

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF BOARD GOVERNED COUNTY SERVICE AREAS
AND RECORD OF ACTION**

June 28, 2022

FROM

BRENDON BIGGS, Director, Department of Public Works – Special Districts

SUBJECT

Resolution to Declare Drought Stage Level 2 in County Service Areas

RECOMMENDATION(S)

Acting as the governing body of the Board Governed County Service Areas and their Zones providing water service, adopt resolution declaring Water Conservation Stage 2 - Drought Alert according to the Water Conservation Program Ordinance No. SD 15-04 and authorizing the Director or Assistant Director of the Department of Public Works to take any or all actions authorized for Conservation Stage 2 – Drought Alert.

(Presenter: Brendon Biggs, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.
Provide for the Safety, Health and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works – Special Districts, Water and Sanitation Division, will track revenues and expenditures related to this declaration and recommend budget adjustments in a future Mid-Year Budget Report, if needed. Revenue from fines and penalties collected shall be used to offset costs from any State-imposed fines and penalties, water conservation education, and drought response programs.

BACKGROUND INFORMATION

On April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor Gavin Newsom proclaimed states of emergency across all the counties of California due to extreme and expanding drought conditions. On March 28, 2022, the Governor issued Executive Order N-7-22 proclaiming that the state of emergency continues to exist.

The ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies that rely on ground water and stream flows. The Governor has requested immediate voluntary actions from Californians to reduce the water use by 15% from their 2020 water use levels. On May 24, 2022, following the Governor’s direction, the State Water Resource Control Board (SWRCB) adopted an emergency regulation ([Resolution No. 2022-0018](#)), which ~~became in effect~~ effective on June 10, 2022, that included the following requirements:

- Commercial, industrial, and institutional decorative grass should not be watered.
- Provide trees with only the water they need, avoid overwatering.
- Follow the local requirements of your water supplier.
- All urban water suppliers should implement all Level 2 demand reduction actions by June 10, 2022.

~~On June 23, 2015 (Item No. 106), the Board of Supervisors adopted Ordinance No. SD 15-04 establishing a water conservation program for all County Service Areas providing water service. The San Bernardino County Department of Public Works – Special Districts (Department) recommends entering into Ordinance No. SD 15-04 Conservation Stage 2 – Drought Alert that will allow the Department to request water conservation up to no more than forty percent (40%) from a comparative year designated by the Board of Supervisors or as otherwise mandated by the state.~~

~~The Department of Public Works – Special Districts (Department) has two urban water systems that will be affected by this regulation, County Service Area (CSA) 64 Spring Valley Lake and CSA 70 J – Oak Hills. Based on the requirement of the regulation, the Department recommends entering Conservation Stage 2 – “Drought Alert”, which complies with the SWRCB Level 2 regulation. Authority to implement these water restrictions is based on Ordinance No. SD 15-04, adopted by the Board of Supervisors (Board) on June 23, 2015 (Item No. 106), establishing a water conservation program for all CSAs providing water service. The smaller CSA water systems which include those within CSA 70 countywide will not be affected; however, should the SWRCB mandate conservation for all water systems (regardless of size), the Stage 2 declaration can be enforced on all the CSA water systems with this Board action. The Department will be targeting a 10% to 20% water conservation goal from 2020 levels under Conservation Stage 2 – Drought Alert for the urban water systems to comply with SWRCB Resolution No 2022-0018 adopting an emergency regulation to reduce water demand and improve water conservation. Urban water systems that will be affected are County Service Area (CSA) 64 Spring Valley Lake and CSA 70 J – Oak Hills. The smaller (non-urban) CSA water systems will not be affected as the SWRCB mandates conservation only to urban water systems. Pursuant to Ordinance SD 15-04, the Conservation Stage 2 – Drought Alert includes CSA 70 Countywide. Should the SWRCB mandate conservation for all water systems, regardless of size, then this declaration will be enforced on all the CSA water systems.~~

In accordance with Ordinance No. SD 15-04, declaring the Conservation Stage 2 – “Drought Alert” will require all customers of the impacted CSA’s to comply with the following mandates, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

1. Watering, sprinkling, aerial watering or irrigating of any landscaped or vegetated areas, including lawns, trees, shrubs, grass, ground cover, plants, vine gardens, vegetables, flowers, or other landscaping shall only occur between the hours of 9:00 p.m. and 6:00 a.m. during the high use season (April 1 through October 31 of each year). In the low use season (November 1 through March 31), such watering shall only occur between the hours of 8:00 a.m. and 3:00 p.m. Commercial and industrial use shall only occur between the hours of 9:00 p.m. and 6:00 a.m. year-round. These restrictions shall not apply to hand-held hose or drip irrigation systems.
2. Use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use is prohibited.
3. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited.
4. There shall be no hose washing of sidewalks, walkways, driveways, parking areas, patios, porches, verandas, tennis courts, or other paved, concrete, or other hard surface areas.
5. Potable water shall not be used in fountains or other decorative water features, except where the water is a part of a recirculating system.

6. No person shall permit water to leak from any facility or plumbing fixture on his/her premises. Upon receiving notice of the existence of any such leak, the water customer shall identify the source of the water, and within 48 hours, stop the source by turning off the valve that supplies the water, and within 7 days, evaluate the extent of and repair or correct the problem. Broken sprinklers shall be repaired within 24 hours of notification.
7. Use of water for any purpose which results in flooding or run-off, such that water flows onto adjacent property, non-irrigated areas, private and public walkways, parking lots, structures, in gutters, driveways or streets, is prohibited. Sprinklers and irrigation systems shall be adjusted to avoid overspray. Customers shall avoid the use of sprinklers for any type of irrigation during high winds.
8. There shall be no irrigation with potable water of ornamental turf on public street medians.
9. Water for construction purposes, including but not limited to debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses, shall use recycled or non-potable water when available and water application must be attended at all times.
10. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars or other public places where food and drink are served and/or purchased is prohibited.
11. Hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. Hotels and motels shall prominently display notice of this option in each guestroom using clear and easily understood language.
12. Water used for cooling systems must be recycled to the maximum extent possible.
13. Evaporation resistant covers are encouraged for all swimming pools and hot tubs.
14. Customers are strongly encouraged to convert lawns to drought tolerant, low water use or native plants, incorporating the principals of Xeriscaping.
15. Winterizing pipes and valves to prevent leaks and breakage is strongly encouraged.
16. Home Owner Associations (HOAs) are strongly encouraged to adopt and enforce water use restrictions in their rules and regulations.
17. Customer restrictions will include compliance with all Conservation Stage 2 measures.
18. Outdoor irrigation shall be limited to 3-days or 2-days per week, with specific days of the week to be designated by the Director.

The Department will be sending out notifications by mail and publishing notice on the Department website declaring a Conservation Stage 2 – “Drought Alert” along with the requirements of the conservation stage. The Department will utilize staff to monitor the above stated requirements. Education and outreach will be the primary and first-line enforcement mechanism. In accordance with drought Ordinance No. SD 15-04, violation notices that include first, second, third, fourth, and fifth violations may be issued, and fines may also be charged for violations of the ordinance. The Department is also developing an online “Water Conservation Education Course” that customers can opt to take in lieu of certain fines. The Department is planning to implement the Water Conservation Education Course by the end of summer, which will be accessible on the Department website.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on June 8, 2022; Finance (Tom Forster, Administrative Analyst, 387-4635) on June 9, 2022; and

County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 13, 2022.