




City of Tracy  
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# Memorandum

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Date: August 3, 2022  
To: Mayor and Council Members  
From: Michael Rogers, City Manager <sup>DS</sup>  
Via: Kuldeep Sharma, Operations and Utilities Department  
CC: Stephanie Reyna-Hiestand,  
Water Resources and Compliance Manager  
Subject: New Statewide Emergency Water Conservation  
Mandates from State Water Resources Control Board

On April 21, 2021, Governor Newsom issued a Drought Emergency Proclamation to protect public health, safety and the environment and directed state agencies to take immediate actions to bolster drought resilience across the State. On May 10<sup>th</sup>, 2021, the Governor expanded the proclamation to include a drought emergency in 39 counties, including San Joaquin County. On July 6, 2021, City Council conducted a public hearing to declare a drought emergency and authorized the implementation of Stage 3 Water Restrictions contained in Section 11.28.190 of the Tracy Municipal Code (T.M.C.) and the Water Shortage Contingency Plan.

On October 19, 2021, Governor Newsom proclaimed a drought state of emergency for all counties in California and required the State Water Board to adopt emergency regulations that would require all Californians to take sufficient action to conserve water and preserve the State's water supply. On January 4, 2022, the State Water Board adopted emergency regulations and the Office of Administrative Law (OAL) approved it on January 18, 2022. This regulation required mandatory prohibitions which included no potable water use to fill lakes, ponds, or ornamental fountains, use an automatic shutoff nozzle on water hoses, and no irrigation with potable water of turf on public medians. The City was already in compliance with these prohibitions and mandates since the July 6, 2021 implementation of Stage 3.

On March 28, 2022, Governor Newsom directed the State Water Board to consider adopting further emergency regulations for urban water conservation. On May 24, 2022, the State Water Board adopted emergency regulations and the OAL signed them into effect on June 10, 2022. These new mandates require all water suppliers to implement at least Stage 2 of their Water Shortage Contingency Plans; and directed all commercial, industrial, and institutional facilities, and Homeowners Associations (HOAs) to implement water conservation regulations that prohibit the use of potable water on decorative or non-functional grass (a mowed ground cover surface).

The following are highlights of the requirements for water suppliers and local governments under this newest order:

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- Implementation of Stage 2 of a water suppliers Water Shortage Contingency Plan meant to address a 10% to 20% conservation standard.
  - The City has already implemented Stage 3 (up to 30% reduction) since July 2021.
- Water suppliers must communicate the requirements of the emergency regulation to their customers and where to report a potential water use violation.
  - Informational letters were sent out to all commercial, institutional, and industrial agencies, and HOAs (638) the week of July 25<sup>th</sup>.
- This prohibition does not include watering grass for human recreation or other community activities, residential and multi-family grasses, or watering trees. (For example residential lawns can continue to be watered in compliance with the City's weekly watering scheduled ( located here – [Water Conservation and Efficiency | City of Tracy, CA](#) ).

The City, as an institution, will be required to comply with these prohibitions for any turf/grass areas that are considered non-functional. An example would be the grass/lawn area behind the sidewalk fronting city-owned properties like police headquarters building, fire stations, community center frontage, etc. This prohibition also applies to turf/grass areas in the street medians and on both sides of the sidewalk, between park lane, and the fence line on Eleventh Street. As a result, certain existing turf/grass areas noted herein and at other locations will become brown. As stated above, trees and perennial landscapes are exempt from this prohibition. Staff from multiple departments have attended meetings to discuss actions/solutions to this mandate and any areas that may be affected.

This mandate also makes violation of these mandates an infraction punishable by a fine up to \$500 per day. It further allows any organization that has the authority to enforce infractions may do so; which the existing T.M.C. allows for. Staff is not recommending the implementation of the infraction process at this time and believes that with public outreach and education, the City will achieve the desired water use reduction goals.

Anyone may report water waste, wrong day for irrigating, leaks, broken valves, etc. either on the City of Tracy's website here – [Gov Outreach Template | Tracy, CA](#) or to the State here - [Save Water Report - State of California](#) or by phone (209) 831-6333.

Thank you