



AGENDA REPORT

Meeting Date: September 2, 2014

Item Number: F-2

To: Honorable Mayor & City Council

From: Trish Rhay, Assistant Director of Public Works Services
Michelle Tse, Senior Management Analyst

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
DECLARING AND IMPLEMENTING STAGE "B" WATER
CONSERVATION MEASURES

Attachments:

1. State of California Notice of Approval of Emergency Regulatory Action
2. California Water Board Media Release dated July 15, 2014
3. City Emergency Water Conservation Plan
4. Citywide Watering Schedule
5. Stage B Water Conservation Appeals Process
6. Resolution

RECOMMENDATION

The Public Works Commission is recommending the City Council adopt RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DECLARING AND IMPLEMENTING STAGE "B" WATER CONSERVATION MEASURES.

INTRODUCTION

On July 28th, 2014, the emergency regulations issued by the State of California Department of Water Resources went into effect that strengthens the voluntary water conservation efforts called for by Governor Brown earlier this year. The State conservation efforts target outdoor water use. Some of the State regulations are as follows:

- Restrict outdoor watering
- Prohibit washing down of driveways and sidewalks
- Prohibit watering of outdoor landscapes that cause excess runoff
- Use a shut-off nozzle when washing vehicles
- Prohibit use of potable water in a fountain or decorative water feature, unless the water is recirculated

A copy of the State of California Notice of Approval of Emergency Regulatory Action is attached for reference. The State conservation measures are currently in effect until April 25, 2015 unless further extended. In addition, the regulations direct each water purveyor to implement their emergency conservation plans to the level needed to require outdoor water restrictions.

During the July 29, 2014 City Council meeting discussion about water rates, staff committed to work with the Public Works Commission ("Commission") to clearly define the requirements of the State water conservation regulations, evaluate the revenue impacts, and develop a Water Conservation Plan recommendation for City Council's consideration.

DISCUSSION

The Public Works Commission, at their August 13, 2014 meeting, discussed the City's water conservation efforts, and is recommending that the City Council implement a water conservation program (imposing Stage B) similar to what was previously adopted in 2009, with some addendums. The Commission's recommended addendums are to include the State's regulations, calculate the customer's baseline usage based on last year's data, and reinstate the 2009 outdoor watering schedule and fines. Additionally, the appeals procedures previously used in 2009 would be in effect. This progressive approach, coupled with public education and outreach, aligns with the water conservation goals outlined in the City's Urban Water Management Plan, a planning document that incorporates the State requirement to reduce water use by 20% by the year 2020.

Furthermore, the Commission strongly urged that the City "lead by example" to meet the 20% goal by the end of the year. This can be achieved by adherence to the outdoor watering schedule, repair of building and irrigation leaks, and becoming more water efficient.

City staff has taken steps towards greater water efficiency by replacing worn irrigation components and mainlines, incorporating drip technology wherever possible, and use of drought tolerant plants in city landscapes. Examples include using a drip water system for landscaping at City Hall, library, and the Roxbury Community Center; completing replacement of leaking mainlines at Roxbury Park and scheduled mainline replacement at La Cienega Park; and incorporating drought tolerant plants at various city facilities. Staff will continue to assess and explore ways to further promote and improve its water conservation efforts.

By way of background, the Stage B water conservation program in 2009 consisted of a 10% reduction in potable water use; the baseline usage amount was calculated using data from years 2006-2009. Additionally, the water conservation program also sets forth penalty surcharge rates for exceeding certain water usage limits and established a citywide watering schedule. The emergency water conservation provisions of the City's municipal code and the citywide watering schedule are attached to this report as reference.

In order to meet the requirements of the State Water Boards regulations, the City's Stage B water conservation program must be accompanied by restrictions on outdoor landscape. Several cities in California have implemented local measures in addition to the State's emergency regulations to conserve water.

The Public Works Commission is recommending a resolution to implement Stage B and other Commission recommendations for the City Council's consideration. The proposed effective date is October 2, 2014. During the interim, City staff will continue to conduct public outreach and education, which includes direct mailers to customers, developing an educational video, social media outreach, posting information on the City website, and presenting information to community groups.

