

## MARIN MUNICIPAL WATER DISTRICT

### ORDINANCE NO. 457

#### **AN ORDINANCE AMENDING CHAPTER 13.04 ENTITLED “COMPREHENSIVE DROUGHT WATER CONSERVATION AND ENFORCEMENT MEASURES” OF TITLE 13 OF THE MARIN MUNICIPAL WATER DISTRICT CODE ENTITLED “WATER SERVICE CONDITIONS AND WATER CONSERVATION MEASURES” REPEALING LIMITS ON WATER USE AND ASSOCIATED PENALTIES**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT AS FOLLOWS:**

**SECTION 1. Purpose:** The Board of Directors (Board) declared a water shortage emergency on April 20, 2021 pursuant to Water Code sections 350, et seq. and 71640, et seq. as set forth in Board Resolution No. 8630 and subsequently adopted Ordinance Nos. 449, 450, 452, 453, and 455 instituting mandatory water conservation measures for all District customers to preserve the District’s water supply during the current drought. On September 21, 2021, the Board adopted Ordinance No. 454 establishing limits on water use and penalties for water use in excess of those limits. The purpose of this ordinance is to repeal the limits on water use and penalties for water use in excess of those limits adopted by Ordinance No. 454. While acknowledging that water conservation is still needed and that drought conditions still exist throughout much of the state, the repeal of these water use limits and associated penalties is in response to recent rainfall events that have increase District reservoir levels and reduced or eliminated the need for most outdoor irrigation.

**SECTION 2.** Chapter 13.04, Section 13.04.025 of the Marin Municipal Water District Code entitled “Limits on water uses” is hereby repealed in its entirety.

**SECTION 3.** Chapter 13.04, Section 13.04.026 of the Marin Municipal Water District Code entitled “Penalties for water use in excess of limits” is hereby repealed in its entirety.

**SECTION 4.** Chapter 13.04, Section 13.04.027 of the Marin Municipal Water District Code entitled “Adjustment of limits on water use for larger households” is hereby repealed in its entirety.

**SECTION 5. Findings of Necessity:** The Board of Directors, after considering all of the information and testimony presented at its January 18, 2022 public hearing regarding this ordinance, finds as follows:

- I. Historic and Current Water Supply Overview
  - A. Water is a finite and precious resource.
  - B. The District’s water supply currently remains limited to water captured in its seven reservoirs; water transported from the Russian River via the North Marin aqueduct; and recycled water produced at the Las Gallinas Valley Sanitary District Plant (for a variety of non-potable purposes). About 73% of the District’s water supply comes from its reservoirs, 25% from the Russian River through the North Marin

aqueduct and 2% from recycled water. Although options to increase the District's water supply are being evaluated, the implementation of any preferred alternative will not be immediate.

- C. The water conservation program, including the mandatory water conservation measures already adopted by this Board, is still necessary to conserve additional water for beneficial use and to preserve the District's water supply.
- D. On September 16, 2021, one day prior to the posting of agenda packet containing Ordinance No. 454, the District's water storage level was 28,447 acre feet, which was 35.75% of average for that time of year.
- E. From July 1, 2021 to January 12, 2022, the District recorded 43.16 inches of rainfall at Lake Lagunitas, which is 184% of average for this time of year.
- F. As of January 13, 2022 the District's water storage level is 75,893 acre feet, which is 122% of average for this time of year.
- G. While continued water conservation is needed to assure water supply availability in the future, recent rainfall events have substantially improved the District's current water supply conditions.

## II. Repeal of Limits on Water Use and Associated Penalties

- A. On April 20, 2021, pursuant to Board Resolution No. 8630, the District declared a water shortage emergency pursuant to Water Code sections 350, et seq. and 71460, et seq.
- B. Based upon projected demand and current storage levels at that time, the District was focused (and continues to be) on preserving its remaining water supply to assure sufficient supply given the uncertainty of future weather and water storage.
- C. Article X Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use to the fullest extent of which they are capable and that the waste, unreasonable use or unreasonable method of use of water be prevented, and that conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare.
- D. California Water Code section 71640 authorizes the District to restrict the use of water during any emergency caused by drought, or other threatened or existing water shortage, and prohibit the wastage of District water or the use of District water during such periods for any purpose other than household uses or such other restricted uses as the District determines to be necessary. The District may also prohibit use of District water during such periods for specific uses which it finds to be nonessential.
- E. Pursuant to Water Code section 353 when the Board declares the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of

such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

- F. The Board has adopted such regulations and restrictions on water use with the adoption of Ordinances 449, 450, 452, 453, 454, and 455 respectively.
- G. Given improved reservoir storage levels and water supply conditions, the limits on water use and the penalties for water use in excess of the those limits adopted by Ordinance No. 454 are determined to no longer be necessary. However, the regulations and restrictions on water use adopted by Ordinances 449, 450, 452, 453, and 455 respectively shall remain in full force and effect, while the District continues to monitor weather and water supply conditions.

**SECTION 6. Environmental Determination:** This project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and based upon the above findings and purposes of this ordinance, qualifies for an exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines as there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 7. Severability:** If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections subsections, clauses, phrases, parts or portions be declared invalid or unconstitutional.

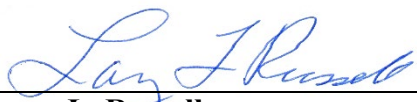
**SECTION 8. Effective Date:** Pursuant to Water Code section 71640, this ordinance shall be effective on the day of its adoption. Within 10 days of adoption, this ordinance, or a summary hereof, shall be published in the Marin Independent Journal pursuant to Section 6061 of the Government Code.

**PASSED AND ADOPTED** this 18th day of January, 2022, by the following vote of the Board of Directors:

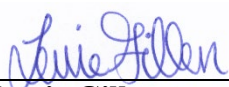
**AYES:** Directors Larry Bragman, Jack Gibson, Cynthia Koehler, Monty Schmitt, and Larry Russell

**NOES:** None

**ABSENT:** None

  
\_\_\_\_\_  
**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

  
\_\_\_\_\_  
**Terrie Gillen**  
**Secretary, Board of Directors**