

CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM

Meeting Date: April 4, 2023  
To: Honorable Mayor and City Councilmembers  
From: Public Works Superintendent, Dante Del Prete  
Subject: Resolution Discontinuing the Current Water Waste Prohibitions Conservation Stage 2  
Mandatory Compliance-Water Alert and Rescinding Resolution No. 6359-2021  
Responsible Department: (Public Works/City Administration)

Recommendation:

Funding: Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No   X   N/A

Account Code/Costs authorized in City Approved Budget (if applicable)   AK   (verified by Administrative Services Department)

**INTRODUCTION/PURPOSE:**

The item tonight is for City Council approval to adopt a resolution 1) rescinding Resolution 6359-2021, and 2) direct staff to comply with the State Water Board's Emergency Drought Regulations, adopted following Governor Newsom's proclamation of a drought state of emergency for all counties in California, as it pertains to Community Water Systems, for the duration the State emergency regulation is in effect.

**BACKGROUND:**

During the last few years, Sonoma County has experienced three consecutive years of drought conditions dating back to 2020. On April 21, 2021, the Governor of California declared a local drought emergency for Sonoma and Mendocino Counties.

At the July 6, 2021, City Council meeting, the City of Sebastopol implemented Water Waste Prohibitions Conservation Stage 2 Mandatory Compliance-Water Alert to achieve an overall system-wide reduction of 25 percent as required by a proclamation issued by Governor Gavin Newsom declaring a state of emergency in California due to severe drought conditions. These restrictions included limiting Irrigation to two days per week, limiting filling swimming pools, washing of vehicles, and any use of water from fire hydrant except for fighting fires.

**DISCUSSION:**

The rainfall totals and reservoir levels in Sonoma County and around the State have reached capacity. While Sebastopol is somewhat unique in that Sebastopol utilizes municipal ground water wells for water production. Sebastopol water well levels have not seen a dramatic change in groundwater supply levels throughout the drought event. Therefore, The City of Sebastopol is not considered to have significant, immediate impacts on groundwater water supply levels.

Beginning December 26, 2022, the region received substantial rainfall from a series of atmospheric rivers lasting through the month of March. These powerful storms shifted the water supply outlook for the upcoming water year.

On Friday March 24, 2023, Governor Gavin Newsom eased drought restriction mandated by the State of California. The Governor's action eases drought emergency provisions that are no longer needed while maintaining others to support impacted communities statewide.

Based on the State of California Executive order N-5-23 staff recommends discontinuing the current Water Waste Prohibitions Conservation Stage 2 Mandatory Compliance-Water Alert and Rescinding Resolution No. 6359-2021.

The City of Sebastopol recognizes that water is a vital resource that is closely monitored and managed while encouraging our customers that water conservation measures should remain to be a way of life.

Sebastopol residents and commercial properties will continue to be educated in commonsense water saving conservation measures;

- Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.
- Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable overspray.
- For irrigation valves controlling water applied to lawns, vary the minutes of run time consistent with fluctuations in weather.
- 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.
- Utilize water conservation rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.
- Utilize City information regarding using water efficiently, reading water meters, repairing ordinary leaks, and how to make your landscape a water efficient landscape.

**ENVIRONMENTAL REVIEW:**

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

**GOALS:**

The topic responds to the following General Plan goals:

Council Goal 1.3.2 – To continue to inform and educate the community on water conservation efforts.

Action CSF 3d: Regularly review and update the City's water conservation strategy to be consistent with current best management practices for water conservation, considering measures recommended by the State Department of Water Resources, and the California Urban Water Conservation Council.

Action COS 5g: Continue to initiate and support a range of educational and public outreach programs to inform residents, agriculture, businesses and other groundwater users of best management practices in the areas of efficient water use, water conservation, and increasing groundwater recharge. Continue to make these resources available to the public through the City's website.

Policy COS 9-9: Promote water conservation among water users.

Action COS 9m: Continue to monitor local water conservation efforts and periodically review and revise the range of local programs and resources available to reduce water consumption.

**PUBLIC COMMENT:**

As of the writing of this staff report, the city has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report. Such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

**FISCAL IMPACT:**

None. However, if the City rescinds implementation of Stage 2 of its Water Shortage Contingency Plan, it is expected the Water Enterprise Fund sales revenue will gradually rebound.

**RECOMMENDATION:**

It is recommended the City Council adopt a resolution 1) rescinding Resolution 6359-2021, and 2) direct staff to comply with the State Water Board's Emergency Drought Regulations, adopted following Governor Newsom's proclamation of a drought state of emergency for all counties in California, as it pertains to Community Water Systems, for the duration the State emergency regulation is in effect.

**ATTACHMENTS:**

Resolution No. 6359-2021

State of California Executive Order N-5-23

Resolution No. Discontinuing Water Waste Prohibitions

RESOLUTION NO. 6359-2021

Resolution of the City Council  
Implementing Water Waste Prohibitions  
Conservation Stage 2 Mandatory Compliance – Water Alert

**WHEREAS**, On April 21, 2021, Governor Gavin Newsome issued a Proclamation declaring a State of Emergency to exist in California due to severe drought conditions and calling on Californians to reduce their water usage; and.

**WHEREAS**, the City of Sebastopol municipal code requires that the water resources available to the City be put to the maximum beneficial use to the extent to which they are capable, to promote water conservation and the efficient use of potable water furnished by the City, by eliminating intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment which is wasteful; and

**WHEREAS**, the City of Sebastopol established a City water shortage contingency plan in 2014 by ordinance 1070 which contains Water Conservation Stages to achieve responsible management of City's water resources; and

**WHEREAS**, the length and severity of climate and drought conditions are uncertain, and water resources are limited; the City of Sebastopol wants to proactively prevent future water shortages.

**NOW THEREFORE, BE IT RESOLVED,**

The City of Sebastopol enter *Stage 2 Mandatory Compliance- Water Alert* as found in Municipal Code 13.06.070. To achieve an overall system-wide reduction goal of 25 percent. The following activities shall be prohibited:

1. Nonessential uses of water, including the following:
  - a. Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.
  - b. Refilling or initial filling of a swimming pool.
  - c. Noncommercial washing of privately owned motor vehicles, trailers, and boats except from a bucket and except that a hose equipped with a shut-off nozzle may be used to rinse the vehicle.
  - d. Any use of water from a fire hydrant except for fighting fires or essential construction needs.
2. The City Council shall have the authority to prohibit other activities and water uses upon the recommendation of the City Manager that such additional measures are necessary to achieve an overall system-wide reduction of 25 percent in water usage.


IN COUNCIL DULY PASSED, APPROVED, and ADOPTED this 6th day of July, 2021.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

**VOTE:**

Ayes: Councilmembers Hinton, Rich, Slayter, Vice Mayor Gurney and Mayor Glass  
Noes: None  
Absent: None  
Abstain: None

APPROVED:  \_\_\_\_\_  
Mayor Una Glass

ATTEST:  \_\_\_\_\_  
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:  \_\_\_\_\_  
Larry McLaughlin, City Attorney

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-5-23

**WHEREAS** on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency to exist due to drought conditions; and

**WHEREAS** the multi-year nature of the current drought, which began three years after the record-setting drought of 2012-2016, continues to have significant, immediate impacts on communities across California with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

**WHEREAS** the March 3, 2023, snow survey conducted by the Department of Water Resources and partner agencies found that most regions of the Sierra Nevada are above average for snow water content, and some regions are nearing record amounts of snow, and snow and rain has fallen across many regions of the state since then, with more precipitation forecasted; and

**WHEREAS** improved conditions have helped rehabilitate surface water supplies, but have not abated the severe drought conditions that remain in some parts of the State, including the Klamath River basin and the Colorado River basin, and many groundwater basins throughout the State remain depleted from overreliance and successive multi-year droughts; and

**WHEREAS** continued action by the State is needed to address ongoing consequences of the drought emergency, including groundwater supply shortages, domestic well failures, and drought-related harm to native fishes in the Klamath River and Clear Lake watersheds; and

**WHEREAS** the drought emergency has required a dynamic and flexible response from the State, and several provisions in my prior Proclamations and Orders have been terminated or superseded already, specifically Paragraphs 4 and 8 of my State of Emergency Proclamation dated April 21, 2021, Paragraphs 2, 4, and 7 of my State of Emergency Proclamation dated May 10, 2021, Paragraphs 3, 4, 5, 6, and 10 of my State of Emergency Proclamation dated July 8, 2021, and Paragraph 9 of Executive Order N-7-22; and

**WHEREAS** improved conditions warrant an even more targeted State response to the ongoing drought emergency and certain provisions in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and in Executive Orders N-10-21, N-7-22, and N-3-23 provide authority that is no longer needed to mitigate the effects of the drought conditions or direct actions by state agencies, departments, and boards that have already been completed; and

**WHEREAS** notwithstanding the rescission of certain emergency authorities for emergency drinking water action, state agencies have existing legal authority and funding to continue expedited work to advance the human right to water, and state agencies will continue all ongoing drought resilience planning work, including through coordination with local agencies and tribes; and

**WHEREAS** next winter's hydrology is uncertain and the most efficient way to preserve the State's improved surface water supplies is for Californians to continue their ongoing efforts to make conservation a way of life; and

**WHEREAS** to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. The orders and provisions contained in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and Executive Orders N-7-22 (March 28, 2022), N-3-23 (February 13, 2023), and N-4-23 (March 10, 2023), remain in full force and effect, except as modified by those Proclamations and Orders and herein. State agencies shall continue to implement all directions from those Proclamations and Orders and accelerate implementation where feasible.
2. The following provisions of my State of Emergency Proclamation dated April 21, 2021, are terminated:
  - a. Paragraph 2;
  - b. Paragraphs 5-7; and
  - c. Paragraphs 9-14.
3. The following provisions of my State of Emergency Proclamation dated May 10, 2021, are terminated:
  - a. Paragraph 1;
  - b. Paragraph 3;
  - c. Paragraph 5; and
  - d. Paragraphs 9-10.
4. The following provisions of my State of Emergency Proclamation dated July 8, 2021, are terminated:
  - a. Paragraph 2;
  - b. Paragraphs 7-8, except those portions of paragraph 7 withdrawing provisions of prior orders;
  - c. Paragraphs 11-12.

5. The following provisions of my State of Emergency Proclamation dated October 19, 2021, are terminated:
  - a. Paragraph 2;
  - b. Paragraphs 4-5;
  - c. Paragraph 8; and
  - d. Paragraph 10.
  
6. The following provisions of Executive Order N-10-21 are terminated:
  - a. Paragraph 1; and
  - b. Paragraph 3
  
7. The following provisions of Executive Order N-7-22 are terminated:
  - a. Paragraphs 1-3;
  - b. Paragraph 6; and
  - c. Paragraphs 14-15.
  
8. The following provisions of Executive Order N-3-23 are terminated:
  - a. Paragraph 1; and
  - b. Paragraph 3, except those portions of the paragraph withdrawing provisions of prior orders.
  
9. Paragraph 6 of my State of Emergency Proclamation dated May 10, 2021, and Paragraph 9 of my State of Emergency Proclamation dated July 8, 2021, are withdrawn and replaced with the following text:

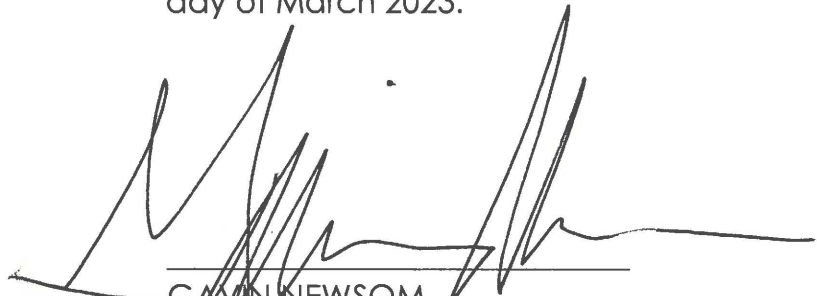
To ensure critical instream flows for species protection in the Klamath River and Clear Lake watersheds, the State Water Resources Control Board (Water Board) and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, the Clear Lake Hitch, and other native fishes in critical streams systems in these watersheds and work with water users, tribes, and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum instream flows to mitigate the effects of the drought conditions. For purposes of state agencies carrying out or approving any actions contemplated by this paragraph, Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are suspended. Nothing in this Paragraph affects or limits the validity of actions already taken in the Klamath and Clear Lake watersheds or ongoing under Paragraph 6 of my State of Emergency Proclamation dated May 10, 2021, or Paragraph 9 of my State of Emergency Proclamation dated July 8, 2021.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.



This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 24th day of March 2023.



---

GAVIN NEWSOM  
Governor of California

**ATTEST:**

---

SHIRLEY N. WEBER, PH.D.  
Secretary of State

RESOLUTION NO. \_\_\_\_\_

**Resolution of the City Council  
Discontinuing Water Waste Prohibitions  
Conservation Stage 2 Mandatory Compliance – Water Alert**

**WHEREAS**, the region has experienced three consecutive years of drought conditions dating back to 2020, and on April 21, 2021, the Governor of California declared a local drought emergency for Sonoma and Mendocino Counties; and

**WHEREAS**, beginning December 26, 2022, the region received substantial rainfall from a series of atmospheric rivers lasting through the month of January; and

**WHEREAS**, On March 24, 2023, Governor Gavin Newsome issued Executive Order N-5-23 declaring an ease of water restrictions in California due to recent rainfall totals and reservoir levels throughout the State; and

**WHEREAS**, Sebastopol is not considered to have significant, immediate impacts on groundwater water supply levels; and

**WHEREAS**, the City of Sebastopol established a City water shortage contingency plan in 2014 by ordinance 1070 which contains Water Conservation Stages to achieve responsible management of City's water resources; and

**WHEREAS**, the City of Sebastopol recognizes that water is a vital resource that is closely monitored and managed while encouraging our customers that water conservation measures should remain to be a way of life; and

**WHEREAS**, the City of Sebastopol will continue to proactively educate and encourage water conservation measures.

**NOW THEREFORE, BE IT RESOLVED,**

That RESOLUTION NO. 6359-2021 implementing the City of Sebastopol *Stage 2 Mandatory Compliance-Water Alert* as found in Municipal Code 13.06.070. To achieve an overall system-wide reduction goal of 25 percent shall be rescinded.

IN COUNCIL DULY PASSED, APPROVED, and ADOPTED this 4th day of April 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

**VOTE:**

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Mayor Neysa Hinton

ATTEST:

Mary Gourley  
Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin  
City Attorney