

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY
DECLARING THE EXISTENCE OF LEVEL 2 WATER SUPPLY SHORTAGE
CONDITIONS

WHEREAS, the Governor of the State of California issued Executive Order N-10-21 on July 8, 2021 calling for mandatory water conservation measures; and

WHEREAS, on July 9, 2021, Valley Water Board of Directors called for 33% reductions in water use; and

WHEREAS, on July 9, 2021, the State Water Resources Control Board adopted mandatory 15% water conservations measures; and

WHEREAS, a water supply shortage exists due to drought and an increase from the current 20% to 33% consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions; and

WHEREAS, the underground water aquifers that the City relies on for 100% of its water supply are recharged by the District using water supplies imported into the District; and

WHEREAS, the District's imported water supply allocations have been significantly reduced for 2021 by the state and federal government water systems; and

WHEREAS, historical evidence indicates that the State of California has experienced prolonged periods of drought in the past; and

WHEREAS, wasteful use of water is detrimental to the long-term water supplies of the City of Gilroy; and

WHEREAS, the long-term health, safety, and prosperity of the community depends upon having a reliable long-term supply of potable water; and

WHEREAS, the City finds that this Resolution and actions taken hereafter pursuant to it are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to Public Resources Code Section 21080(b)(4) and the California Environmental Quality Act Guidelines Section 15269(c); and

WHEREAS, urban water suppliers that violate mandatory actions approved by the California Water Resources Control Board (Article X) could be subject to cease and desist orders for violating emergency regulations with fines up to \$10,000 per day per violation. Or, the matter could be referred to the Attorney General's office for further action; and

WHEREAS, declaration of Level 2 Water Supply Shortage Conditions through this resolution would enact the mandatory actions found in Chapter 27, Article VI of the Gilroy City Code, which meet the requirements of Article X approved by the California Water

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Resources Control Board; and

WHEREAS, Chapter 27, Article VI of the Gilroy City Code entitled "**Water Supply Shortage Regulations**", Section 27.98 F states that "The existence of Level 1, 2, or 3 Water Supply Shortage conditions may be declared by Resolution of the City Council adopted at a regular or special public meeting held in accordance with state law."

NOW, THEREFORE IT IS HEREBY RESOLVED by the City Council of the City of Gilroy as follows:

SECTION I

The City Council hereby adopts the findings based on substantial evidence in the entire record as follows:

1. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of City.
2. The City is located in a semi-arid region and is dependent upon local surface water, groundwater, and imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the state and western United States, make the region highly susceptible to water supply reliability issues.
3. There is a need for water conservation and regulations because there is a limited supply of water available to serve the residents and businesses of the City.
4. Careful water management that includes water conservation measures to ensure a reliable minimum supply of water to meet current and future water supply needs.
5. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
6. Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
7. California Water Code Section 375 et seq. authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
8. The Governor of California has proclaimed a statewide drought and issued an Executive Order, which takes immediate action to address a dire situation where numerous California communities are being forced to mandate water conservation or rationing. The lack of water has created other problems, such as extreme fire danger due to dry conditions, economic harm to urban and rural communities, loss of crops and the potential to degrade water quality in some regions. As well, the Valley Water Board of Directors has called for an immediate 15% reduction in water use to assure we have enough water to endure the current drought.
9. The adoption and enforcement of a temporary water supply shortage program is necessary to manage the City's potable water supply in the short-term and to avoid or minimize the effects of drought and shortage within the City. The adoption of voluntary water conservation measures is necessary to manage the City's potable water supply in the long-term. Such programs are essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

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SECTION II

Based on the findings set forth above, the City Council hereby declares that:

- 1. A Level 2 Water Supply Shortage condition exists.
- 2. All of the provisions in Chapter 27, Article VI, Section 27.98 C of the Gilroy City Code shall become effective immediately. Amending and including the reduction to two watering days per week per household, (odd house and no house address – Wednesday and Sunday, even house address – Tuesday, and Saturday) for the months of April through October.

PASSED AND ADOPTED this 2ND day of August, 2021 by the following vote:

AYES: COUNCILMEMBERS:

NOES:

COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

ATTEST:

Marie Blankley, Mayor

LeeAnn McPhillips, Interim City Clerk

Attachment: Resolution - 2021 Level 2_rev 1 (3408 : Declaration of Level 2 Water Supply Shortage Conditions)