

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, REINSTATING STAGE ONE OF THE CITY'S WATER
4 CONSERVATION PROGRAM AS SET FORTH IN RIVERSIDE MUNICIPAL
5 CODE CHAPTER 14.22 AND REPEALING RESOLUTION NO. 22983

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

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

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

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

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

18 WHEREAS, to comply with the SWRCB's emergency regulations and the Governor's
19 Executive Order B-36-15, on June 16, 2015, the City Council resolved to enact Stage Three of the
20 City's Water Conservation Ordinance, as set forth in Riverside Municipal Code section 14.22, with
21 Resolution No. 22854, which was extended by Resolution No. 22983 on March 22, 2016; and

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

26 WHEREAS, pursuant to Executive Order B-37-16, the revised SWRCB regulations,
27 effective May 31, now require individual urban water suppliers such as the City to self-certify the
28 level of available water supplies they have assuming three additional dry years, and the level of
conservation necessary to assure adequate supply over that time; and

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

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

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

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

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

1 21080(b)(4) exempts from CEQA “[s]pecific actions necessary to prevent or mitigate an
2 emergency.” This resolution is exempt as a necessary act following the Governor’s Executive Order
3 B-37-16, and prior Executive Orders and Proclamations, which suspended CEQA’s application to
4 the SWRCB’s adoption of emergency regulations pursuant to Water Code section 1058.5 to prevent
5 the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of
6 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
Mayor of the City of Riverside

12 Attest:

13 _____
14 City Clerk of the City of Riverside

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

19 Ayes:

20 Noes:

21 Absent:

22 Abstain:

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

25 _____
26 COLLEEN J. NICOL
City Clerk of the City of Riverside

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