



AGENDA
RIO DELL CITY COUNCIL
SPECIAL MEETING
TUESDAY, JULY 29, 2014 – 5:30 P.M.
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

Members of the Public are encouraged to attend and shall have an opportunity to directly address the City Council concerning any item described in this special meeting agenda before or during consideration of that item.

F. SPECIAL MEETING MATTERS

2014/0729.01 – Adopt Resolution No. 1233-2014 Amending the Water Shortage Contingency Plan Establishing Excess Water Use Civil Fines and Implementing Enforcement Measures and approve City of Rio Dell Household Information/Variance Request Form **(ACTION)**

G. ADJOURNMENT



In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

*The next regular meeting will be held on August 5, 2014
at 6:30 p.m. in City Hall Council Chambers*



*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



July 29, 2014

TO: Honorable City Council
THROUGH Kyle Knopp, City Manager
FROM: Jim Stretch
SUBJECT: Establishing Excess Water Use Civil Fines and Enforcement

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Adopt attached Resolution 1233-2014 amending the Water Shortage Contingency Plan and implementing enforcement for excess water usage, and
2. Approve the attached City of Rio Dell Household Information/Variance Request Form

BACKGROUND AND DISCUSSION

At the July 22, 2014 Council meeting it was reported that recent water use in the community had dropped to 42% of the pre-July 8, 2014 usage as the result of Council's implementation of Stage 3 of the Water Shortage Contingency Plan, including the 50 gallon/person/day directed from the State Water Resource Control Board (SWRCB). At that meeting, the majority of the Council expressed concern that some water users may not heed the drought restrictions as time wears-on and directed that penalties/civil fines be established as a disincentive for those few customers that disregard the mandatory reductions.

Resolution 1233-2014 has been prepared to establish water allowances based on the State directive of 50 gallons/person/day (2 units of water /month) for indoor personal use. And, after the City Attorney advised that penalties for excess water use may not be established by Resolution as other cities have done, a different approach has been prepared and is recommended for the Council's consideration, based on existing provisions in the Rio Dell Municipal Code.

Resolution 1233-2014 and Attachment "A" to the Resolution provide that the 50 gallon/day/person for indoor personal use become amendments to the existing Water Shortage Contingency Plan when Stages 2, 3, or 4 are implemented. And further, if the water usage allowance is exceeded by a customer based on their household population, they would receive a written warning for the first offense, a \$250 civil fine for the second offense and \$500 civil fine for the third and subsequent offense, all in accordance with existing Section 13.05.046 of the Rio Dell Municipal Code. This approach replaces our prior notion of imposing penalties based on the number of units of water used in excess of a customer's allowance.

Also at the July 22, 2014 meeting the Council asked that the form proposed to be sent to customers to determine the number of permanent residents in the house, so that the appropriate water allowance is calculated in the system, be reviewed and approved by the City Attorney. That has now been done (attached) and, except for a minor change in the title of the form and some wordsmithing, the form is basically unchanged. The form will also be useful for a person requesting an exception to the curtailment order, such as may be prescribed by a Physician.

It is recommended that the City Council approve Resolution 1233-2014 and Attachment "A" as amendments to the City of Rio Dell Water Shortage Contingency Plan, and approve the Household Information/Variance Request Form to be mailed to all city water customers.

Attachments: 1.) Resolution 1233-2014 and Attachment "A"
2.) Household Information/Variance Request Form

RESOLUTION 1233-2014

A RESOLUTION OF THE CITY OF RIO DELL ADOPTING AMENDMENTS TO THE WATER SHORTAGE CONTINGENCY PLAN AND IMPLEMENTING ENFORCEMENT MEASURES PURSUANT TO THE RIO DELL MUNICIPAL CODE

A. WHEREAS, the Governor of the State of California proclaimed a State of Water Emergency on January 17, 2014, and called upon all state officials to take all necessary actions to prepare for drought conditions; and

B. WHEREAS, the Governor further called upon local urban water suppliers and municipalities to implement their local water shortage contingency plans immediately in order to forestall outright restrictions that could become necessary later in the drought season; and

