

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 3, 2003
SUBJECT: **Water Shortage Contingency Plan**
AFFECTED COUNCIL DISTRICTS: Citywide
STAFF REPORT BY: Gary Mumford
ADMINISTRATIVE DEPT. AND CONTACT PERSON: Public Utilities
LeRoy Hooton

The Administration is requesting that the Council adopt an ordinance that requires the Department of Public Utilities to prepare a Water Shortage Contingency Plan. The proposed plan has graduated stages of water shortage severity and water use recommendations and in some cases restrictions for each stage. The plan is to establish guidelines by which the Mayor, upon recommendation of the Director of Public Utilities, would designate applicable water shortage stages. The proposed ordinance sets civil fine amounts and provides for an appeals process. The Department of Public Utilities will enforce the ordinance.

The Council received a briefing on the proposed Water Shortage Contingency Plan on July 1, 2003. The discussion included the following:

- The Council discussed whether customers outside of the corporate limits would be subject to the regulations since ordinances don't normally apply outside of city limits. The proposed ordinance has been updated to specify that customers include any person responsible, whether by ordinance or by contract between the City and such person, to pay the water charges, whether the location is situated within or outside of the corporate limits of the City. (See changes on the first paragraph of page 4 in the attached proposed ordinance.)
- Some Council Members suggested that the ordinance and plan refer to "recommended" responses rather than "voluntary." Both the revised ordinance and the updated Response Summary now refer to *recommended* actions.
- Council Members discussed enforcement of the ordinance. Representatives of the Department of Public Utilities clarified that rather than using meter readers or inspectors to enforce the ordinance, the Department of Public Utilities will likely assign and train some employees that can be temporarily transferred from other duties. These employees may use cameras to document violations when responding to calls from the community. Violation notices will be sent to the individual that set up the service connection unless that person has designated another individual (renter, property manager, etc.) as the responsible person.
- The Council discussed the possibility of the Justice Court hearing appeals of violations because of a possible perceived conflict of interest of the Public Utilities Advisory Committee. Because the citizens on the Advisory Committee have a certain amount of water conservation proficiency, the Department of Public Utilities recommends that a group of three members of the Advisory Committee be the hearing panel. This panel is more likely to understand when variances and exceptions are appropriate. Although the ordinance doesn't specify additional appeals, the Administration noted that further appeal

of the panel's decision would require court action.

OPTIONS AND MOTIONS:

The Council may wish to consider adopting the ordinance so that it can be effective in July. Other options include continuing the hearing to give the Department additional time to notify water customers of the proposed Water Shortage Contingency Plan and to allow for further input.

The Council may wish to consider the following motions:

1. ["I move that the Council"] **Adopt an ordinance enacting Sections 17.16.092 and 17.16.792 relating to the preparation and implementation of a Water Shortage Contingency Plan and related civil fines.**
2. ["I move that the Council"] **Continue the public hearing to Thursday, August 7 [or Tuesday, August 12].**

MATTERS AT ISSUE:

The Water Shortage Contingency Plan includes guidelines and criteria for determining the appropriate stage to be implemented under various water supply and demand conditions. Each plan stage of water shortage is implemented by declaration of the Mayor, upon the recommendation of the Director of Public Utilities pursuant to the plan guidelines.

The five stages are characterized as follows:

STAGE 1 - ADVISORY: The public is informed as early as meaningful data become available that a possible shortage may occur.

STAGE 2 - MILD: This stage is initiated if supply conditions worsen and relies on voluntary cooperation and customer support to meet target consumption goals. During this stage, specific recommended actions are suggested and certain mandatory actions are identified for municipal customers, including parks, golf courses, schools, and other government facilities.

STAGE 3 - MODERATE: This stage is to be initiated if the Mild Stage does not result in the reduction needed. This stage has additional recommendations for residential or commercial customers and increasingly stringent mandatory actions for government-owned green space and facilities.

STAGE 4 - SEVERE: This stage is to be initiated if the Moderate Stage does not result in the reduction needed. The Severe Stage includes certain mandatory actions for residential and commercial customers.

STAGE 5 - CRITICAL: This stage addresses the most critical need for demand reduction and increases the number of restricted water uses and mandatory actions.

Council staff's understanding is that the City is currently in the moderate stage (Stage 3). With continued conservation efforts, the Department of Public Utilities anticipates that Stage Four will not be necessary this year.

cc: Rocky Fluhart, David Nimkin, LeRoy Hooton, Jeff Niermeyer, Stephanie Duer, JD Baxter

