought and/or water shortage.

**SECTION 3: WATER WASTE PROHIBITIONS**

- 3.1 All Property Owners in Santa Clara County who receive some or all of their potable water supplied or managed by Valley Water either directly or indirectly by a Water Retailer shall not do any of the following:
- (a) Apply potable water to any outdoor landscape between the hours of 9:00 AM and 6:00 PM through overhead irrigation.
  - (b) 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.
  - (c) Apply potable water to any outdoor landscape during and within 48 hours after measurable daily rainfall of at least one-fourth of 1 inch (0.25 inches) of rain. In determining whether measurable daily rainfall of at least one-fourth of 1 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 (<https://valleywateralert.org/scvwd/pgi.php>).
  - (d) Apply potable water to Non-Functional Turf at commercial, industrial, and institutional sites, including common areas of homeowner's associations.
  - (e) Use potable water for washing vehicles except by hand-washing without a hose, using a hand-held hose equipped with an automatic shut off nozzle, or using a commercial car washing facility that utilizes recycled water or a re-circulating water system to capture or reuse water.
  - (f) Use potable water for washing building exteriors and mobile homes except by using a hose equipped with an automatic shutoff nozzle.
  - (g) Use potable water for washing sidewalks, walkways, driveways, patios, parking lots, or other hard-surfaced, non-porous ground areas except in cases where health and safety are at risk. Power washing of sidewalks or other outdoor surfaces for health and safety reasons is not considered a violation of this provision.
  - (h) Use potable water through any broken or defective plumbing fixture, sprinkler, watering, or irrigation system on the Property Owner's premises when Valley Water or the retailer has notified the customer in writing to repair the broken or defective plumbing fixture, sprinkler, watering, or irrigation system.
- 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 DURING PERIODS WHEN VALLEY WATER'S BOARD OF DIRECTORS HAS NOT CALLED FOR MANDATORY WATER USE REDUCTION**

- 4.1 During periods when Valley Water's Board has not called for mandatory water use reduction in Santa Clara County, Valley Water will use an educational-based enforcement approach to discourage water waste.
- 4.2 If Valley Water receives a complaint that a Property Owner has violated any of the restrictions set forth in Subsection 3.1, Valley Water will provide that Property Owner with notice of the complaint along with educational information about program offerings that could help resolve the alleged violation(s). In addition, Valley Water will notify the Property Owner's Water Retailer of each complaint.

Repeat complaints of a violation of water waste prohibitions in Subsection 3.1 are considered those submitted to Valley Water for the same property following fourteen (14) calendar days and within twelve (12) calendar months of the initial complaint. After the second repeat complaint, Valley Water will forward any subsequent repeat complaint to the Property Owner's Water Retailer for enforcement action.

**SECTION 5: ENFORCEMENT DURING PERIODS WHEN VALLEY WATER'S BOARD OF DIRECTORS HAS CALLED FOR MANDATORY WATER USE REDUCTION**

- 5.1 The enforcement procedures described in Subsections 5.2 and 5.3 of this ordinance shall apply only during periods when Valley Water's Board has called for a mandatory water use reduction in Santa Clara County.
- 5.2 Reports of water waste will be made through complaints by the public to Valley Water. For Property Owners who receive all or some of their potable water supplied or managed by Valley Water either directly or indirectly by a Water Retailer, steps in Subsection 5.2 and 5.3 of this ordinance 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 of the steps described in Subsection 5.2 (a), (b), or (c). While the Water Retailer pursues its enforcement process, Valley Water will not conduct any of the steps in Valley Water's enforcement process.

(a) Notice of Report of Violation

If a report of a violation of 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 and the property's Water Retailer will be notified. A Notice of Report of Violation will contain information on how to correct the violation(s) and a warning that Valley Water or the Water Retailer may conduct enforcement action for uncorrected violations.

(b) Notice of Second Report of Violation

If a second report of a violation of 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 will send the Property Owner a Notice of

Second Report of Violation and the property's Water Retailer will be notified. The Notice of Second Report of Violation will contain information on how to correct the violation(s), and a warning that Valley Water or the Water Retailer may conduct enforcement action for uncorrected violations.

(c) Notice of Third Report of Violation

If a third report of a violation of 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 and refer the report to the Water Retailer to initiate its own enforcement process. The Notice of Third Report of Violation will contain information on how to correct the violation(s) and a warning that Valley Water or the Water Retailer may conduct enforcement action for uncorrected violations.

- 5.3 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 of enforcement described in Subsection 5.2 (a) – (c) above and the steps of enforcement described in Subsection 5.3 (a) – (b) below:

(a) 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 fine(s) for uncorrected violation(s).

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.

(b) 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 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 shall be subject to an additional administrative fine of up to five hundred dollars (\$500) for each additional day that the violation continues.

**SECTION 6: HEARING**

- 6.1 A Property Owner subject to an administrative fine under Subsection 5.3 above 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, Santa Clara Valley Water District, San José, CA 95118-3686. For purposes of this Section 6, 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) Valley Water's 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 6 shall be deemed final.

**SECTION 7: 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 June 13, 2023.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on June 13, 2023:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: \_\_\_\_\_  
JOHN L. VARELA  
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors

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

**RESOLUTION NO. 23-**

**CALLING FOR WATER CONSERVATION AS A WAY OF LIFE IN SANTA CLARA COUNTY**

WHEREAS, locally and across California, severely dry conditions resulted in a historic multi-year drought beginning in 2020; and

WHEREAS, on June 9, 2021, the Board of Directors (Board) of the Santa Clara Valley District (Valley Water) adopted Resolution 21-68 in response to drought, which declared a water shortage emergency condition pursuant to California Water Code §350 and called for mandatory water use reduction of 15 percent as compared to 2019 water use; and

WHEREAS, as of March 16, 2023, Santa Clara County is no longer in drought conditions according to the U.S. Drought Monitor, and Valley Water's local and imported water supplies are above average in 2023; and

WHEREAS, on April 11, ~~2021, Valley Water's 2023, the~~ Board adopted Resolution 23-24 ~~rescinding Resolution 22-20 that amended and restated Resolution, which rescinded Resolutions~~ 21-68 ~~declaring a water shortage emergency condition and calling for a mandatory water use reduction, and 22-20~~ and called for voluntary ~~45 percent~~ water conservation ~~(of 15 percent~~ as compared to 2019 water use); ~~;~~ and

WHEREAS, continuing the progress and momentum of community water use reductions and water use efficiency to make water conservation a way of life will improve long-term water supply reliability and help maintain groundwater levels in Santa Clara County; and

WHEREAS, increasing long-term water conservation efforts is critical to Santa Clara County's resilience to droughts, which are a reoccurring phenomenon for the county and state, and which may be intensified with climate change; and

WHEREAS, through its current Ends Policy E-2.4, the Board established a water supply policy to increase regional self-reliance through water conservation by focusing Valley Water's efforts on maximizing utilization of all demand management tools, and incentivizing water conservation and water use efficiency; and

WHEREAS, the State of California is developing a regulatory framework for Making Water Conservation a California Way of Life, and Valley Water will align with this effort as appropriate; and

WHEREAS, by making small changes in daily habits, residents and businesses in our county can make a big difference in ensuring sufficient water for current and future generations; and

WHEREAS, ~~in addition to short-term drought savings, Valley Water's Water has been and continues to be a leader in water conservation by short-term savings during drought years as well as innovative, comprehensive~~ programs currently ~~resulting~~ resulting in the conservation permanent countywide savings of more than 80,000 acre-feet per year ~~through permanent changes to increase water use efficiency county-wide~~; and

WHEREAS, Valley Water's Water Conservation Strategic Plan determined that Valley Water's conservation programs comprehensively address all sectors of the community and there remains a significant potential to further increase conservation, particularly from the multifamily residential, commercial, industrial, and institutional sectors, and that prioritizing outdoor water conservation has the greatest potential for significant, long-term water savings; and

WHEREAS, Valley Water's Agricultural Baseline Study determined growers in Santa Clara County to be highly efficient and Valley Water should continue promoting and enhancing its water conservation programs and services for growers, including the Agricultural Mobile Irrigation Lab; and

WHEREAS, the Water Supply Master Plan includes long-term water conservation targets for saving 99,000 acre-feet of water per year by 2030, and 109,000 acre-feet by 2040.