C. WHEREAS, on July 2, 2014, the City of Rio Dell received from the State Water Resources Control Board a notice immediately withdrawing the City's water right to divert water from the Eel River until further notice, offering 7 days for the City to file an exception Claims Form; and

D. WHEREAS, on July 9, 2014, the City of Rio Dell did file with the State Water Resources Control Board the "Human Health and Safety Claims Form" implementing Serious Water Shortage Stage 3 of the City's Contingency Plan, prohibiting all outside water use and curtailing personal indoor water use target to not more than 50 gallons of water per day per each residence occupant; and

E. WHEREAS, the City of Rio Dell's only source of water for the community of approximately 3,400 residents is the Infiltration Gallery in the Eel River on the Main Stem of the Eel River and due to exceptionally low river flow and elevation the State Water Resources Control Board will likely continue the mandatory curtailment of water rights into November or December, 2014; and

F. WHEREAS, Rio Dell Municipal Code Section 13.05.440, et seq., expressly authorizes the City Council to declare a water shortage (emergency) and to adopt such plans, regulations and restrictions and enforcement measures to conserve the water supply for the greatest public benefit with particular regard for domestic use, sanitation, and fire protection; and

G. WHEREAS, the implementation of the City of Rio Dell Water Shortage Contingency Plan Stage 3 and Section 13.05.440 of the Rio Dell Municipal Code adopted by the City Council at a Special meeting July 8, 2014, immediately applied to all City water customers, including those outside of the City that receive City water; and

H. WHEREAS, the community' initial response to the mandated reduction of water use has been positive, curtailing all outdoor water use and rationing indoor usage by as much as forty percent (40%); and

I. WHEREAS, an incentive to continue serious water conservation may be necessary in order to remain compliant with the SWRCB mandatory curtailment and to avoid potential penalty enforcement against the City of \$2,500 for each acre foot of water diverted or \$10,000 per day.

NOW, THEREFORE, BE IT RESOLVED that the Rio Dell City Council does hereby adopt, amend and augment the City of Rio Dell Water Shortage Contingency Plan in order to establish excess water use consumption thresholds for the imposition civil fines and/or penalties pursuant to Rio Dell Municipal Code Section 13.05.460 for all water customers that receive water from the City of Rio Dell as follows:

1. During the implementation of Water Shortage Stages 2, 3 and 4 of the City of Rio Dell Water Shortage Contingency Plan, exceeding the consumption rates set forth in Attachment "A" to this Resolution shall be deemed to constitute "excess water use" subjecting the water service account holder (and any individual, business or corporate violator) to civil fines and/or penalties in accord with Rio Dell Municipal Code Sections 13.05.460 , 13.05.470 and other applicable provisions of the Code; and
2. In order to implement and monitor water use consumption rates pursuant to the Water Shortage Contingency Plan and afford water users a method to request reasonable variances, the City will send each water service account holder a "Household Information/Variance Request Form" in the form appended in Attachment "B"; and
3. The review of any variance requests from the water consumption restrictions submitted by water service account holders shall be submitted to the City Manager (and/or any enforcement officer(s) he/she may appoint).
4. High water use in excess of the per person per month allowances set forth in Attachment "A" resulting from undetected water line breaks or leaks, shall not be subject to excess water use penalties if sufficient proof is provided to the City that the customer was diligent in responding to the water loss and that it has been repaired; and

5. Notwithstanding Resolution 1102-2011 concerning water bill adjustments, the full amount of lost water registered through the meter shall be paid by the customer; and
6. The City of Rio Dell Water Shortage Contingency Plan (dated September, 2000), as augmented by this Resolution, is deemed in effect until the emergency water shortage ends and implementation of the Plan is terminated by future City Council action.

PASSED AND ADOPTED by the City Council of the City of Rio Dell, State of California, on July 15, 2014, by the following vote:

AYES:

NOES:

ABSENT:

Jack Thompson, Mayor

Attest: _____

Karen Dunham, Rio Dell City Clerk

ATTACHMENT "A" TO CITY OF RIO DELL RESOLUTION NO. 1233-2014

EXCESS WATER USE RESTRICTIONS

PERMITTED WATER USAGE STRUCTURE:

Water usage is permitted at the rate of 2 Units, per each household occupant, per month (2 Units/per person/per month). One (1) Unit equals 748 gallons of water.

