



AGENDA REPORT

Meeting Date: September 23, 2014
Item Number: F-1
To: Honorable Mayor & City Council
From: Trish Rhay, Assistant Director of Public Works Services
Michelle Tse, Senior Management Analyst *MM*
Subject: ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE
BEVERLY HILLS MUNICIPAL CODE REGARDING THE WATER
CONSERVATION STAGES. FIRST READING – FOR
INTRODUCTION
Attachments: 1. Ordinance

RECOMMENDATION

This ordinance amends the municipal code to provide an exemption for Tier 1 single-family and multi-family water customers from the requirement to reduce water usage imposed by Stages B, C, and D of the City's water conservation plan, as well as the applicable penalty surcharges.

INTRODUCTION

At the September 2, 2014 meeting, the City Council approved a resolution to declare and implement Stage B water conservation measures in light of the severe drought conditions declared by the State. One of the elements to the Stage B water conservation is a 10% reduction in potable water use and a penalty surcharge is imposed for water use in excess of 90% of the baseline allocation.

As part of the discussion, the City Council directed staff to exempt Tier 1 single-family and multi-family water customers from the requirement to reduce water usage imposed by Stages B, C, and D of the City's water conservation plan, as well as the applicable penalty surcharges. The attached ordinance would align the City Council's direction to exempt Tier 1 single family and multi-family residential customers from the requirement to reduce water usage of the City's water conservation plan and applicable surcharges. By way of background, single family and multi-family residential water customers are categorized into Tiers 1-4, depending on water usage. Tier 1 customers, for example,

Tier 1 residential customers generally are those who are already conscientious with water conservation efforts; further reducing their water use would be extremely difficult.

The attached ordinance would exempt Tier 1 single-family and multi-family residential water customers from the requirement to reduce water usage imposed by Stages B, C, and D of the City's water conservation plan, as well as exempt the applicable penalty surcharges. Tier 1 water customers are not exempt in Stage A and Stage E; Stage A entails voluntary water conservation efforts so there is no penalty surcharge associated with this stage, while Stage E calls for emergency water rationing. Commercial customers do not fall within the tiered water use structure and not exempt from the required water use reduction and applicable penalty surcharges.

The City Council directed staff to further evaluate the best approach for determining the baseline water allocation as part of the Stage B water conservation plan. Staff will present its findings regarding the baseline allocation to the City Council at a future meeting.

DISCUSSION

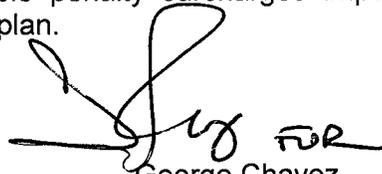
The attached ordinance exempts Tier 1 single-family and multi-family water customers only; commercial customers do not fall into the tiered structure so are not exempt. Additionally, current Tier 1 residential customers who use water beyond the Tier 1 level are not exempt, and the excess water use will be subject to the applicable penalty surcharges.

FISCAL IMPACT

There would be a minimal fiscal impact for exempting Tier 1 water customers from the requirement to reduce water usage and applicable penalty surcharges imposed by Stages B, C and D of the City's water conservation plan.

Don Rhoads 

Finance Approval


George Chavez

Approved By

Attachment 1

**ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING THE WATER CONSERVATION STAGES**

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby amends and restates paragraph B of Section 9-4-303 (“DECLARATION OF WATER CONSERVATION STAGES”) of Article 3 (“Emergency Water Conservation Plan”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code to read as follows:

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

“B. The resolution by the city council implementing or terminating conservation stages shall be published within 10 days after its adoption at least once in a newspaper of general circulation within the city and the implementing resolution shall be posted in a 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.”

Section 2. The City Council hereby amends and restates paragraphs B, C and D of Section 9-4-304 (“REQUIREMENTS FOR WATER CONSERVATION STAGES”) of Article 3 (“Emergency Water Conservation Plan”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code to read as follows:

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

“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. Except for single family and multi-family residential users in Tier 1 who will remain in Tier 1 for the next billing cycle, all users shall reduce water usage to ninety percent (90%) of the amount in the baseline period as determined by the City Council.
3. Except for single family and multi-family residential users in Tier 1 during the current billing cycle, 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 amount in the baseline period as determined by the City Council.
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. Except for single family and multi-family residential users in Tier 1 who will remain in Tier 1 for the next billing cycle, all users shall reduce water usage to eighty percent (80%) of the amount in the baseline period as determined by the City Council.
3. Except for single family and multi-family residential users in Tier 1 during the current billing cycle, 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 amount in the baseline period as determined by the City Council. 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 amount in the baseline period as determined by the City Council.

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. Except for single family and multi-family residential users in Tier 1 who will remain in Tier 1 for the next billing cycle, users shall reduce water usage to seventy percent (70%) of the amount in the baseline period as determined by the City Council.
3. Except for single family and multi-family residential users in Tier 1 during the current billing cycle, 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 amount in the baseline period as determined by the City Council. 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 amount in the baseline period as determined by the City Council.
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.”

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk’s certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

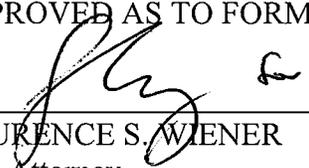
LILI BOSSE
Mayor

ATTEST:

BYRON POPE
City Clerk

(SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager