

**URGENCY ORDINANCE NO. 691-2014**

**AN URGENCY ORDINANCE OF CITY OF CLOVERDALE AMENDING THE CLOVERDALE MUNICIPAL CODE TO ADD CHAPTER 13.05, "CONSERVATION OF WATER SUPPLY" ESTABLISHING PROVISIONS FOR REDUCING WATER USE UPON DECLARING THE EXISTENCE OF A WATER SHORTAGE EMERGENCY CONDITION WITHIN THE CITY OF CLOVERDALE, PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF WATER, AND PROVIDING FOR THE CONSERVATION OF THE WATER SUPPLY OF THE CITY OF CLOVERDALE**

**THE CITY COUNCIL OF THE CITY OF CLOVERDALE DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings for Adoption of Ordinance as an Urgency.**

The City Council does hereby find and declare as follows:

(A) A public hearing was held on January 22, 2014, on the matter of whether the City should adopt this Ordinance establishing provisions for reducing water use upon declaring the existence of a water shortage emergency condition within the water service area of the City, including all water service areas served by the City outside the City limits.

(B) Notice of said hearing was published in the Cloverdale Reveille, a newspaper of general circulation printed and published within said water service area of the City.

(C) Since the publishing of the hearing, City Staff made the decision to bring this Ordinance forward as an Urgency Ordinance due to the immediate need for water conservation.

(D) At said hearing all persons present were given an opportunity to be heard and all persons desiring to be heard were heard.

(E) The City Council heard and has considered each protest against the declaration and all evidence presented at said hearing.

(F) This Ordinance is to be adopted as an Urgency Ordinance in accordance with California Government Code section 36937 based on the following findings of fact:

(1) This Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety due to the current water shortage emergency condition existing within the water service area of the City, including all water service areas served by the City outside the City limits.

(2) The ordinary demands and requirements of the water consumers in the City water service area cannot be met and satisfied by the water supplies now available to

the City without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

(3) The water shortage emergency and drought conditions have resulted in the City Council having to consider a Resolution at its January 22, 2014 Council meeting to declare that a Stage 1 Water Shortage Emergency condition exists within the water service area of the City including all water service areas served by the City outside its limits. This Urgency Ordinance is needed to be in place prior to that Resolution in order to provide the regulations and guidance of what residents need to do to help the City continue to supply the water needed for human consumption, sanitation and fire protection. This Urgency Ordinance incorporates by reference all findings within Resolution 010-2014, considered by the Council on January 22, 2014.

(G) At any time subsequent to the effective date of this Urgency Ordinance, the Cloverdale City Council may, by resolution, (1) declare that the water shortage emergency has ended, (2) change the Stage of the water shortage emergency, and/or (3) change the rationing requirements associated with Stage 1, Stage 2 and Stage 3 Water Shortage Emergencies.

## **Section 2. Amendment.**

The Cloverdale Municipal Code, Title 13, "Public Services," is hereby amended to add Chapter 13.05, "Conservation of Water Supply," to read as follows:

### **TITLE 13 – CHAPTER 13.05 CONSERVATION OF WATER SUPPLY**

- 13.05.010 Purpose and Authority**
- 13.05.020 Definitions**
- 13.05.030 Suspension of New Connections to the City's Water System**
- 13.05.040 Waste of Water Prohibited**
- 13.05.050 Prohibition of Non-Essential Use of Water**
- 13.05.060 Signs on Lands Supplied from Private Sources or Supplied With Recycled Water**
- 13.05.070 Use of Sprinklers Conditional**
- 13.05.080 Variances**
- 13.05.090 Enforcement and Fees**
  
- 13.05.010 Purpose and Authority**

The purpose of this Chapter is to conserve the water supply of the City for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to the extent necessary upon declaration of a water shortage emergency condition, to reduce water use fairly and equitably. This Chapter is adopted pursuant to State Law including Water Code Sections 350 to and including 358, and Sections 31026 to and including 31029.

#### **13.05.020 Definitions**

The terms used in this Chapter shall have the following meanings:

(A) Approvals needed for development – These include all the approvals needed for development including through approval of the building permit.

(B) Blatant noncompliance – If, during a water shortage emergency, it is evident to the City Manager through billed water use or observation of the water waste at the property that the customer is obviously or blatantly not complying with the water use restrictions in effect.

(C) Corresponding billing period - A similar billing period occurring in a prior designated year to which current water use is compared for the purpose of determining the percent reduction in use.

(D) Drip system - An irrigation system downstream of a reduced pressure device fitted with drip emitters, bubblers or low pressure micro-jet sprayers.

(E) ETo - Evapotranspiration demand reported as reference evapotranspiration for each California Irrigation Management Information System (CIMIS) weather station located in Sonoma and Marin Counties. (Local ETo data is available on the CIMIS website: <http://wwwcimis.water.ca.gov/cimis/welcome.jsp> )

(F) ETo Adjustment Factor - A factor to multiply times ETo to determine the appropriate amount of sprinkler water to apply to turf grass, garden, landscaped area, trees or shrubs while rationing is in effect. The amount of water to apply is found by multiplying the area of landscape to be irrigated (square feet) times the appropriate ETo Adjustment Factor (see percentage in Section 9(c)) times ETo (inches for a given period of time - typically three (3) to seven (7) days) times 7.48/12 to convert to gallons.

(G) Healthcare and public safety use - Use of water by customers whose principal purpose is to provide health services to the public (such as hospitals, clinics, invalid and senior care facilities and homes, and doctor, dentist, optometrist and chiropractor offices, etc.) or which provide vital public safety services (such as police stations, jails, fire stations, utility services, etc.). Not included in this class are office buildings that provide solely administration services (such as health insurance organizations, etc.) or landscaping uses at any healthcare or public safety site.

(H) Irrigation only use - Water use downstream of a City owned billing meter whose principal purpose and design is to serve irrigation use.

(I) Overall rationing requirement - The percent reduction in overall withdrawals from the water system determined by the City Council to be necessary in order to achieve and to safely survive a declared water shortage emergency.

(J) Run-time - The duration in minutes, either programmed or set, for each valve controlled by an irrigation system clock (controller) or manually operated.

(K) Shop unit - A type of residential unit which is separately metered and which involves a dwelling unit that is incorporated into the premises of a business - sometimes also referred to as a shop house or live/work unit.

(L) Sprinklers - As used in this Chapter, the term sprinklers means an irrigation sprinkler connected to a hose, irrigation sprinklers connected to an in-ground pipe system and soaker hoses or porous pipelines operating off of normal service pressure.

(M) Violation Reconnection Fee – 200% of the reconnection fee.

(N) Water Conservation Coordinator is the City Engineer or designee.

### **13.05.030 Suspension of New Connections to the City's Water System**

(A) From the effective date the City Council, by resolution, declares the existence of a water shortage emergency, which period is hereinafter referred to as the suspension period, no new or enlarged connection shall be made to the City's water system except the following:

- (1) Connection of fire hydrants.
- (2) Connection of property previously supplied with water from a private water source (such as a well or spring) upon submittal and approval of the City Engineer evidence that the private source has failed or dried up or has otherwise been impaired by a drought or water shortage event to such a degree that the source no longer can meet minimal potable water needs of the applicant.
- (3) During Stage 1, new connection of property for which the applicant has obtained all approvals required for development, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
- (4) During Stage 2 and 3, if the overall mandatory rationing requirement is less than 25%, connection of property for which the applicant has obtained all approvals required for development, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
- (5) During Stage 2 and 3, if the overall mandatory rationing requirement is equal to or greater than 25%, connection of property for which the applicant: has obtained all approvals required for development except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and, either retrofits good quality water conservation fixtures and devices (1.28 gallon per flush toilets, 2.5 gallon per minute shower

heads and 1.5 gallon per minute faucet aerators for kitchen sinks and lavatories) in five (5) existing single family detached dwelling units served by the City, or pays the City \$1,500 per equivalent single family detached dwelling unit for which water service is being applied. These payments shall be used by the City to help fund its expanded water conservation program efforts during the suspension period. If an applicant chooses the retrofit option and a selected home already has some water conserving fixtures, applicant shall install conservation fixtures in additional dwellings as determined necessary by the City's Water Conservation Coordinator.

(B) During the suspension period, applications for water service will be processed only if the applicant acknowledges in writing that such processing shall be at the risk and expense of the applicant and that if the application is approved in accordance with the City's regulations, such approval shall confer no right upon the applicant or anyone else until the suspension period has expired, and that the applicant releases the City from all claims of damage arising out of or in any manner connected with the suspension of connections.

(C) Upon the termination of the suspension period, the City will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period. The water supply then available to the City will be apportioned equitably among all the customers then being served by the City without discrimination against services approved during the suspension period.

(D) Nothing herein shall prohibit or restrict any modification, relocation or replacement of a connection to the City's system if the City Engineer determines that the demand upon the City's water supply will not be increased thereby.

#### **13.05.040 Waste of Water Prohibited**

(A) No water furnished by the City shall be wasted. Waste of water includes, but is not limited to, the following:

- (1) Washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing.
- (2) Escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy two (72) hours after the customer discovers such a break or leak or receives notice from the City, is a reasonable time within which to correct such break or leak or, as a minimum, to stop the flow of water from such break or leak.



- (3) Irrigation in a manner or to an extent which allows excessive run-off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his or her water system under control at all times, to know the manner and extent of his or her water use and any run-off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.
- (4) Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle.
- (5) Water for non-recycling decorative water fountains.
- (6) Water for single pass evaporative cooling systems for air conditioning in all connections installed after January 22, 2014, unless required for health or safety reasons.
- (7) Water for new non-recirculating conveyor car wash systems.
- (8) Water for new non-recirculating industrial clothes wash systems.

(B) Waste of water shall also include failure to put to reasonable beneficial use any water withdrawn from the City's water system as determined by the City Engineer.

**13.05.050 Prohibition of Non-Essential Use of Water**

(A) No water furnished by the City shall be used for any purpose declared to be non-essential by this Chapter. The restrictions in this section shall not apply to use of recycled wastewater furnished by a government agency.

*Stage 1 Water Shortage Emergency Measures - Introductory Stage (voluntary reduction)*

(B) At any and all times that a Stage 1 Water Shortage Emergency condition is declared to exist by the City Council, all customers are asked to voluntarily reduce consumption of water furnished by the City by the overall reduction amount established by resolution for Stage 1, and all customers of the City are requested to:

- (1) Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.
- (2) Inspect all irrigation systems, repair leaks and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.
- (3) For irrigation valves controlling water applied to turf grass, vary the minutes of run-time consistent with fluctuations in weather.
- (4) Reduce minutes of run-time for each irrigation cycle if water begins to run-off to gutters and ditches before the irrigation cycle is completed.

- (5) Become informed about and strictly adhere to the City's Water Waste Prohibitions (refer to Section 6 hereof).
- (6) Utilize water conservation incentive, rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.
- (7) Take advantage of the free information available from the City on how to use water efficiently, read a water meter, repair ordinary leaks and how to apply water efficiently to the landscape.

(C) At any and all times that a water shortage emergency condition of Stage 1 or greater is declared to exist by the City Council, the following uses are declared to be non-essential:

- (1) Refilling a swimming pool drained after the date on which the initial water shortage emergency condition was originally declared to exist.
- (2) Water escaping from a broken pipe or leak once discovered and after passage of a reasonable amount of time to determine how to shut off the water.
- (3) Non-commercial washing of motor vehicles, trailers and boats except from a bucket with use of a hose equipped with a shutoff nozzle for a quick rinse.

*Stage 2 Water Shortage Emergency Measures - Mandatory Rationing - Community Cooperation Method*

(D) At the time of declaration of a Stage 2 or greater water shortage emergency, an overall mandatory rationing requirement for customers to collectively meet shall be established. In determining compliance, the City shall rely on water production records comparing current production trends to trends that would normally be expected to occur. Individual customers who can conserve more than the mandatory conservation requirements established by this Chapter are requested and strongly encouraged to do so voluntarily in order to help those customers who would incur economic hardship in order to meet the rationing level.

(E) At any and all times that a water shortage emergency condition of Stage 2 or greater is declared to exist by the City Council, the following additional uses are declared to be non-essential:

- (1) Any residential use (excluding irrigation only use) in excess of that resulting from application of the mandatory residential rationing requirement established by the Cloverdale City Council.

- (2) Any irrigation only use in excess of that resulting from application of the mandatory irrigation rationing requirement established by the Cloverdale City Council.
- (3) Any non-residential use (excluding irrigation only use and healthcare and public safety use) in excess of that resulting from application of the overall mandatory rationing requirement established by the Cloverdale City Council.
- (4) Any water used for healthcare and public safety (excluding irrigation only use) in excess of the minimum amount required to adequately provide for healthcare and public safety.
- (5) Any use of water from a fire hydrant except for fighting fires, human consumption, stock water, essential flushing and clean-up purposes and water used for construction needs. If the overall mandatory rationing requirement is equal to or greater than 25%, a permit issued by the City Engineer shall be required for all hydrant use except for water used for fighting fires or for other emergency use deemed essential by the Fire Chief.
- (6) Watering of any existing turf grass, ornamental plant, garden, landscaped area, trees, shrubs or other plants except from a hand-held hose or container or drip irrigation system except as provided in Section 13.05.070 hereof.
- (7) Watering of new turf grass or replacement turf grass. If the overall mandatory rationing requirement is equal to or greater than 25%, this restriction is extended and applies to watering of any new landscape or replacement landscape except in cases where the replacement landscapes will use less water than the original landscape.
- (8) Initial filling of any swimming pool for which approval of a construction permit issued by the City was made after the date on which the initial water shortage emergency condition was originally declared to exist.
- (9) Use for service of drinking water at any restaurant, cafe, cafeteria or other public place where food is sold, served or offered for sale, unless expressly requested by a patron.

(F) Except in cases of blatant non-compliance, as determined by the City Manager, individual billing records will generally not be used during Stage 2 to determine compliance with the provisions of Subsections (e) (1); (2), (3) and (4), it being assumed that customers will cooperate to do the best that they can to individually meet or exceed the overall mandatory rationing requirement. Violations of non-essential



uses that come to the attention of the Finance Manager however, will be enforced pursuant to the provisions of Section 11 hereof.

Stage 3 Water Shortage Emergency Measures - Mandatory Rationing - Allotment Method

(G) From and after the date that the Cloverdale City Council declares that a Stage 3 Water Shortage Emergency exists, water use in excess of the following allotments established for each meter are in addition declared to be non-essential:

- (1) Residential meters serving single family detached homes including mother-in-law or second units that are served by the same meter: 65 gallons per capita per day times the number of permanent occupants. Permanent occupants shall be a whole number. Babies, children, adults and senior citizens whose principal place of residence is in the dwelling in question shall each count as one (1) occupant. In determining the number of permanent occupants, the City shall rely upon data it has acquired from the customer or other sources. Provided sufficient time is available, the City will attempt to canvas customers to obtain current data on permanent household occupants.
- (2) Residential meters serving multiple units: any use in excess of that resulting from application of the mandatory residential rationing requirement established by the Cloverdale City Council.
- (3) Irrigation only meters: any use in excess of that resulting from application of the mandatory irrigation rationing requirement established by the Cloverdale City Council.
- (4) Meters serving any non-residential use (excluding irrigation only metered use and healthcare and public safety use): any use in excess of that resulting from application of the overall mandatory rationing requirement established by the Cloverdale City Council.
- (5) Meters serving water used for healthcare and public safety (excluding irrigation only use): any use in excess of the minimum amount required to adequately provide for healthcare and public safety.
- (6) Meters serving mixed uses: An allotment to be determined by the City Engineer based upon the criteria contained in items (1) through (5) immediately above.

(H) Any customer exceeding their allotment, based on metered billing records, shall be billed and required to pay a penalty established by the Cloverdale City Council by resolution at the time the Stage 3 Water Shortage Emergency is declared. This penalty charge shall be waived for the first bill received after Stage 3 is implemented and shall terminate the day the suspension period ends.

(I) If a connection to the City's system was not in existence or used in the year established for determination of the mandatory rationing requirement, the City will estimate use in such year based on other historic records and/or water use by customers having similar end uses.

(J) The City Manager, in consultation with the City Engineer, may increase or decrease the allotment for any customer if he or she determines that special circumstances exist and that to do so would better achieve equity in allocation of available water or better meet health and safety concerns.

**13.05.060 Signs on Lands Supplied from Private Sources or Supplied With Recycled Water**

The owner or occupant of any land within the water service area of the City that is supplied with recycled wastewater or water from a source not owned or operated by the City (such as a well, spring or legal surface diversion) which is used to irrigate landscape which is visible to the general public, will be requested to post and maintain in a conspicuous place thereon a sign furnished by the City giving public notice of the private supply.

**13.05.070 Use of Sprinklers Conditional**

(A) Any customer of the City may use sprinklers to apply water furnished by the City to irrigate any turf grass, garden, landscaped area, trees or shrubs provided said application is properly controlled and performed in a non-wasteful and efficient manner confined to the nighttime hours of 7:00 p.m. and 9:00 a.m. of the next day. In the event low pressure micro-jet sprayers are present in a drip system, irrigation by the valve(s) controlling same shall also be confined to the nighttime hours noted above.

(B) The amount of water normally applied for landscape irrigation shall not exceed 80% (or such percent as specified by resolution). This condition shall not apply to residential customers if Stage 3 allotments are implemented.

(C) In determining the amount of water to apply to turf grass, customers are encouraged to use the following formula:

$$\begin{aligned} \text{Applied water for turf grass (gallons)} = & \text{Area of turf grass (square feet)} \\ & \times \text{ETo (inches for a given period of} \\ & \text{time – typically 3 to 7 days)} \\ & \times \text{ETo Adjustment Factor of 0.64} \\ & \times \text{conversion factor of 0.62} \end{aligned}$$

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is 65% and that the crop coefficient for turf grass is 0.8. Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

(D) In determining the amount of water to apply to landscaped areas containing a mixture of trees and shrubs, customers are encouraged to use the following formula:

Applied water for mixed trees and shrubs (gallons) =

Area of Landscape (square feet)  
x ETo (inches or a given period of  
time – typically 3 to 7 days)  
x ETo Adjustment Factor of 0.48  
x conversion factor of 0.62

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is 65% and that the crop coefficient for mixed trees and shrubs is 0.6. Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

(E) Water applied by sprinklers shall be applied in short enough cycles to avoid run-off to gutters and drains.

(F) During the suspension period, use of water by sprinklers is a privilege and permission to use water in this way may be withdrawn if it comes to the attention of the City Engineer that such use by a given customer is wasteful or in excess of the amount determined in Section 13.05.070 (B). A common result of wasteful application of water by sprinklers is evidence of runoff to a gutter.

### **13.05.080 Variances**

(A) Any customer of the City may make written application for a variance. Applications shall be addressed to:

Utility Billing  
City of Cloverdale  
124 N. Cloverdale Boulevard  
Cloverdale, CA 95425

Said application shall describe in detail why applicant believes a variance is justified. The City Manager, in consultation with the City Engineer, may grant a variance to permit a use of water otherwise prohibited by this Chapter, if he or she determines that failure to do so would cause:

- (1) an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or
- (2) an unnecessary and undue hardship on the applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs.

(B) The decision of the City Manager to deny an application for variance under this section may be appealed to the City Council by submitting a written appeal to the City within fifteen (15) calendar days of the date of the decision. Variances granted by the City Council shall be prepared in writing and contain any conditions imposed by the City Council in granting said variance. The City Council may require the variance be recorded at applicant's expense.

### **13.05.090 Enforcement and Fees**

(A) During Stage 2 or 3, should the Finance Manager become aware of any violation of any provision of this Chapter, the following enforcement procedure shall be undertaken:

- (1) For the first such violation, the customer shall be given a warning, generally by phone or directly in person by a City employee, or by leaving a door tag notice informing the customer of the problem and asking that it be corrected.
- (2) If the violation continues or is repeated, a certified letter shall be mailed to the customer who receives the water bill. Said letter shall describe the violation and request that it be corrected, cured and abated immediately or within such specified time as the Finance Manager determines is reasonable under the circumstances. Said letter shall state the consequences of non-compliance with the request.
- (3) If the violation continues, the Finance Manager may impose any penalty established by the City Council under a Resolution declaring a water emergency, pursue enforcement action pursuant to Chapters 1.10 through 1.15 of the Cloverdale Municipal Code, or order disconnection of the service where the violation occurs.