EXCESS WATER USAGE STRUCTURE:

Water usage shall be deemed "Excess" and subject to fines and/or civil penalties as follows:

Water usage in excess of 1 Unit¹ of the total usage allowed for each household per month shall be subject to civil fines and/or penalties as follows:

- (1) **First Offense.** The Water Service Account Holder shall receive a written warning in accord with Rio Dell Municipal Code Section 13.05.460;
- (2) **Second Offense.** The Water Service Account Holder shall receive a civil fine in the amount of Two Hundred and Fifth Dollars (\$250.00) in accord with Rio Dell Municipal Code Section 13.05.460; and
- (3) **Third or More Offenses.** The Water Service Account Holder shall receive a civil fine in the amount of Five Hundred Dollars (\$500.00) in accord with Rio Dell Municipal Code Section 13.05.460.

The usage limitations and civil fines and penalties stated in this Attachment "A" are in addition to all other limitations, fines and penalties authorized by the City of Rio Dell Water Contingency Plan dated September, 2000, and included in the Rio Dell Municipal Code.

¹ THE PENALTY STRUCTURE ALLOWS FOR ONE (1) UNIT OF FORGIVENESS PER HOUSEHOLD PER MONTH

City of Rio Dell

Household Information / Variance Request Form

The purpose of this form is to determine the number of permanent members in your household and for adjustment requests to your water allocation. This information is needed in order to avoid having unnecessary fines and penalties applied for over-consumption. If you believe your allocation of 50 gallons of water per person per day needs to be increased based on any of the criteria listed below, please include the necessary information and documentation.

Water usage of 50 gallons per person per day maximum has been designated by the State Water Resources Control Board and is designed to provide an adequate amount of water for indoor use. Variances/Adjustments may be approved for qualified reasons and are subject to periodic review by the City of Rio Dell.

NO RETROACTIVE VARIANCES/ADJUSTMENTS WILL BE GRANTED. Adjustments will be effective at the start of the billing period, after the adjustment is approved.

Customer Information
Account Number: _____
Service Address: _____
Name on Account: _____
Email Address: _____
Best day, time and phone number to reach you: _____
Household Occupants
<input type="checkbox"/> Household (Documentation such as copies of DMV records, birth records, School records, lease/rental agreements, etc. may be required for households requesting an increase in occupancy of more than 3 permanent residents.) Total number of people permanently residing at the service address: _____
Variances
<input type="checkbox"/> Medical Needs (Indoor) (Although <u>no</u> medical condition need be identified, a doctor's note is required that specifies water use as a necessary requirement).
Variances (continued)
<input type="checkbox"/> Elderly Care / Child Care (Indoor) (A copy of your business license is required) Total number of people: _____
<input type="checkbox"/> Livestock (Outdoor) (Not Commercial) verification letter from your veterinarian is required. (The letter must specify the amount of water needed per day for each animal.) Total number of large animals: _____ Amount of water needed per large animal per day: _____ gallons

Others

There may be rare instances in which an increased allocation on a permanent or temporary basis may be appropriate. If you believe that is the case, please provide the details in the lines below and attach any documentation. Please note that additional documentation may be required. Use separate sheet if necessary.

In most cases, if approved, adjustments / variances will be effective with the start of your next billing period.

I have completed this form and affirm that I am the above account holder and the information contained herein, including attachments, is complete and accurate. I understand that all variances are subject to change and I may be liable for back charges for providing false information. I further understand that the City of Rio Dell may request additional documentation to support my request.

Please mail, fax or deliver the completed and signed form with any required documentation by 8/13/14 to:

City of Rio Dell
675 Wildwood Ave
Rio Dell, CA 95562

Signature (account holder only)

Date

Office Use Only			
Received Date	Processing Date	<input type="checkbox"/> Approved <input type="checkbox"/> Declined By: _____	
Other Notes:		Reasons for Decline:	
System Updated By: _____ Date: _____		System Verified By: _____ Date: _____	