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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ENACTING AND IMPLEMENTING STAGE ONE OF THE CITY'S WATER CONSERVATION PROGRAM AS SET FORTH IN RIVERSIDE MUNICIPAL CODE CHAPTER 14.22. AND REPEALING RESOLUTIONS 22854 AND 22983.

WHEREAS, the City of Riverside ("City") owns and operates a water utility providing its residents with potable and non-potable water taken from local groundwater supplies, and has done so since 1913; and

WHEREAS, California endured six years of significant drought and severe impacts to California's water supplies and its ability to meet all of the demands for water in the State; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15, directing the Water Board to adopt emergency regulations "to achieve a statewide 25% reduction in potable urban water usage;" and

WHEREAS, SWRCB Resolution 2016-0007, adopted February 2, 2016, imposed statewide conservation for the period March 2016 through October 2016; and

WHEREAS, despite its adequate water supply and progressive water conservation policies, the City earnestly conserved water in accordance with the Governor's and SWRCB's directives; and

WHEREAS, to comply with the SWRCB's emergency regulations and the Governor's Executive Order B-36-15, on June 16, 2015, the City Council resolved to enact Stage Three of the City's Water Conservation Ordinance, as set forth in Riverside Municipal Code section 14.22, with Resolution 22854, which was extended by Resolution 22983 on March 22, 2016, expiring on November 7, 2016; and

WHEREAS, following a winter of improved water supply and conditions, on May 9, 2016, Governor Brown issued Executive Order B-37-16 calling on the SWRCB to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state; and

WHEREAS, pursuant to Executive Order B-37-16, the SWRCB proposed regulations to be considered on May 18, which would require individual urban water suppliers such as the City to self-certify the level of available water supplies they have assuming three additional dry years, and

1 the level of conservation necessary to assure adequate supply over that time; and

2 WHEREAS, the proposed regulations no longer require that urban water suppliers implement  
3 all requirements and actions of the stage of its water shortage contingency plan that imposes  
4 mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water; and

5 WHEREAS, given the improved water supply and conditions, and the regulations resulting  
6 therefrom, staff recommends that Stage One of the City’s Water Conservation Ordinance, as set  
7 forth in Riverside Municipal Code section 14.22, be enacted and implemented by the City Council.

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,  
9 California, based upon the foregoing facts, the staff report and other evidence submitted by staff, as  
10 follows:

11 Section 1. The City Council hereby determines that the State of California no longer  
12 orders it to implement Stage Three of its Water Shortage Contingency Plan, as set forth in Riverside  
13 Municipal Code Section 14.22.040, and therefore repeals Resolutions 22854 and 22983, and declares  
14 that Stage One is hereby enacted and implemented.

15 Section 2: This resolution and all related approvals and actions, is not subject to or  
16 exempt from the California Environmental Quality Act (“CEQA”) for the following reasons: The  
17 SWRCB, at the direction of the Governor, has issued emergency regulations directing the City to  
18 enact the matters in this resolution. It is not a discretionary project. According to section 15002(i)  
19 of Title 14 of the California Code of Regulations (the “State CEQA Guidelines”), “[w]here the law  
20 requires a governmental agency to act on a project in a set way without allowing the agency to use  
21 its own judgment, the project is called “ministerial,” and CEQA does not apply.” State CEQA  
22 Guidelines section 15369 “describes a governmental decision involving little or no personal  
23 judgment by the public official as to the wisdom or manner of carrying out the project” as not being  
24 discretionary. This resolution, and all related approvals and actions, as a modification of the City’s  
25 UWMP, is exempt from CEQA under State CEQA Guidelines section 15282(v) which exempts  
26 “[t]he preparation and adoption of Urban Water Management Plans pursuant to the provisions of  
27 Section 10652 of the Water Code.” Water Code section 10652 provides that “[CEQA] does not  
28 apply to the preparation and adoption of plans pursuant to this part or to the implementation of  
actions taken pursuant to Section 10632.” This resolution, and all related approvals and actions, is

1 exempt as an emergency. Public Resources Code section 21080(b)(4) exempts from CEQA  
2 “[s]pecific actions necessary to prevent or mitigate an emergency.” This resolution is exempt as a  
3 necessary act following the Governor’s April 25, 2014 executive order, which suspended CEQA’s  
4 application to the SWRCB’s adoption of emergency regulations pursuant to Water Code section  
5 1058.5 to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method  
6 of diversion of water, to promote water recycling or water conservation.

7 Section 3: This resolution shall take effect immediately.

8 ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2016.

9  
10 \_\_\_\_\_  
11 WILLIAM R. BAILEY, III  
12 Mayor of the City of Riverside

13 Attest:

14 \_\_\_\_\_  
15 City Clerk of the City of Riverside

16 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
17 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council  
18 of said City at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote,  
19 to wit:

20 Ayes:

21 Noes:

22 Absent:

23 Abstain:

24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
25 City of Riverside, California, this \_\_\_\_ day of \_\_\_\_\_, 2016.

26 \_\_\_\_\_  
27 COLLEEN J. NICOL  
28 City Clerk of the City of Riverside

CA #15-0646.5