



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** May 24, 2021
FROM: Matthew Bronson, City Manager
PREPARED BY: Greg Ray, Public Works Director/City Engineer
SUBJECT: Second Reading and Adoption of an Ordinance Amending City
Municipal Code Article VII, Public Works, Chapter 2, Mandatory
Water Conservation

RECOMMENDATION

Conduct the second reading, by title only, and adopt an Ordinance amending Parts 3 and 4 of Chapter 2 of Article VII of the Grover Beach Municipal Code.

BACKGROUND

On April 26, 2021, the Council heard a report on the status of water supplies in the City of Grover Beach and provided direction to implement a Stage 1 Water Shortage Condition. This direction included amending the Grover Beach Municipal Code to specify that any violation of the adopted mandatory water conservation measures constitutes a violation of Section 7202 of Part 1, Chapter 2, Article VII of the Grover Beach Municipal Code and is subject to the remedies identified in Chap. 4, Art. 1 of the Code.

On May 10, 2021, the Council conducted a public hearing and introduced the proposed ordinance. The Council is now asked to conduct the second reading and adopt the Ordinance amending the City Municipal Code (shown as Attachment 1 to this report). Staff has also included in this Ordinance an amendment to delete Part 4 of Chapter 2, Article VII of the City Municipal Code to eliminate the language related to a moratorium on land use applications that expired 14 months after its adoption in 1989.

FISCAL IMPACT

The enactment of a Stage 1 water shortage condition will result in minor costs and staff time associated with the public information campaign and assigning water budgets to all customers. These costs will be absorbed in the Water Fund operating budget.

ALTERNATIVES

The Council has the following alternatives to consider:

1. Conduct the second reading, by title only, and adopt an Ordinance amending Parts 3 and 4 of Chapter 2 of Article VII of the Grover Beach Municipal Code; or
2. Provide additional direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Ordinance

ORDINANCE NO. 21-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, ADDING SECTIONS 7234 AND 7235 TO PART 3 AND DELETING PART 4 OF CHAPTER 2, MANDATORY WATER CONSERVATION OF ARTICLE VII, PUBLIC WORKS OF THE GROVER BEACH MUNICIPAL CODE

WHEREAS, the City of Grover Beach is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals or public safety; and

WHEREAS, the Water Code Section 350, et seq. and the City of Grover Beach Municipal Code Section 7202 give the City authority to declare a water shortage emergency in response to anticipated shortages in water supply and to implement measures to reduce water demand and to implement penalties for failing to meet water use reduction requirements; and

WHEREAS, Water Code Section 353 provides that when a water shortage emergency has been declared by the governing body, it shall adopt necessary regulations and restrictions on the delivery and consumption of water; and

WHEREAS, pursuant to the City of Grover Beach Municipal Code Article VII, Chapter 2, Part 1, Section 7202, the City Administrator has the authority to adopt and promulgate reasonable administrative rules, policies and guidelines intended and designed to implement the provisions of Chapter 2, Mandatory Water Conservation; and

WHEREAS, Part 4, Moratorium on Land Use Applications was adopted in 1989 in response to a water shortage but is no longer necessary and expired after a period of 14 months; and

WHEREAS, the City Council of the City of Grover Beach has adopted an Urban Water Management Plan and Water Shortage Contingency Plan including certain mandatory water wasting prohibitions and may, by Council Resolution, implement mandatory water conservations measures during a declared water shortage condition; and

WHEREAS, the City Council of the City of Grover Beach intends to implement penalties for violation of mandatory water wasting prohibitions at any time and for violation of mandatory water conservation measures during a declared water shortage condition.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

PART 1. Sections 7234 and 7235 of Part 3 of Chapter 2 of Article VII of the Grover Beach Municipal Code is hereby added to read as follows:

PART 3 – WATER CONSERVATION

SECTION 7234. WATER SHORTAGE DECLARATION. The City Council of the City of Grover Beach may adopt a Resolution declaring a Water Shortage Condition as defined in the latest approved and adopted Urban Water Management Plan and implementing certain mandatory water conservation measures and penalties. Said measures are hereby adopted and made a part of the Grover Beach Municipal Code as though fully set forth herein. Any violation of the adopted mandatory water conservation measures constitutes a violation of Section 7202 and is subject to the remedies identified in Chap. 4, Art. 1 of this Code. A copy of the latest adopted Urban Water Management Plan is on file for use and examination by the public in the office of the City Clerk.

SECTION 7235. MANDATORY PROHIBITIONS ON WATER WASTING. The Prohibitions on Water Wasting identified in the latest approved and adopted Urban Water Management Plan are hereby adopted and made a part of the Grover Beach Municipal Code as though fully set forth herein. A copy of the latest adopted Urban Water Management Plan is on file for use and examination by the public in the office of the City Clerk. The Prohibitions on Water Wasting are voluntary but may, by Council Resolution declaring a Water Shortage Condition, be declared mandatory for a period of time as set forth in the adopted Resolution.

PART 2. Grover Beach Municipal Code Article VII, Chapter 2, Part 4 – Moratorium on Land Use Applications is hereby deleted in its entirety.

PART 3. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

PART 4. This Ordinance shall become effective at 12:01 a.m. on the 31st day after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held on May 10, 2021 and **PASSED, APPROVED, and ADOPTED** by the City Council on May 24, 2021, on the following roll call vote to wit:

AYES: Council Members –
NOES: Council Members –
ABSENT: Council Members –
ABSTAIN: Council Members –
RECUSED: Council Members –

JEFF LEE, MAYOR

Attest:

WENDI B. SIMS, CITY CLERK

Approved as to Form:

DAVID P. HALE, CITY ATTORNEY