

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE AMENDING SECTION 13.07.030 OF
THE ARROYO GRANDE MUNICIPAL CODE REGARDING
WATER SHORTAGE CONTINGENCY PLANNING AND
FINDING THE ORDINANCE EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, the California Water Code (CWC) requires urban water suppliers servicing 3,000 or more connections or supplying more than 3,000 acre-feet (AF) of water annually, to prepare and adopt an Urban Water Management Plan (UWMP) and a WSCP for submission to Department of Water Resources (DWR); and

WHEREAS, the UWMP and WSCP, which are required to be filed in five-year cycles, must satisfy the requirements of the Urban Water Management Planning Act (UWMP Act) of 1983 including amendments that have been made to the UWMP Act and other applicable regulations; and

WHEREAS, the WSCP is codified in the City of Arroyo Grande Municipal Code, Section 13.07.030; and

WHEREAS, on June 27, 2023, City Council

- Conducted a public hearing to receive input on the 2022 UMWP and WSCP;
- Adopted a Resolution approving the 2022 UWMP;
- Authorized the City Manager or their designee to file the updated UWMP with DWP;
- Adopted a Resolution approving the 2022 WSCP *with the modification to page 13 of the Water Shortage Contingency Plan to change the number of household members to four (4) and above with 250 gallons of water per household*; and
- Authorized the City Manager or their designee to file the updated WSCP with DWP.

WHEREAS, the WSCP was modified as requested; and

WHEREAS, without a change to the Municipal Code, City regulations are inconsistent with the current WSCP; and

WHEREAS, the recommended amendment provides greater equity to City customers during a Stage 2 Water Shortage Emergency.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Environmental. The City Council finds that this ordinance is exempt

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from the California Environmental Quality Act ("CEQA") because the ordinance does not qualify as a "project" under CEQA and because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the ordinance will not result in any construction or development, and it will not have any other effect that would physically change the environment. The ordinance therefore does not qualify as a project subject to CEQA.

SECTION 3. Code Amendment. Section 13.07.030(C)(2) of the Arroyo Grande Municipal Code is hereby amended to read as follows (additions shown in underline and deletions shown in ~~strike through~~) with no other changes made to the Arroyo Grande Municipal Code:

Upon adoption of a Stage 2 Water Shortage Emergency, restrictions and limits shall be imposed through the implementation of household allocations of water units for residential customers. All residential customers will be allocated units of water deemed necessary for an average household size (one unit of water is equal to one hundred (100) cubic feet or seven hundred forty-eight (748) gallons). Any residential customer using over the assigned baseline unit amount may be subject to citation and shall be subject to the imposition of mandatory financial penalties, which shall be set forth in the resolution adopted by the city council and be based upon the severity of the water shortage emergency. Each household shall be allowed twelve (12) units of water per two-month billing period (which is equivalent to one hundred fifty (150) gallons per household per day). Households with over ~~five~~ four people will be allowed twenty (20) units of water per two-month billing period (two hundred fifty (250) gallons per day). Households with over seven people will be allowed twenty-eight (28) units of water per two-month billing period (three hundred fifty (350) gallons per day). The allocations contained herein may be adjusted by the city council by resolution.

SECTION 6. Publication. A summary of this ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted. A certified copy of the full text of the proposed ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption of the ordinance, the summary with the names of those City Council members voting for and against the ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted ordinance.

SECTION 7. Effective Date. This ordinance shall become effective 30 days after adoption.

SECTION 8. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have

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no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 9. Records. The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 300 E. Branch Street, Arroyo Grande, CA 93420. The City Clerk is the custodian of the record of proceedings.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, INTERIM CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY