



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kerrie Romanow

**SUBJECT: DECLARATION OF END OF
CITYWIDE WATER SUPPLY
SHORTAGE**

DATE: July 24, 2023

Approved

Date

8/2/23

RECOMMENDATION

Adopt a resolution declaring an end to the citywide water supply shortage and superseding Resolution No. 80749.

SUMMARY AND OUTCOME

Through this action, City Council will declare an end to the citywide water supply shortage and retain potable water use restrictions in effect at all times under Chapter 15.10 of the San José Municipal Code to prevent water waste. Efficient water use practices will continue to be encouraged by measures in the San José Municipal Code and those established by the State Water Resources Control Board. Additionally, water conservation will continue to be promoted through efficient water use programs and continued adherence to the requirements of the State's Executive Order B-37-16: "Making Water Conservation a Way of Life."

BACKGROUND

California's Water Year 2020, covering the period October 1, 2019 through September 30, 2020, was dry in the northern two-thirds of the state. In the first six months of Water Year 2021, California ranked it as the fourth driest on record. On April 21, 2021, California Governor Gavin Newsom declared a drought emergency in two California counties and on May 10, 2021, he expanded the emergency to 39 additional counties for a total of 41 of the state's 58 counties and issued Executive Order N-10-21.

On June 9, 2021, the Santa Clara Valley Water District Board of Directors declared a water shortage emergency condition in Santa Clara County and called for a 15% reduction in water usage countywide, as compared to 2019 water usage. In addition, on July 8, 2021, California Governor Gavin Newsom extended his previous drought proclamation to include Santa Clara County and asked that all Californians voluntarily reduce water usage by 15% compared to 2020

water usage. The Executive Order N-10-21 tasked the State Water Resources Control Board with tracking and reporting monthly progress towards meeting the 15% statewide reduction.

On November 30, 2021, City Council adopted Resolution No. 80303, effective through October 31, 2022, which declared a 15% water shortage and established a mandatory watering schedule to limit irrigation to two days per week. On March 28, 2022, State of California Executive Order N-7-22 called for additional actions and regulations to further address worsening drought conditions within the state. In response, on May 24, 2022, the State adopted emergency regulations which included a ban on irrigation of ornamental turf (grass) in commercial, institutional, and industrial settings. On September 13, 2022, this ordinance was amended to include the State's ban against watering commercial, industrial, and institutional non-functional turf amongst its list of enforceable restrictions

On November 8, 2022, City Council adopted Resolution No. 80749 which extended the declaration of water shortage to May 31, 2024, including continuation of the mandatory watering schedule.

ANALYSIS

Since spring 2023, concerns over water supply availability have eased throughout the state due to improved rainfall and snowpack supplies during late 2022 and early 2023. According to the United States Drought Monitor, the state made drastic improvements in drought conditions since early/mid 2022, with most of the state in normal conditions by April 2023.

On March 24, 2023, Governor Gavin Newsom, signed Executive Order N-5-23 which rescinded the 15% water conservation target, while continuing to encourage Californians to make water conservation a way of life. The Executive Order maintains in effect the ban on wasteful water uses, including the ban on watering of non-functional turf with potable water.

On April 11, 2023, Santa Clara Valley Water District Board of Directors rescinded the water shortage emergency condition and made a call for 15% voluntary water use reduction, while enforcing restrictions on water wasting activities, and requested recommendations for the Board's consideration for additional actions to support water conservation as a way of life in Santa Clara County.

On June 13, 2023, Santa Clara Valley Water District Board of Directors unanimously adopted a resolution declaring that water conservation must be a way of life in Santa Clara County. The Board also unanimously passed an ordinance with permanent water waste prohibitions to ensure that water as a precious resource is not misused, even during non-drought periods.

The San José Municipal Code prohibits water wasting activities and promotes conservation, regardless of a drought declaration. These restrictions are necessary to meet the State's requirements for water use reductions.

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Therefore, City Council may rescind the drought declaration while continuing to promote water conservation efforts.

EVALUATION AND FOLLOW-UP

Staff will closely monitor water supply and water use levels and may return to City Council with further recommendations to ensure these levels remain in balance.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the August 15, 2023 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/
KERRIE ROMANOW
Director, Environmental Services

For questions, please contact Jeff Provenzano, Deputy Director, at (408) 277-3671 or jeffrey.provenzano@sanjoseca.gov.