

## MWEO

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**From:** Matthew Lyons [Matt\_Lyons@lbwater.org]  
**Sent:** Tuesday, December 23, 2008 10:30 AM  
**To:** MWEO  
**Cc:** Kevin Wattier  
**Subject:** Comments on Modification to the Model Landscape Ordinance  
**Attachments:** 081223 comments to DWR.pdf

Please find the attached comments on the modifications to the proposed regulation related to the model water efficient landscape ordinance. Please contact me if you have any questions regarding this matter.

Matthew Lyons



**Long Beach Water Department**  
The Standard in Water Conservation &  
Environmental Stewardship

December 23, 2008

Department of Water Resources  
Office of Water Use Efficiency and Transfers  
Attn: Simon Eching  
Post Office Box 942836  
Sacramento, CA 94236-0001

Subject: Comment regarding the Modified Text of Proposed Regulation (Model Water Efficient landscape Ordinance) to California Code Of Regulations, Title 23 Section 490-495

Dear Mr. Eching:

Thank you for considering the following comment with respect to the above proposed regulation. In two places the Modified Text Of Proposed Regulation allows the local agency to designate another agency to implement some or all of the requirements contained in the proposed ordinance.

Comment 021.1

We recommend this text be revised to require the designation be agreed to by mutual consent between the local agency and the agency assuming responsibility. We propose the following language for your consideration (text of our proposed revision is *red italic*):

“Section 492(a) A local agency may designate, *by mutual consent*, another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entities specific responsibilities relating to this ordinance.”

And...

“Section 493(a) A local agency may designate, *by mutual consent*, another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each “entities” specific responsibilities relating to this ordinance.”

Local agencies may interpret these sentences, as currently written in the Modified Text Of Proposed Regulation, as authorizing them to unilaterally relinquish any and all responsibility for the successful implementation of the Proposed Regulation.

We believe that would be a mistake. Collaboration will be essential for the successful implementation of these regulations. In most jurisdictions certain elements of the proposed regulation are best administered by the local agency and other elements best

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administered by another agency, such as a water purveyor. Determining the optimum allocation of these responsibilities can only be done through collaboration. Indeed, the second sentence of each paragraph speaks to the importance of a collaborative arrangement. Revising the first sentences will make them more congruent with the second.

The Long Beach Water Department expects to work collaboratively with the local entity (the City of Long Beach) on the successful implementation of the Model Landscape Ordinance. The above recommended additional language will help to ensure this outcome.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew P. Lyons', with a long horizontal flourish extending to the right.

Matthew P. Lyons  
Director of Planning and Conservation

cc: Kevin L. Wattier, General Manager