



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/07/2021

ITEM NO: 10

DATE: September 2, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consideration and Adoption of an Interim Urgency Ordinance of the Town Council of the Town of Los Gatos Extending the Water Conservation Urgency Ordinance for Ten Months and Fifteen Days

RECOMMENDATION:

Staff recommends that the Town Council extend the Water Conservation Urgency Ordinance (Attachment 1) for ten months, fifteen days.

BACKGROUND:

On June 9, 2021, Valley Water's Board of Directors adopted Resolution 21-86 declaring an emergency water shortage and calling for water savings of 15 percent compared to 2019 usage. Valley Water is a governmental agency that serves as the primary water "wholesaler" covering most of Santa Clara County and all of the Town of Los Gatos.

The San Jose Water Company (SJWC) is a private utility company that serves as the primary water "retailer" serving residents and businesses in the Town of Los Gatos. SJWC has implemented its Water Contingency Plan.

Both the SCVWD and SJWC are subject to regulatory and drought requirements of the California State Water Resources Control Board (CSWRCB) and the California Public Utilities Commission (CPUC). Neither Valley Water nor SJWC have authority to enforce regulations at the local level. It is through partnerships with local regulatory agencies like the Town that water conservation enforcement can occur.

The Town Council passed a 45 Day Urgency Ordinance on August 3, 2021 to facilitate support of drought restrictions. An "Urgency Ordinance" allows for the adoption of the ordinance and

PREPARED BY: Matt Morley
Parks and Public Works Director

Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

BACKGROUND (continued):

immediate enforcement, without typical noticing prior to the ordinance being heard by the Town Council. An Urgency Ordinance requires a four-fifths majority for adoption. The Town Council may extend the ordinance for a period of ten months and fifteen days, subject to noticing and public hearing requirements.

DISCUSSION:

Both Valley Water and San Jose Water have established guidelines for conservation during the drought. The proposed Urgency Ordinance provides for a number of conservation measures, pulling from each of the documents of these partner agencies. A comparative list of conservation measures is provided as Attachment 2. The Urgency Ordinance (Attachment 1) before the Council in September is identical to the one considered in August. Some elements of the Town's Urgency Ordinance include:

- Limited watering of ornamental landscapes or lawns to a maximum of three days a week and before 9 a.m. or after 5:00 p.m.
- Prohibition of potable water use that results in flooding or runoff in gutters or streets.
- Allows individual private washing of cars only with a hose that includes a shut off nozzle.
- Prohibits the use of potable water for washing of buildings, driveways, sidewalks, etc.
- Prohibits the use of potable water for filling or refilling swimming pools.
- Requires restaurants to serve water to patrons only upon request.
- Other elements as included in the proposed ordinance.

As in the past, Town staff will work with partners at SJWC and Valley Water to educate residents of the need to conserve. Enforcement actions will remain an option only where flagrant non-compliance exists.

Town Leading by Example

As documented in the report for the August 3, 2021 Council meeting, the Town has led the way in conservation efforts. Many previous efforts, including low flow toilets and aerators on faucets, remain in place. Over the summer staff implemented a number of additional conservation effort, including a dedicated web page and marketing campaign - #DroughtReadyLG at www.losgatosca.gov/DroughtReadyLG.com; reduced fountain hours at Plaza Park and Town Hall; and reduced irrigation of turf at Town facilities, including Parks.

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SUBJECT: Extend the Water Conservation Urgency Ordinance

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CONCLUSION:

Extension of the Urgency Ordinance and implementing Town conservation efforts will allow for immediate action towards community wide water savings to achieve the 15 percent targeted reduction.

COORDINATION:

This project has been coordinated with Code Enforcement in the Community Development Department.

FISCAL IMPACT:

Minimal costs for outreach will be absorbed by the Parks and Public Works Department Operating Budget.

ENVIRONMENTAL ASSESSMENT:

This is not a project as defined under CEQA and is categorically exempt from CEQA pursuant to CEQA Guideline 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

Attachments:

1. Draft Urgency Ordinance 2321
2. Comparative List of Conservation Measures
3. Public Comment