(B) Before reconnection of a service, the customer must stop the violation, pay all past due charges on the account, and pay a Violation Reconnection Fee.

(C) If, during the suspension period, a water service is disconnected two or more times because of violation of this Chapter, a flow restriction device may be installed by the City before service is reconnected. Furthermore, the customer must stop the violation, pay all past due charges on the account and pay a Second Violation Reconnection Fee. If a flow restriction device is installed, the City shall remove the same after expiration of the suspension period.

(D) It shall be unlawful for any customer to willfully tamper with or in any way modify or attempt to modify a City meter or anything within the City's meter box. Violation shall result in customer being charged a Meter Tampering Fee plus the cost of labor and materials to remedy any damage caused to the City's equipment as a result of such tampering.

(E) Anyone who willfully takes water from the City water system without the City's permission or who willfully tampers with or causes damage to any City meter or water system appurtenance is liable to the City in the sum of time and materials, plus citation for code violation, as a civil penalty, for each subsequent act during the suspension period. This sum shall be recoverable by civil suit in a court of competent jurisdiction. This section does not limit the City's right to recover the cost of any City water taken without the City's permission.

(F) All customer fees required by this section shall be set by a resolution of the City.

**Section 3. Severability.**

If any provision of this Urgency Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this Urgency Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Urgency Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

**Section 4. Effective Immediately.**

The City Council of the City of Cloverdale adopts this Ordinance as an Urgency Ordinance in accordance with California Government Code section 36937 based on the following findings of fact:

(A) This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety due to the current water shortage emergency condition existing within the territory of the City and all water service areas served by the City outside its territory.

(B) The ordinary demands and requirements of the water consumers in the City water service area cannot be met and satisfied by the water supplies now available to this City without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

(C) Calendar year 2013 was the driest on record for the Russian River watershed.

(D) The City's water supply is from a well field along the Russian River. The production capacity of the City's well field is influenced by the amount of annual rainfall in the Russian River watershed and subsequently the flow characteristics of the river; and



(E) From the period beginning December 7, 2013 and ending January 14, 2014, the flow in the Russian River, as measured by the United States Geological Survey river station near Cloverdale, dropped from 127 cubic feet per second to 43 cubic feet per second.

(F) At river flows below 100 cubic feet per second, the City's water supply wells do not have sufficient capacity to supply current average day summertime demands.

(G) If the Russian river flows stay at or near 40 cubic feet per second from the present and throughout the summer months, and there is no reduction in water demands, the City is projected to have a storage deficit (supplies not sufficient to refill water storage tanks on a daily basis) as early as April 1, 2014, with complete depletion of the storage tanks within a week or two (2) of becoming deficient; and

(H) The water shortage emergency and drought conditions have resulted in the City Council having to consider a Resolution at its January 22, 2014 Council meeting to declare a Stage 1 Water Shortage Emergency condition exists within the territory of the City and all water service areas served by the City outside its territory. This Urgency Ordinance is needed to be in place prior to that Resolution in order to provide the regulations and guidance of what residents need to do to help the City continue to supply the water needed for human consumption, sanitation and fire protection.

This Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety and, pursuant to Government Code Section 36937(b), shall take effect immediately upon a four-fifths (4/5) vote of the City Council. The City Clerk of the City of Cloverdale shall cause this Urgency Ordinance to be published in a newspaper of general circulation in accordance with Government Code Section 36933 of the State of California.

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the City at a regular meeting thereof held on January 22, 2014, by the following vote:

**PASSED, APPROVED AND ADOPTED this 22nd day of January 2014 by the following roll call vote: (5 ayes - 0 noes)**

**AYES:** Mayor Russell, Vice Mayor Cox, Councilmember Brigham, Councilmember Maacks, Councilmember Palla


**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

  
Roberto Bartoli, Jr., Deputy City Clerk  
2225284.1

  
Carol Russell, Mayor