The City currently has several programs in place that already support the State's emergency declaration. A brief summary of the programs include the following:

- System Water Audits and Leak Detection Program
- Outdoor Water Schedule
- Smart Infrastructure – Water Tracker/Triton
- Partnership with Metropolitan Water District's (MWD) Indoor and outdoor Rebate Programs
- Adoption Smart Landscape Irrigation
- Public Outreach and Education

The Public Works Commission will continue to explore other possible conservation approaches, such as a tiered rate system in lieu of the penalty surcharge structure, which may be recommended to the City Council in the future if the City does not meet its conservation target.

FISCAL IMPACT

A 10% reduction with no penalty surcharge for excessive potable water use would negatively impact the City's water revenues. As part of the Stage "B" conservation program, however, customers who use water in excess of 90% of the baseline year amount will be assessed a water penalty surcharge of up to two (2) times their base water rate. Essentially, the revenue loss is expected to be slightly offset by the penalty surcharges from customers who do not comply.

 FOR GEORGE
George Chavez CHAVEZ

Approved By

Attachment 1

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 863, 864, 865

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL File No. 2014-0718-01 E

The State Water Resources Control Board (Board) submitted this emergency action to adopt three sections and a new article in title 23 of the California Code of Regulations pertaining to drought emergency water conservation. The proposed action addresses severe impacts on California's water supplies and its ability to meet all water demands in the state due to the current drought, which was declared to be a state of emergency by Governor Brown in two executive orders issued in 2014. The second executive order, issued April 25, 2014, directed the Board to adopt emergency regulations, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 7/28/2014 and, pursuant to section 1058.5 of the Water Code, will expire on 4/25/2015. The Certificate of Compliance for this action is due no later than 4/24/2015.

Date: 7/28/2014



Richard L. Smith
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Carlos Mejia

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2014-0718-01E
------------------	---------------------------------	--------------------------	--

ENDORSED FILED
 THE OFFICE OF

For use by Office of Administrative Law (OAL) only

2014 JUL 18 PM 12:09

OFFICE OF ADMINISTRATIVE LAW

NOTICE REGULATIONS

2014 JUL 28 PM 1:30

Debra Bowen
 DEBRA BOWEN
 SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
 State Water Resources Control Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Drought Emergency Water Conservation	TITLE(S) 23	FIRST SECTION AFFECTED 863	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Carlos Mejia	TELEPHONE NUMBER (916) 341-5184	FAX NUMBER (Optional) (916) 341-5199
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Drought Emergency Water Conservation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 863, 864, 865
	AMEND
TITLE(S) 23 via 7/18/14	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only per agency request R
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Emergency (Wat. Code, §1058.5)</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
---	---	--	--

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) <u>request RS</u>		

7. CONTACT PERSON Carlos Mejia	TELEPHONE NUMBER (916) 341-5184	FAX NUMBER (Optional) (916) 341-5199	E-MAIL ADDRESS (Optional) carlos.mejia@waterboards.ca.gov
-----------------------------------	------------------------------------	---	--

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Caren Trgovcich</i>	DATE 7-17-2014
TYPED NAME AND TITLE OF SIGNATORY Caren Trgovcich, Chief Deputy Director, State Water Resources Control Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 28 2014

Office of Administrative Law

PROPOSED TEXT OF EMERGENCY REGULATIONS

Article 22.5. Drought Emergency Water Conservation.

Section 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104 and 105, Water Code.

Section 864. Prohibited Activities in Promotion of Water Conservation.

(a) To promote water conservation, each of the following actions is prohibited, 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) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The 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;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104 and 105, Water Code.

Section 865. Mandatory Actions by Water Suppliers.

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to

PROPOSED TEXT OF EMERGENCY REGULATIONS

suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104, 105, 350, 10617 and 10632, Water Code.

Attachment 2



Media Release

State Water Board Approves Emergency Regulation to Ensure Agencies and State Residents Increase Water Conservation

**For Immediate Release
July 15, 2014**

**Contact: George Kostyrko
(916) 341-7365**

In response to the ongoing severe drought, on Tuesday the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers and state residents increase water conservation in urban settings or face possible fines or other enforcement.

The new conservation regulation is intended to reduce outdoor urban water use. The regulation, adopted by the State Water Board, mandates minimum actions to conserve water supplies both for this year and into 2015. Most Californians use more water outdoors than indoors. In some areas, 50 percent or more of daily water use is for lawns and outdoor landscaping.

Many communities and water suppliers have taken bold steps over the years and in this year to reduce water use; however, many have not and much more can and should be done statewide to extend diminishing water supplies.

With this regulation, all Californians will be expected to stop: washing down driveways and sidewalks; watering of outdoor landscapes that cause excess runoff; using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle, and using potable water in a fountain or decorative water feature, unless the water is recirculated. The regulation makes an exception for health and safety circumstances.

Larger water suppliers will be required to activate their Water Shortage Contingency Plan to a level where outdoor irrigation restrictions are mandatory. In communities where no water shortage contingency plan exists, the regulation requires that water suppliers either limit outdoor irrigation to twice a week or implement other comparable conservation actions. Finally, large water suppliers must report water use on a monthly basis to track progress.

Local agencies could ask courts to fine water users up to \$500 a day for failure to implement conservation requirements in addition to their existing authorities and processes. The State Water Board could initiate enforcement actions against water agencies that don't comply with the new regulations. Failure to comply with a State Water Board enforcement order by water agencies is subject to up to a \$10,000 a day penalty.

"We are facing the worst drought impact that we or our grandparents have ever seen," said State Water Board Chair Felicia Marcus. "And, more important, we have no idea when it will end. This



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
1001 I Street, Sacramento, CA 95814 • 916-341-5254 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • www.waterboards.ca.gov





Media Release

drought's impacts are being felt by communities all over California. Fields are fallowed; communities are running out of water, fish and wildlife will be devastated. The least that urban Californians can do is to not waste water on outdoor uses. It is in their self-interest to conserve more, now, to avoid far more harsh restrictions, if the drought lasts into the future. These regulations are meant to spark awareness of the seriousness of the situation, and could be expanded if the drought wears on and people do not act.”

In addition to approving the emergency conservation regulation today, the State Water Board made a plea for water suppliers, communities and businesses to do even more. For example, water agencies are being asked to step up their programs to fix leaks and other sources of water loss, use more recycled water or captured stormwater, and find additional ways to incentivize demand reduction among their customers.

The new regulation was developed following two drought emergency declarations by Governor Brown. On January 17, Governor Edmund G. Brown Jr. issued a drought emergency proclamation following three dry or critically dry years in California.

The April 25 Executive Order issued by the Governor directs the State Water Board to adopt an emergency regulation as it deems necessary, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement conservation measures.

As drought conditions continue, the State Water Board may revisit this regulation and consider other measures to enhance conservation efforts throughout the state.

Following Board adoption, the regulation will likely go into effect on or about August 1, following submittal to the Office of Administrative Law. The emergency regulation remains in effect for 270 days, unless extended by the State Water Board due to ongoing drought conditions.

For more information on the proposals leading to this Board action, please visit the [Emergency Water Conservation website](#).

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste – visit [SaveOurH2O.org](#) to find out how everyone can do their part, and visit [Drought.CA.Gov](#) to learn more about how California is dealing with the effects of the drought.

Attachment 3

Article 3. Emergency Water Conservation Plan

9-4-301: AUTHORITY OF CITY MANAGER:

- A. The city manager is hereby authorized and directed to implement the applicable provisions of this article in order to protect the public health, safety, and welfare under the following conditions:
1. In the event of an unforeseeable disaster or water emergency such as an earthquake, reservoir failure or other major disruption in the water supply, the city manager is authorized to implement the emergency provisions of this article.
 2. In the event of a foreseeable water emergency, such as an extended drought, the city manager is authorized to implement the applicable provisions of this article, after holding a public hearing before the city council.
- B. The city manager is authorized to determine and declare that a water shortage emergency exists in any or all parts of the city of Beverly Hills and upon such determination, to promulgate such regulations, rules and conditions relative to the time of using water, the purpose or purposes for which it may be used and such other necessary limitations as will, in his or her opinion, relieve the water shortage in such part or parts of the city.
- C. The city council may review and affirm, reverse, or modify any determination made or regulations, rules or conditions promulgated by the city manager pursuant to this article.
- D. All references to the city manager in this article shall mean the city manager or his or her designee. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-302: GENERAL PROHIBITION; APPLICABILITY:

No person shall use or permit the use of water from the city for residential, commercial, industrial, governmental, or any other purposes in violation of any provision of this article or in an amount in excess of the use that is permitted by the water conservation stages defined below. The provisions of this article shall apply to all persons, customers and property

served by the city of Beverly Hills, public works department - utilities division wherever situated. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-303: DECLARATION OF WATER CONSERVATION STAGES:

- A. Water conservation stages shall be determined by the amount of water available or the potential for water interruption. The city manager shall monitor the supply and demand for water by customers. When the city manager finds that the guidelines for initiation of any stage, as set forth in this article, have been satisfied, he or she shall recommend to the city council that a resolution to declare the appropriate water conservation stage be adopted.

- B. The resolution by the city council implementing or terminating conservation stages shall be published at least once in a newspaper of general circulation within the city and posted in at least three (3) public places and shall continue to be posted until such time as the restrictions of each stage are repealed by resolution of the city council.

- C. Except as otherwise may be provided by this article or a resolution adopted by the city council, any prohibitions on the use of water shall become effective immediately upon publication in a newspaper of general circulation within the city. Except as otherwise may be provided by a resolution adopted by the city council, any provisions requiring a percentage reduction in the use of water shall become effective at the first full billing period commencing on or after the date of such publication. (Ord. 92-O-2129, eff. 4-2-1992)

9-4-304: REQUIREMENTS FOR WATER CONSERVATION STAGES:

- A. Stage A Requirements:
 - 1. A stage A shortage shall be declared when the city manager determines that a five percent (5%) reduction in potable water use is required.
 - 2. Stage A compliance shall consist of voluntary implementation of water conservation elements including, without limitation, reduced irrigation, no washdown of paved areas except to alleviate immediate fire or sanitation hazards, reduced operation of nonrecycling fountains, notification of hotel and restaurant patrons of water

conservation goals, serving of water at restaurants only upon request and use of reclaimed water for construction purposes.

B. Stage B Requirements:

1. A stage B shortage shall be declared when the city manager determines that a ten percent (10%) reduction in potable water use is required.
2. Stage B compliance elements shall include the following mandatory elements:
 - a. Restaurants shall serve water upon request only;
 - b. All public restrooms in the city and private bathrooms in hotels shall notify patrons and employees of water conservation goals;
 - c. Plumbing and irrigation leaks shall be repaired as soon as practicable. The city may issue notices to repair visible leaks;
 - d. Water usage shall be reduced to ninety percent (90%) of the baseline year amount as determined by the city manager.
3. A water penalty surcharge of up to two (2) times the basic water rate shall be charged for water usage in excess of ninety percent (90%) of the baseline year amount as determined by the city manager.
4. Violation by any person of the stage B mandatory requirements shall constitute an infraction and, upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100.00). The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly.

C. Stage C Requirements:

1. A stage C shortage shall be declared when the city manager determines that a twenty percent (20%) reduction in potable water use is required.
2. Stage C compliance elements shall include the following mandatory elements:
 - a. Restaurants shall serve water upon request only;
 - b. All public restrooms in the city and private bathrooms in hotels shall notify patrons and employees of water conservation goals;
 - c. Plumbing and irrigation leaks shall be repaired as soon as practicable. The city may issue notices to repair visible leaks;
 - d. Water usage shall be reduced to eighty percent (80%) of the baseline year amount as determined by the city manager.

3. A water penalty surcharge of up to three (3) times the basic water rate shall be charged for water usage in excess of eighty percent (80%) and not more than one hundred percent (100%) of the baseline year amount as determined by the city manager. A water penalty surcharge of up to ten (10) times the basic water rate shall be charged for water usage in excess of one hundred percent (100%) of the baseline year amount as determined by the city manager.
4. Violation by any person of the stage C mandatory requirements shall constitute a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00). Water supply through irrigation water services may be terminated for continued excessive use. The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly.

