APPENDIX K

Water Shortage Contingency

- City of Modesto Drought Contingency Plan
- City of Modesto Resolution No. 2003-162
- Draft MID Resolution

CITY OF MODESTO – DROUGHT CONTINGENCY PLAN - Drought Stage 1 is in Effect as of May 1, 2003

Drought Stage 1–Minor Shortage Potential	Drought Stage II–Moderate Shortage Potential	Drought Stage III–Critical Shortage Potential
	Phasing Criteria	
Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff.	Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff. Production from wells is decreasing. There is a possibility that customer demands and system pressure requirements cannot be met at all times.	Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff. Production from wells is decreasing. Customer demands and system pressure requirements cannot be met.
	Reduction Objectives	
10%-20% reduction in total water production from baseline.	20%-35% reduction in total water production from baseline.	35%-50% reduction in total water production from baseline.
	Requested Consumer Actions	
* Outdoor water use prohibited daily from noon - 7 p.m.* Odd-numbered addresses water W, F, Su Even-numbered addresses water, T, Th, Sa No outdoor water use on Mondays. * Car washing subject to above-cited limitations with use of a positive shutoff nozzle * Hosing concrete areas, building exteriors, etc., may only be done with a City-issued permit and only with use of a positive shutoff nozzle. * Water leaks, once identified, must be repaired within 24 hours. * Restaurants encouraged to serve water only on request. * New landscaping to comply with existing & future landscape ordinances. * Water meter installation on all new single-family homes. *Hours of restricted outdoor use may be extended to 9 a.m. – 7 p.m. at Council discretion.	* Outdoor water use prohibited daily from 9 a.m. – 7 p.m. Odd-numbered addresses water W, F, Su Even-numbered addresses water T, Th, Sa No outdoor water use on Mondays. No watering of front yards except for trees and shrubs by hand, and vegetation maintained through drip irrigation. Backyard watering subject to above-cited limitations. * Car washing subject to above-cited limitations with use of a positive shutoff nozzle. * Hosing concrete areas, building exteriors, etc., is prohibited except for health/safety concerns. * Water leaks, once identified, must be repaired within 24 hours. * Restaurants prohibited from serving water except upon request. * New landscaping to comply with existing & future landscape ordinances. * Mandatory retrofit of low flow showerheads in homes when building remodeling occurs. * No use of outdoor fountains except for maintenance purposes. * Water meter installation on all new single-family homes. * Creation of a community-based task force to deal with possible implementation of State III restrictions.	* No outdoor water use except for trees and shrubs by hand, and vegetation maintained through drip irrigation. * Car washing permitted at car wash facilities only. * Hosing concrete areas, building exteriors, etc., is prohibited except for health/safety concerns. * Water leaks, once identified, must be repaired within 24 hours. * Restaurants prohibited from serving water except upon request. * Mandatory retrofit of low flow showerheads and toilets in homes when building remodeling occurs. * No use of outdoor fountains except for maintenance purposes. * Moratorium on all new landscaping. * Building moratorium on all new water connections, including new swimming pools.
	Penalties* for Excessive Use	
$ 50 Administrative Fee assessed upon 2nd violation. $200 Admin. Fee assessed upon 3rd violation (includes meter installation). $250 Administrative fee assessed for each subsequent violation.	$150 Administrative fee assessed upon 2nd violation. $250 Admin. fee assessed upon 3rd violation (includes meter installation). $300 Administrative fee assessed for each subsequent violation.	$200 Administrative fee assessed upon 2nd violation. $300 Admin. fee assessed upon 3rd violation (includes meter installation). $400 Administrative fee assessed for each subsequent violation.

*Penalties assessed for violations occurring within 12 months of first violation.

MODESTO CITY COUNCIL
RESOLUTION NO. 2003-162

A RESOLUTION APPROVING IMPLEMENTATION OF STAGE ONE OF THE CITY OF MODESTO DROUGHT CONTINGENCY PLAN AND RESCINDING RESOLUTION 98-380.

WHEREAS, on November 5, 1997, the City Council approved the City of Modesto Drought Contingency Plan via Resolution No. 91-666, which provides for the staged response to conditions of projected shortfall in the City's water supply system, and

WHEREAS, the Drought Contingency Plan of the City of Modesto provides that when the City determines that a minor shortage potential exists that a Stage One drought condition can and shall be declared, and

WHEREAS, Section 11-1.14 of the Modesto Municipal Code authorizes the City Council to establish rules and regulations by resolution concerning the City's municipal water system, the use of water, and water conservation, and

WHEREAS, on July 21, 1998, the City Council adopted Resolution No. 98-380 entitled, *"A Resolution Revising Guidelines for Water Use During Stage One Drought Conditions, and Rescinding Resolution No. 91-666"* which eliminated the requirement that outdoor water use occur only on certain days of the week based on the street address, and

WHEREAS, on March 10, 2003, the City Council Economic Development Committee approved a staff recommendation to implement the City's Stage One Drought Contingency Plan and to reinstate the alternate day outdoor water use schedule based on the street address effective May 1, 2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the implementation of Stage One of the Drought Contingency Plan effective May 1, 2003, to include the requirement for alternate day outdoor water use schedule based on a street address, as follows:

SECTION 1. The Operations & Maintenance Department, or its agents, shall implement the strategies and enforcement procedures applicable during a Stage One Drought Condition as provided in the City's Drought Contingency Plan.

SECTON 2. In accordance with the Drought Contingency Plan, the following rules and regulations are established for use during a Stage One Drought Condition. Violations of these regulations shall be considered water waste.

1. Outdoor water use shall be prohibited daily from 12:00 p.m. to 7:00 p.m.
2. Odd-numbered addresses shall water outdoors only on Wednesdays, Fridays, and Sundays.
3. Even-numbered addresses shall water outdoors only on Tuesdays, Thursdays, and Saturdays.
4. No outdoor water use is permitted on Mondays.
5. City residents shall not wash cars without the use of a quick-acting positive shut-off nozzle or permit others to do so on their behalf. In addition, car washing must be done in compliance with the schedule for outdoor water use. There shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters, or other exterior surfaces unless a permit is issued by

the Operations & Maintenance Director or his designee and the washing is done with a quick-acting positive shut-off nozzle on the hose.

6. City residents shall not have leaky faucets or plumbing fixtures on their premises for more than 24-hours after the leak has been identified or notice has been received from the City, whichever comes first.
7. Eating establishments are encouraged to serve water only at the customer's request.
8. New landscaping installations must comply with all applicable landscape ordinances.
9. Exceptions to the regulations set forth herein may be made by the Operations & Maintenance Director or his authorized designee upon a showing of good cause and necessity.
10. The following penalties may be added to the utility service customer's account upon violation of the above regulations:
    a. A penalty in the sum of $50 upon the second violation within one year after having received a Notice of Violation.
    b. A penalty of $200 upon the third violation within said one-year period.
        i. Upon the third violation within one year of having received a Notice of Violation, the resident shall also have a water meter installed if one is not present and metered billing shall commence.

c. A penalty of $250 upon the fourth and any subsequent violations within said one-year period.

d. The customer shall be advised of these charges through a Notice of Intention to Impose a Penalty.

BE IT FURTHER RESOLVED that Resolution No. 98-380 is hereby rescinded effective April 30, 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO IRRIGATION DISTRICT

RESOLUTION NO. 20__-xxx

APPROVING ACTION RELATED TO THE IMPLEMENTATION OF AN ALTERNATIVE CURTAILMENT FORMULA OR WATER ALLOCATION BASIS IN ACCORDANCE WITH THE PROVISIONS INCLUDED IN THE AMENDED AND RESTATED TREATMENT AND DELIVERY AGREEMENT BETWEEN MODESTO IRRIGATION DISTRICT AND CITY OF MODESTO

DRAFT

WHEREAS, on October 11, 2005, the Modesto Irrigation District Board of Directors and the City of Modesto City Council approved the Amended and Restated Treatment and Delivery Agreement Between Modesto Irrigation District and City of Modesto, and

WHEREAS, Section 17 of the Amended and Restated Treatment and Delivery Agreement describes provisions for the delivery of water by the Modesto Irrigation District to the City of Modesto, and

WHEREAS, Section 17.2 of the Amended and Restated Treatment and Delivery Agreement provides a formula for water allocation to the City of Modesto based on the actual number of inches of water allocated by the Modesto Irrigation District Board of Directors to agricultural water users for the subject irrigation season commencing immediately prior to each Domestic Water Year, and

WHEREAS, Section 17.4 of the Amended and Restated Treatment and Delivery Agreement describes provisions for the adjustment of curtailment of water deliveries, and

WHEREAS, only__ inches of water were allocated by the Modesto Irrigation District Board of Directors for the 20__ irrigation season, and thus the 20__ allocation for the City of Modesto is only _____ acre-feet of treated water, significantly less than the maximum treated water allocation of 67,204.2 acre-feet per year, and

WHEREAS, the current severe and prolonged drought threatens the ability of the City of Modesto to deliver adequate drinking water to its customers despite its efforts to impose rationing and to utilize all water resources available to it, and

WHEREAS, the parties have met and conferred for the purpose of reaching an agreement as to an alternative curtailment formula or water allocation basis which more equitably and more fairly meets the needs of the agricultural and municipal water users within the Modesto Irrigation District's boundaries.

NOW, therefore, BE IT RESOLVED, That the Board of Directors of the Modesto Irrigation District does hereby adopt the Adjustment for Curtailment Provisions described in Section 17.4 of the Amended and Restated Treatment and Delivery Agreement to be implemented as follows:

[*Based on specific hydrologic, water supply, and water demand conditions present at the time of this proposed resolution, describe alternative curtailment formula or water allocation basis which more equitably and more fairly meets the needs of the agricultural and municipal water users within the District's boundaries*]

Moved by Director _____, seconded by Director_____, that the foregoing resolution be adopted.

The following vote was had:
Ayes: Directors_____
Noes: Directors_____
Absent: Directors_____
The President declared the resolution adopted.

oOo

I, Pat Mills, Secretary of the Board of Directors of the MODESTO IRRIGATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a [regular/special] meeting of said Board of Directors held the ____ day of _____ 20___.

Secretary of the Board of Directors
of the Modesto Irrigation District

DRAFT