

MARIN MUNICIPAL WATER DISTRICT

ORDINANCE NO. 460

AN ORDINANCE REPEALING 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”

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 No. 449, which added a new Chapter 13.04 to Title 13 of the Marin Municipal Water District Code. Chapter 13.04 was subsequently amended to add additional mandatory water conservation measures for all District customers to preserve the District’s water supply during the declared water shortage emergency through the adoption of Ordinance Nos. 450, 452, 453, and 455. From October 2021 through April 2022, the District watershed experienced a significant amount of rainfall resulting in a substantial replenishment of the local reservoir water supply. While acknowledging that water conservation is a continuing District goal and that drought conditions still exist throughout much of the state, the repeal of Chapter 13.04 is in response to recent rainfall events that have increased District reservoir storage levels, which remain at average levels for this time of year.

SECTION 2. Chapter 13.04, of the Marin Municipal Water District Code entitled “Comprehensive Drought Water Conservation and Enforcement Measures” is hereby repealed in its entirety.

SECTION 3. Findings of Necessity: The Board of Directors, after considering all of the information and testimony presented at its May 3, 2022 public hearing regarding this ordinance, finds as follows:

I. Background

- 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).
- C. On February 1, 2021, the District reservoir storage level was at 45,275 acre feet due to two successive dry weather years with significantly less than average rainfall, and in response, the District adopted Resolution No. 8624, calling for District-wide voluntary conservation efforts.
- D. On April 1, 2021, the District reservoir storage level was at 43,385 acre feet, representing 54.5% of total storage capacity, nearly 41% below the District average of 73,543 acre feet, which also presented the lowest District reservoir storage level

since 1983 (since before the raising of Kent Lake), prompting the Board to adopt Resolution No. 8630, declaring a water shortage emergency in accordance with Water Code sections 350 et seq. and 71641 et seq.

- 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. On April 20, 2021, the Board adopted Ordinance No. 449 putting in place a comprehensive program of mandatory water use restrictions aimed at eliminating water waste and preserving the District's local water supply, which Ordinance No. 449 was subsequently amended by Ordinance Nos. 450, 452, 453, and 455 in order to focus on essential water use and to further preserve the District's local reservoir storage level and extend available supply.

II. Current Water Supply and Repeal of Comprehensive Water Shortage Emergency Restrictions

- A. From July 1, 2021 to April 20, 2022, the District recorded 48.71 inches of rainfall at Lake Lagunitas, which represents near average rainfall for the water year.
- B. As of April 18, 2022, the District's water storage level was 72,339 acre feet, which is average for this time of year.
- C. While efficient water use and avoidance of water waste are ongoing goals of the District, recent rainfall events have substantially improved the District's current water supply conditions and eliminated the need for comprehensive mandatory emergency water conservation measures.
- D. The District's normal year conservation program, as set forth in Chapter 13.02 entitled "Water Conservation and Dry Year Water Use Reduction Program" sets forth a number of normal year conservation measures aimed at the elimination of water waste and ongoing water use efficiency.
- E. In light of the repeal of Chapter 13.04, the District will consider which of the emergency measures should be incorporated into the District's normal year conservation program to continue its goals of water use efficiency and avoidance of water waste.

SECTION 4. 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 5. 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 6. Effective Date: Pursuant to Water Code section 71641, 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 3rd day of May, 2022, by the following vote of the Board of Directors:

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

NOES: None

ABSENT: None



Larry L. Russell
President, Board of Directors

ATTEST:



Terrie Gillen
Secretary, Board of Directors