D. Stage D Requirements:

1. A stage D shortage shall be declared when the city manager determines that a thirty percent (30%) or higher reduction in potable water use is required.
2. Stage D compliance elements shall include the following mandatory elements:
 - a. Restaurants shall serve water upon request only;
 - b. All public restrooms in the city and private bathrooms in hotels shall notify patrons and employees of water conservation goals;
 - c. Plumbing and irrigation leaks shall be repaired as soon as practicable. The city may issue notices to repair visible leaks;
 - d. Landscape irrigation shall be restricted to selected days and times as determined by the city manager, unless such irrigation uses reclaimed wastewater;
 - e. Refilling of swimming pools, spas or ponds shall be prohibited unless required for health reasons;
 - f. Operation of water fountains shall be prohibited;
 - g. Exterior washdown of buildings and washdown of vehicles shall be prohibited, unless:
 - (1) The washing is done on the immediate premises of a commercial car wash or commercial service station or with reclaimed wastewater; or
 - (2) The health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as the cleaning of garbage trucks and vehicles to transport food and perishables;
 - h. Water usage from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the public health, safety and welfare;

- i. Water usage shall be reduced to seventy percent (70%) of the baseline year amount as determined by the city manager.
3. A water penalty surcharge of up to four (4) times the basic water rate shall be charged for water usage in excess of seventy percent (70%) but not more than one hundred percent (100%) of the baseline year amount as determined by the city manager. A water penalty surcharge of up to ten (10) times the basic water rate shall be charged for water usage in excess of one hundred percent (100%) of the baseline year amount as determined by the city manager.
4. Violation by any person of the stage D mandatory requirements shall constitute a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). Continued excessive use may result in termination of water supply through irrigation water services and/or restriction of water supply through domestic meters. The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly.

E. Stage E Requirements:

1. A stage E shortage shall be declared when the city manager determines that a catastrophic interruption of potable water supply has occurred or is foreseen.
2. The city manager shall have emergency water allocation authority in the case of a stage E declaration. This authority shall include the authority to interrupt service to any property or city service zone in order to provide the maximum water supply for human health and safety needs.
3. In allocating water, the city manager shall give first priority to health and safety needs of water utility customers. Subsequent water uses are prioritized to provide water supply first to maintain and expand commerce within the city, then to enhance the aesthetics of the environment, and then to facilitate construction activities.
4. Violation by any person of the stage E emergency water conservation regulations shall constitute a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) and six (6) months in jail. Continued excessive use may result in termination of water supply through irrigation water services and/or restriction of water supply through domestic meters. The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-305: NOTICE OF VIOLATION:

- A. The city shall give notice of violation to the person committing a violation of this article as follows:
1. Notice of violation of any water usage percentage reduction provisions shall be given in writing by regular mail.
 2. Notice of violation of any other mandatory requirement listed in section 9-4-304 of this article shall be given in writing in the following manner:
 - a. By giving the notice to the customer personally; or
 - b. If the customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion at the premises and sending a copy through the regular mail to the address at which the customer is normally billed; or
 - c. If a person of suitable age or discretion cannot be found, then by affixing a copy in a conspicuous place at the premises at which the violation occurred and also sending a copy through the regular mail to the address at which the customer is normally billed.
- B. The notice shall contain a brief description of the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his or her right to a hearing on the merits of the violation pursuant to section 9-4-306 of this article. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-306: HEARINGS:

Any person receiving notice of a violation of any water usage percentage reduction provision set forth in section 9-4-304 of this article shall have the right to request a hearing to appeal the imposition of the water penalty surcharge. The city council shall establish the appeal procedures by resolution. (Ord. 09-O-2567, eff. 6-27-2009)

9-4-307: ADDITIONAL WATER CONSERVATION MEASURES:

After holding a public hearing before the city council, the city manager may order implementation of water conservation measures including or in addition to those set forth in section 9-4-304 of this article, in order to encourage proper potable water use or to meet water conservation goals, regardless of supply. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-308: EXCEPTIONS:

Nothing in this article shall be construed to require the city to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health and safety. (Ord. 09-O-2567, eff. 6-27-2009)