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

- ~~1. Commends the Santa Clara County community for its efforts to reduce water use and calls on the community to make water conservation a way of life in Santa Clara County in order to meet Valley Water's 15 percent voluntary water conservation goal (compared to 2019 water use); and~~
- ~~1. Determines that the Santa Clara Valley Water District hereby declares~~Commits Valley Water to being a leader in the effort to make water conservation a way of life in Santa Clara County to ensure a sustainable water future for our communities. Making water conservation a way of life means adopting and supporting permanent changes that reduce water use and implementing best practices developed by Valley Water through the Water Conservation Strategic Plan as well as by other organizations. This requires a commitment from all sectors of our community to make and support permanent changes that ensure water is not wasted and is used efficiently. Water conservation tools should be accessible to all sectors of the community through an equitable, collaborative and inclusive approach. Disadvantaged communities in particular face disproportionate water challenges and economic stresses, and Valley Water commits to ensuring those communities are aware of and have access to Valley Water's water conservation programs. Making water conservation a way of life is critical to the long-term economic and environmental sustainability of Santa Clara County, which is prone to multi-year droughts and resulting water shortages. Valley Water commends the Santa Clara County community for its efforts thus far to reduce water use and seeks to engrain the behavioral changes associated with those efforts by the residents, businesses, organizations, institutions, and farmers in our community to help ensure sustainable water supplies in the face of climate change. Valley Water will ensure adequate funding and resources for water conservation efforts and aggressively pursue funding from external sources. In order to make the foregoing vision a reality, the Board adopts the Long-Term Water Conservation as a Way of Life Guiding Principles set forth in Section 2 below.
2. Declares that water conservation must be a way of life in Santa Clara County and to that end, adopts the Long-Term Water Conservation as a Way of Life Guiding Principles, as shown below. ~~By making small changes in daily water use habits, residents, businesses,~~

~~and institutions in our community can adopt Water Conservation as a Way of Life, which is using water efficiently and wisely. These guiding principles are intended to guide Valley Water staff's efforts towards making water conservation a way of life in Santa Clara County.~~ By adhering to the following guiding principles, Valley Water seeks to lead our community's efforts for promoting long-term water conservation.

**Guiding Principle No. 1 – Make it easier for all members of our community, including disadvantaged community members, to conserve water.** Valley Water provides water conservation programs, resources, and services to all sectors of our community for both indoor and outdoor conservation and water-efficient landscape practices. Programs will or may include landscape and stormwater rebate programs, graywater programs, water waste enforcement, water surveys and audits, landscape water budgets, water-saving devices, and reports on water use for single and multi-family residences and the commercial, industrial, and institutional (CII) sector; and water-efficient technologies for the CII sector. Valley Water is committed to strategic continuous improvement of its water conservation program offerings through a data-informed approach and through benchmarking with other agencies.

**Guiding Principle No. 2 – Partner with outside organizations to promote Water Conservation as a Way of Life.** Valley Water will partner with water retailers, the County, cities, schools, businesses, non-profit organizations, and other organizations to promote Water Conservation as a Way of Life; provide a uniform message to our community; and ensure multiple resources are leveraged. Valley Water will work with our partners on uniform permanent restrictions to ensure water is used efficiently and is not wasted.

**Guiding Principle No. 3 – Educate the community about the importance of water conservation.** Valley Water will continue its multilingual educational efforts on water conservation, including year-round promotion and messaging of its indoor and outdoor water conservation programs and water conservation habits, tips, and practices; ensuring our providing the community has with relevant data about their water use through reports on water use and advanced metering infrastructure; providing water waste education and enforcement; ~~and, including water~~ educational programs for schools.

**Guiding Principle No. 4 – Work with the local commercial, industrial, and institutional (CII) community to ensure efficient water use.** Promote programs targeted towards the CII sector and assist small and large businesses in adopting water-efficient technologies and landscapes.

**Guiding Principle No. 5 – Work with the local agricultural community to ensure efficient irrigation of crops.** Valley Water will continue targeted water conservation services geared towards the agricultural community, such as irrigation scheduling assistance and water auditing. We will continue to collaborate with the Santa Clara County Farm Bureau and Agricultural Water Advisory Committee to ensure efficient irrigation practices in our community.

**Guiding Principle No. 6 – Support Federal and State ~~and local~~ legislative and ~~policy~~ efforts that promote water conservation.** Valley Water will continue to support

federal, and state, ~~and local~~ efforts to increase water use efficiency, improve integration of water conservation in land use decision-making processes, and advocate for water conservation funding, pursuant to the Legislative Guiding Principles annually reviewed and adopted by the Board. The Board's annual review of the Legislative Guiding Principles will help ensure Valley Water remains a ~~leading advocate~~leader as water conservation practices and ~~water use efficiency principles~~ evolve ~~in~~into the future.

**Guiding Principle No. 7 – Support local policy efforts that promote water conservation.** Valley Water will continue to support local efforts to increase water conservation, pursuant to the Legislative Guiding Principles and by promoting adoption of more stringent water-use efficiency codes, such as those in the Model Water Efficient New Development Ordinance, which includes requirements for increased water conservation including infrastructure to allow for the use of alternative water sources and on-site reuse, ensuring water-wise features are included in new development, and advocating for retrofit of existing developments.

**Guiding Principle No. 8 – Coordinate with land-use agencies to promote water conservation.** Valley Water will coordinate with land-use agencies to ~~promote~~help ensure water conservation ~~and water use efficiency is addressed~~ in local ordinances, land-use planning, and general plans as a method of assessing adequate water supply.

**Guiding Principle No. 89 – Periodically reevaluate Valley Water's long-term water conservation targets.** Valley Water will periodically reevaluate its long-term water conservation targets during each Water Supply Master Plan update cycle to ensure its conservation targets are appropriate and achievable.

**Guiding Principle No. 910 – Utilize data and studies to inform conservation programs and explore innovative technologies to ensure efficient water use.** Valley Water will use ~~available~~ data and studies ~~to, including studies on approaches and best practices to 1)~~ inform the development and targeting of conservation programs, and ~~to 2)~~ evaluate ~~and~~ implement, and promote technologies that enable efficient water use and onsite re-use.

**Guiding Principle No. 4011 – Promote equitable and affordable approaches to Water Conservation as a Way of Life.** Valley Water will ensure that water conservation opportunities, outreach, and education are available to all sectors of our community, including renters, seniors, United States veterans, and those from disadvantaged communities.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on June 13, 2023:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

RL15022

Attachment 3

Page 4 of 5



SANTA CLARA VALLEY WATER DISTRICT

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JOHN L. VARELA  
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors

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

**ORDINANCE NO. 23-**

**ADOPTING WATER CONSERVATION MEASURES IN SANTA CLARA COUNTY**

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

**SECTION 1: PURPOSE**

- 1.1 The purpose of this ordinance is to establish mandatory enforcement measures as part of a water conversation program. To ensure the Santa Clara Valley Water District (Valley Water) continues providing a safe, reliable water supply, the measures in this water conservation enforcement program are intended to promote the efficient use of water and prevent its waste to ensure sufficient and reasonable availability for any present or future beneficial use or uses in Santa Clara County.
- 1.2 This ordinance replaces and rescinds Amended Ordinance 22-20, which contains water use prohibitions previously adopted by Valley Water's Board of Directors (Board).
- 1.3 Valley Water adopts this ordinance pursuant to the authorities granted to it by the California Water Code Section 375 et seq. and the Santa Clara Valley Water District Act (California Water Code Appendix, Chapter 60).

**SECTION 2: DEFINITIONS**

- 2.1 "Turf" means a ground cover surface of non-native, ornamental grass, or a ground cover surface of mowable grass.
- 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.
- 2.6 "Mandatory Water Use Reduction" refers to a call made by Valley Water's Board for required water use reduction in Santa Clara County. These calls are typically made during times of drought and/or water shortage.

**SECTION 3: WATER WASTE PROHIBITIONS**

- 3.1 All Property Owners in Santa Clara County who receive some or all of their potable water supplied or managed by Valley Water either directly or indirectly by a Water Retailer shall not do any of the following:
- (a) Apply potable water to any outdoor landscape between the hours of 9:00 AM and 6:00 PM through overhead irrigation.
  - (b) 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.
  - (c) Apply potable water to any outdoor landscape during and within 48 hours after measurable daily rainfall of at least one-fourth of 1 inch (0.25 inches) of rain. In determining whether measurable daily rainfall of at least one-fourth of 1 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 (<https://valleywateralert.org/scvwd/pgi.php>).
  - (d) Apply potable water to Non-Functional Turf at commercial, industrial, and institutional sites, including ~~front yards and~~ common areas of homeowner's associations.
  - (e) Use potable water for washing vehicles except by hand-washing without a hose, using a hand-held hose equipped with an automatic shut off nozzle, or using a commercial car washing facility that utilizes recycled water or a re-circulating water system to capture or reuse water.
  - (f) Use potable water for washing building exteriors and mobile homes except by using a hose equipped with an automatic shutoff nozzle.
  - (g) Use potable water for washing sidewalks, walkways, driveways, patios, parking lots, or other hard-surfaced, non-porous ground areas except in cases where health and safety are at risk. Power washing of sidewalks or other outdoor surfaces for health and safety reasons is not considered a violation of this provision.
  - (h) Use potable water through any broken or defective plumbing fixture, sprinkler, watering, or irrigation system on the Property Owner's premises when Valley Water or the retailer has notified the customer in writing to repair the broken or defective plumbing fixture, sprinkler, watering, or irrigation system.
- 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 DURING PERIODS WHEN VALLEY WATER'S BOARD OF DIRECTORS HAS NOT CALLED FOR MANDATORY WATER USE REDUCTION**

- 4.1 During periods when Valley Water's Board has not called for mandatory water use reduction in Santa Clara County, Valley Water will use an educational-based enforcement approach to discourage water waste.
- 4.2 If Valley Water receives a complaint that a Property Owner has violated any of the restrictions set forth in Subsection 3.1, Valley Water will provide that Property Owner with notice of the complaint along with educational information about program offerings that could help resolve the alleged violation(s). In addition, Valley Water will notify the Property Owner's Water Retailer of each complaint.

Repeat complaints of a violation of water waste prohibitions in Subsection 3.1 are considered those submitted to Valley Water for the same property following fourteen (14) calendar days and within twelve (12) calendar months of the initial complaint. After the second repeat complaint, Valley Water will forward any subsequent repeat complaint to the Property Owner's Water Retailer for enforcement action.

#### **SECTION 5: ENFORCEMENT DURING PERIODS WHEN VALLEY WATER'S BOARD OF DIRECTORS HAS CALLED FOR MANDATORY WATER USE REDUCTION**

- 5.1 The enforcement procedures described in Subsections 5.2 and 5.3 of this ordinance shall apply only during periods when Valley Water's Board has called for a mandatory water use reduction in Santa Clara County.
- 5.2 Reports of water waste will be made through complaints by the public to Valley Water. For Property Owners who receive all or some of their potable water supplied or managed by Valley Water either directly or indirectly by a Water Retailer, steps in Subsection 5.2 and 5.3 of this ordinance 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 of the steps described in Subsection 5.2 (a), (b), or (c). While the Water Retailer pursues its enforcement process, Valley Water will not conduct any of the steps in Valley Water's enforcement process.

(a) Notice of Report of Violation

If a report of a violation of 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 and the property's Water Retailer will be notified. A Notice of Report of Violation will contain information on how to correct the violation(s) and a warning that Valley Water or the Water Retailer may conduct enforcement action for uncorrected violations.

(b) Notice of Second Report of Violation

If a second report of a violation of 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 will send the Property Owner a Notice of Second Report of Violation and the property's Water Retailer will be notified. The Notice of Second Report of Violation will contain information on how to correct the violation(s), and a warning that Valley Water or the Water Retailer may conduct enforcement action for uncorrected violations.

(c) Notice of Third Report of Violation

If a third report of a violation of 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 and refer the report to the Water Retailer to initiate its own enforcement process. The Notice of Third Report of Violation will contain information on how to correct the violation(s) and a warning that Valley Water or the Water Retailer may conduct enforcement action for uncorrected violations.

- 5.3 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 of enforcement described in Subsection 5.2 (a) – (c) above and the steps of enforcement described in Subsection 5.3 (a) – (b) below:

(a) 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 fine(s) for uncorrected violation(s).

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.

(b) 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 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 shall be subject to an additional administrative fine of up to five hundred dollars (\$500) for each additional day that the violation continues.

## **SECTION 6: HEARING**

- 6.1 A Property Owner subject to an administrative fine under Subsection 5.3 above 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, Santa Clara Valley Water District, San José, CA 95118-3686. For purposes of this Section 6, 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) Valley Water's 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 6 shall be deemed final.

## **SECTION 7: 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 June 13, 2023.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on June 13, 2023:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: \_\_\_\_\_  
JOHN L. VARELA  
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors



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