



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Adopt Resolution Finding Existence of a Drought Emergency

MEETING DATE: May 21, 2014

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution finding existence of a drought emergency.

BACKGROUND INFORMATION: On January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to drought conditions in the state. On April 25, 2014, the Governor proclaimed a continued state of emergency in the State of California due to drought conditions that have persisted for the last three years and the duration of this drought is unknown.

Lodi Municipal Code, Chapter 13.08, Article III, Section 13.08.290, Emergency Water Conservation, allows the Public Works Director to determine the degree of emergency and determine what additional restrictions of water use or other appropriate actions must be taken to protect the water system and the citizens of Lodi.

Staff recommends that City Council adopt a resolution finding the existence of a drought emergency and that the emergency will be presumed to be in effect until a contrary finding is made by the Council. Staff also recommends that Council supports the Public Works Director declaring a Stage 1 water emergency and support any future water emergency restrictions in accordance with the City's Water Shortage Contingency.

FISCAL IMPACT: Not applicable.

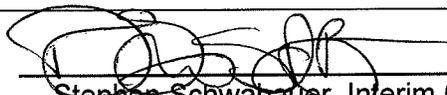
FUNDING AVAILABLE: Not applicable.



F. Wally Sandelin
Public Works Director

Prepared by Kathryn E. Garcia, Compliance Engineer
FWS/KMG/pmf

APPROVED:



Stephen Schwabauer, Interim City Manager

RESOLUTION NO. 2014-82

A RESOLUTION OF THE LODI CITY
COUNCIL FINDING THE EXISTENCE OF
A DROUGHT EMERGENCY

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WHEREAS, California Water Code Section 71642 authorizes the governing body of a municipal water district to find the existence or threat of a drought emergency or other threatened or existing water shortage, and that finding is prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding is made by the City by resolution or ordinance; and

WHEREAS, pursuant to Water Code Section 71640, the City may restrict the use of municipal water during the drought emergency or other water shortage condition and may prohibit the wastage of municipal water or the use of municipal water during such periods for any purpose other than household uses or other restricted uses as the City determines to be necessary; and

WHEREAS, pursuant to Water Code Section 71641 and Government Code Section 6061, the City of Lodi must publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined to be necessary under Water Code Section 71640 within 10 days after its adoption; and

WHEREAS, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to drought conditions in the state; and

WHEREAS, the Governor's proclamation acknowledged the State of California is experiencing extremely dry conditions that have persisted since 2012; and

WHEREAS, the Governor's proclamation also noted the snowpack in California's mountains is approximately 20 percent of the normal average for this date; and

WHEREAS, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

WHEREAS, the Governor's proclamation called upon local urban water suppliers and municipalities to implement any local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

WHEREAS, on January 17, 2014, the California State Water Resources Control Board notified all water rights holders in California that, in the coming months, if dry weather conditions persist, the State Water Board will notify water rights holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based upon the priority of their right; and

WHEREAS, Lodi Municipal Code, Chapter 13.08, Article III, Section 13.08.290, Emergency Water Conservation allows the Public Works Director to determine the degree of emergency and determine what additional restrictions of water use or other appropriate actions must be taken to protect the water system and the citizens of Lodi.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council, as follows:

1. Pursuant to Water Code Section 71642, and for the reasons set forth herein, the Lodi City Council finds the existence or threat of a drought emergency or other water shortage condition; and
2. The City may adopt restriction and prohibitions on the delivery and consumption of water within the service area so that the water supply can be conserved for the greater public benefit; and
3. The Lodi City Council confirms Stage 1 Water Shortage Contingency - Normal Conditions, per the City of Lodi Water Shortage Contingency, is in effect; and
4. Pursuant to Water Code Section 71641 and Government Code Section 6061, the City of Lodi shall publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined by the City to be necessary under Water Code Section 71640; and
5. This emergency or water shortage condition shall be presumed to continue unchanged unless and until a contrary finding is made by the Lodi City Council by resolution or ordinance; and
6. The Lodi City Council requests that federal and state agencies provide financial and other assistance to residents, water suppliers, water rights holders, ranchers, farmers, business owners, and any local governments who are harmed by the drought emergency in its territorial limits to help them mitigate the effects of the persistent drought conditions.

Dated: May 21, 2014

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I hereby certify that Resolution No. 2014-82 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2014, by the following vote:

AYES: COUNCIL MEMBERS – Johnson, Mounce, Nakanishi, and
Mayor Katakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hansen

ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. ROBISON
Assistant City Clerk