Attachment 4



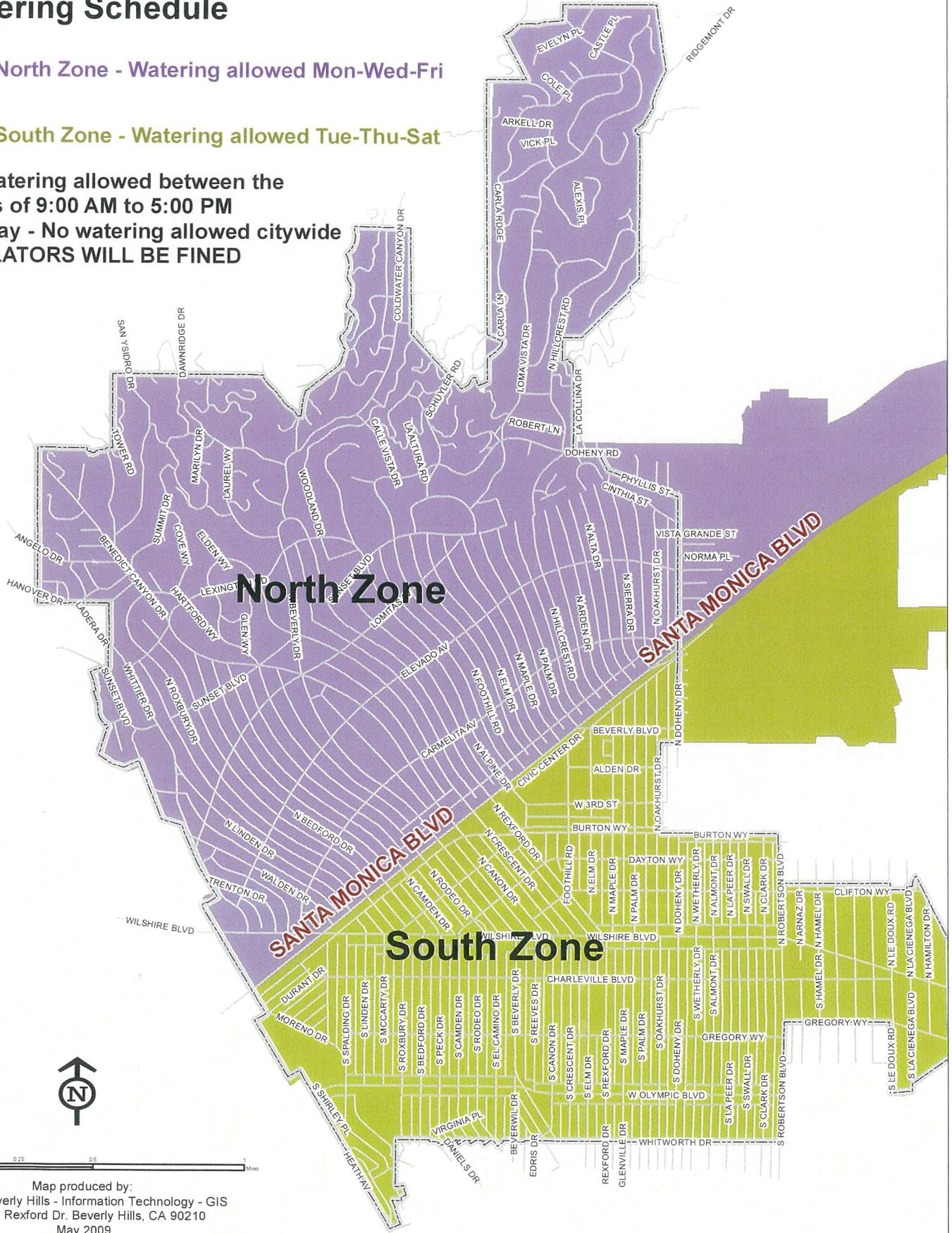
Stage B Declaration - Citywide Watering Schedule Beverly Hills, California (Effective July 1, 2009)

Watering Schedule

 North Zone - Watering allowed Mon-Wed-Fri

 South Zone - Watering allowed Tue-Thu-Sat

No watering allowed between the hours of 9:00 AM to 5:00 PM
Sunday - No watering allowed citywide
***VIOLATORS WILL BE FINED**



Map produced by:
City of Beverly Hills - Information Technology - GIS
455 N. Rexford Dr. Beverly Hills, CA 90210
May 2009

Attachment 5

RESOLUTION NO. 09-R- 12672

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY
HILLS ADOPTING AN APPEALS PROCEDURE FOR WATER
CONSUMPTION SURCHARGES

The City Council of the City of Beverly Hills hereby resolves as follows:

Section 1. Recently, the Governor has declared a drought in the State of California and the Metropolitan Water District's announcement of a regional shortage level 2 (equal to ten percent) will compel the water wholesaler to allocate shortages in supplies to its member agencies. In light of this water emergency, the City Council has declared a water shortage emergency and has implemented a stage "B" water shortage, which provides for the reduction of water usage and imposes a water penalty surcharge if water is consumed in excess of a specified percentage of the base year. In order to provide a procedure for a water customer to appeal the imposition of the water penalty surcharge, it is necessary for the City Council to establish the procedures for such appeals.

Section 2. Appeals and Establishment of an Appeals Procedure and Appeals Board

(a) An appeals board ("Board") is hereby established to review requests for appeals from water utility users and customers as set forth herein. The Board shall consist of two members of the Public Works Commission who may serve on a rotating basis, as determined by the Commission, and one Public Works Department staff member.

(b) Any water utility user or customer may appeal the imposition of a water penalty surcharge and/or request a reduction or waiver of such surcharge by filing an appeal with the Department of Public Works ("Department") on the form provided by the City along with payment of the full amount of the water penalty or surcharge on or prior to the date it is due. The user or customer shall have 15 calendar days from the date of the notice setting forth the surcharge within which to file an appeal. Said notice may be provided to the user or customer as part of their regular water utility bill. Within 10 calendar days of receipt of the appeal, the Department will determine whether the appeal should be heard by the Director of Public Works or his designee ("Director") or the Board. Upon making the determination, the Department shall forward the appeal to either the Director or Board ("Date of Determination").

(c) If the appeal is to be heard by the Director, the Director shall review the material submitted and shall issue a tentative decision regarding the appeal within 15 calendar days of the Date of Determination. The Director shall mail the tentative decision to the appellant. The appellant has 10 calendar days from the date of decision to accept the tentative decision or request a hearing with the Director. If a hearing is requested, the Director shall schedule and hold a hearing within 30 calendar days. At least five (5) days prior to the hearing, written notice of the date and time of the hearing shall be mailed to the appellant. At the conclusion of the hearing, the Director shall have 15 calendar days to issue a written decision. Such decision shall be mailed to the appellant. The appellant shall have 10 calendar days from the date of the decision to file an appeal to the Board pursuant to the process set forth herein.

(d) If the appeal is to be heard by the Board, the Board shall set the matter for a hearing within 30 days from the Date of Determination. At least five (5) days prior to the hearing, written notice of the date and time of the hearing shall be mailed to the appellant. The Board shall issue a written decision within 45 calendar days of the date the hearing is concluded. The decision of the Board shall be final.

(e) The Board may grant the appeal only if the Board finds one of the following exists:

(i) Unique characteristics concerning the user's or customer's property make it physically infeasible to reduce water consumption from the base year.

(ii) A tenant of a multi-family rental dwelling unit has been improperly charged with any portion of the surcharge passed through to the tenant by the landlord pursuant to Section 4-5.308 of the Beverly Hills Municipal Code.

(iii) The user or customer has special needs related to a physical disability making it infeasible to reduce water consumption from the base year;

(iv) Extraordinary circumstances render the base year comparison unjust.

(v) The determination by the City establishing the base year for a particular property was erroneous or unreasonable under the circumstances.

(f) The Director may grant the appeal only if the Director finds that one of the following exists:

(i) During the relevant billing period, the user's or customer's residence was occupied by more residents than in the base year, which makes it infeasible to reduce water consumption from the base year.

(ii) The user or customer has a medical condition which makes it infeasible to reduce water consumption from the base year.

(iii) The user's or customer's residence is located in the Hillside District and due to the need to use water for fire abatement on the hillside it is infeasible to reduce water consumption from the base year.

(iv) During the relevant billing period, there was a leak of water at the water user's or customer's residence which could not have been reasonably discovered by the water user or customer and which was corrected immediately upon its discovery.

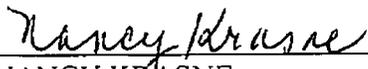
(g) If it is determined the user or customer is not liable, in whole or in part, for the penalties or surcharge on water usage, that amount will be refunded to the user or customer; however the user or customer will still remain responsible for paying the current rates on such water usage.

(h) The Director of Public Works is authorized to establish rules relating to the appeal process as set forth herein.

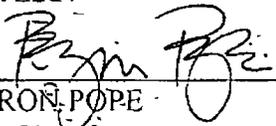
Section 3. Any provision(s) relating to the establishment of a water appeals board or the procedures whereby a water customer may appeal the imposition of penalties or surcharges on water usage previously adopted by the City Council is hereby superceded by the provisions set forth in this Resolution.

Section 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certificate to be entered in the Book of Resolution of the Council of the City.

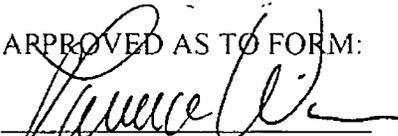
Adopted: May 13, 2009



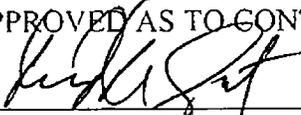
NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:


BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:


DAVID D. GUSTAVSON
Director of Public Works and
Transportation

Attachment 6

RESOLUTION NO. 14-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS DECLARING AND IMPLEMENTING
STAGE "B" WATER CONSERVATION MEASURES

The City Council of the City of Beverly Hills does resolve as follows:

Section 1. Recently, the Governor has declared a drought in the State of California and the State Water Resources Control Board has enacted emergency water conservation measures. In light of this water emergency and for the reasons set forth in the agenda report presented to the City Council on September 2, 2014, the City Manager has determined that a ten percent (10%) reduction in potable water use is required and that water conservation Stage "B" be declared and implemented by the City Council. Beverly Hills Municipal Code Section 9-4-301 provides that the City Manager or his designee is authorized to implement certain water conservation measures after holding a public hearing before the City Council.

Section 2. On September 2, 2014 the City Council held a duly noticed public hearing to consider the recommendations of the Assistant Director of Public Works Services to implement water conservation Stage "B." After receiving oral and written testimony, including the agenda report, the City Council hereby determines as follows:

(a) Water Conservation Stage "B" is hereby declared throughout the City of Beverly Hills and the City Council hereby directs that the Assistant Director of Public Works Services implement Water Conservation Stage "B" as set forth herein.

(b) The Assistant Director of Public Works Services and/or appropriate City Staff shall hereby communicate to residents, visitors and businesses the following mandatory water conservation measures for implementation: (i) restaurants shall serve water upon request only; (ii) all public restrooms in the city and private bathrooms in hotels shall notify patrons and employees of water conservation goals; (iii) plumbing and irrigation leaks shall be repaired within seven days notification to the property owner by the City; and (iv) water usage shall be reduced to ninety percent (90%) of the baseline year amount as determined by the City Manager; the watering of lawns and other landscape shall occur in accordance to a watering schedule promulgated by the Assistant Director of Public Works Services; and drought emergency water conservation regulations as promulgated by the State Water Resources Control Board. In addition to these elements, the City Council hereby authorizes the City Manager or his designee to implement other mandatory water conservation elements as determined necessary by the City Manager in order to achieve a ten percent (10%) reduction in potable water use.

(c) A water penalty surcharge of up to two (2) times the basic water rate shall be charged for water usage in excess of ninety percent (90%) of the baseline year amount as determined by the City Manager.

(d) Violation by any person of the stage "B" mandatory requirements described in subsection (b) shall constitute an infraction and, upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100.00). The violation of each element described in subsection (b), and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly.

Section 3. The procedure for a water customer to appeal the imposition of the water penalty surcharge will be as outlined in Resolution 09-R-12672 adopted by the City Council on May 13, 2009 will be reinstated.

Section 4. In accordance with Beverly Hills Municipal Code Section 9-4-303.B, the City Council hereby directs the City Clerk to publish this Resolution at least once in a newspaper of general circulation within the city and to post this Resolution in at least three (3) public places and continue to post this Resolution until such time as the restrictions set forth herein are repealed by resolution of the City Council.

Section 5. The provisions of this Resolution shall become effective on October 3, 2014, or upon completion of modification to the City's utility billing system to accommodate these conservation measures, whichever is later.

Section 6. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of the City.

Adopted:

LILI BOSSE
Mayor of the City of Beverly Hills,
California

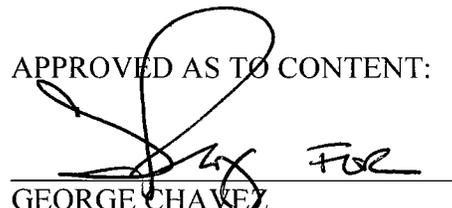
ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:


GEORGE CHAVEZ
Director of Public Works Services