

- **Board of Directors**
Communications and Legislation Committee

June 13, 2006 Board Meeting

8-12

Subject

Express support for AB 1881 (Laird, D-Santa Cruz) regarding landscape water use efficiency

Description

Background:

In 2004, AB 2717 (Laird, D-Santa Cruz) requested that the California Urban Conservation Council (Council) convene a stakeholders workgroup by Jan. 1, 2005 to develop, evaluate and recommend proposals for improving the efficiency of water use in new and existing urban irrigated landscapes in the state.

In response, the Council convened the Landscape Task Force, which included representatives of federal and state agencies, urban water suppliers, local and county governments, industry groups, environmental advocacy and environmental justice organizations and universities. Metropolitan staff actively participated in these meetings, which occurred throughout 2005 and resulted in 43 recommendations for legislative, regulatory and administrative changes, as well as public education programs, training and education, research, and financial incentives. Overall, the Landscape Task Force estimates that its recommendations and corresponding set of actions can save 600,000 to 1,000,000 acre-feet of water annually from improved water use efficiency – enough water to meet the needs of up to two million households annually.

This year's AB 1881 (Laird) has been introduced as the vehicle for key task force recommendations that would require statutory changes.

AB 1881 – Current language and anticipated amendments

As amended on May 4, AB 1881 includes language that would:

- Require the Department of Water Resources to update the model local water efficient landscape ordinance, including restrictions on overspray and runoff, by Jan. 1, 2009 and distribute the model ordinance to local agencies.
- Require local agencies to adopt either the model ordinance or one that is at least as effective, by Jan. 1, 2010.
- Require public water systems serving 300 or more service connections to require as a condition of new water service on and after Jan. 1, 2008, the installation of a separate water meter to measure the volume of water used exclusively for landscape purposes. The bill would make this requirement applicable to service connections, other than single-family residential connections, that serve property with more than 5,000 square feet of irrigated landscape.

Amendments to reflect additional task force recommendations are anticipated to be included in the measure soon. These amendments will likely include proposed model ordinance language and provisions to require the Energy Commission to adopt performance standards and labeling requirements for landscape irrigation equipment.

Metropolitan staff will provide the Board with an update on the amendments expected to be in print prior to the June board meeting.

Recommended “support” position

As noted above, Metropolitan was a participant on the AB 2717 Landscape Task Force and staff has determined that the language included in the May 4 version of AB 1881 would be beneficial to landscape water use efficiency

efforts and that the bill is consistent with the efforts of the task force. In addition, the proposed action would contribute toward meeting Metropolitan's IRP conservation targets through year 2025.

While Metropolitan staff will carefully review the amendments that are anticipated for the measure, it is Metropolitan's understanding the bill will be amended to further reflect task force recommendations that are appropriate for legislative action at this time.

For these reasons, Metropolitan staff recommends a support position on AB 1881.

Policy

By Minute Item 45208, dated Feb. 11, 2003, the Board adopted water conservation policy principles.

By Minute Item 45334, dated May 13, 2003, the Board adopted a "support, if amended" position for SB 312 (Machado) – Urban Landscape Water Conservation Act of 2003.

By Minute Item 45787, dated June 8, 2004, the Board adopted a support position, if amended, for AB 2717 (Laird) establishing Task Force to make recommendations to improve landscape water use efficiency.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA (Section 15378(b) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and express position of support on AB 1881.

Fiscal Impact: No appreciable cost to Metropolitan.

Business Analysis: Would improve landscape irrigation efficiencies statewide and contribute toward meeting Metropolitan's IRP conservation targets.

Option #2

Do not take a position on AB 1881.

Fiscal Impact: None

Business Analysis: Possible reduced opportunity for landscape efficiency.

AMENDED IN ASSEMBLY MAY 4, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Laird

January 23, 2006

An act to amend Sections 65591.2, 65591.5, 65592, 65594, 65595, and 65599 of, to add Section 65596.5 to, and to repeal Section 65593 of, the Government Code, and to add Article 4.5 (commencing with Section 535) to Chapter 8 of Division 1 of the Water Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Laird. ~~Water Conservation in Landscaping Act~~ conservation.

(1) The Water Conservation in Landscaping Act requires the Department of Water Resources to appoint an advisory task force to work with the department to draft a model local water efficient landscape ordinance that local agencies may adopt, requires the task force to submit the ordinance to the department on or before May 1, 1991, and requires the task force to cease to exist on the date the department adopts the model ordinance or January 1, 1992, whichever occurs first. The act requires the department, not later than January 1, 1992, to adopt a model local water efficient landscape ordinance which each local agency may adopt. The act makes the model local water efficient landscape ordinance adopted by the department applicable within the jurisdiction of a local agency if that local agency, by January 1, 1993, has not adopted a water efficient

landscape ordinance or has not adopted certain findings that the adoption of the ordinance is unnecessary.

This bill would repeal provisions regarding the advisory task force. The bill would require the department, not later than January 1, 2009, and based on prescribed recommendations, to update the model local water efficient landscape ordinance and to include in the updated ordinance restrictions on overspray and runoff. The bill would make the updated ordinance applicable within the jurisdiction of a local agency, including a chartered city, if, by January 1, 2010, the local agency has not adopted a water efficient landscape ordinance that is at least as effective as the updated ordinance in conserving water. The bill would require each local agency, not later than January 31, 2010, to notify the department as to whether the local agency is subject to the department's model ordinance and, if not, to submit to the department a copy of the water efficient landscape ordinance adopted by the local agency. The bill would require the department, not later than January 31, 2011, to prepare and submit a report to the Legislature relating to the status of water efficient landscape ordinances adopted by local agencies.

~~The bill, on and after January 1, 2008, would require a public water system serving 300 or more service connections to install, or require the installation of, a separate water meter used exclusively to measure the volume of water delivered to any new irrigated landscaping area of 5,000 square feet or more for nonsingle family properties.~~

The bill would require a water purveyor, as defined, serving 300 or more service connections to require as a condition of new water service on and after January 1, 2008, the installation of a separate water meter to measure the volume of water used exclusively for landscape purposes. The bill would make this requirement applicable to service connections, other than single-family residential connections, that serve property with more than 5,000 square feet of irrigated landscape.

By imposing requirements on local agencies in connection with the adoption and enforcement of water efficient landscape ordinances, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65591.2 of the Government Code is
2 amended to read:

3 65591.2. The Legislature finds and declares all of the
4 following:

5 (a) The waters of the state are of limited supply and are subject
6 to ever increasing demands.

7 (b) The continuation of California's economic prosperity is
8 dependent on adequate supplies of water being available for
9 future uses.

10 (c) It is the policy of the state to promote the conservation and
11 efficient use of water and to prevent the waste of this valuable
12 resource.

13 (d) Landscapes are essential to the quality of life in California
14 by providing areas for active and passive recreation and as an
15 enhancement to the environment by cleaning air and water,
16 preventing erosion, offering fire protection, and replacing
17 ecosystems lost to development.

18 (e) Landscape design, installation, and maintenance can and
19 should be water efficient.

20 (f) Section 2 of Article X of the California Constitution
21 specifies that the right to use water is limited to the amount
22 reasonably required for the beneficial use to be served and the
23 right does not and shall not extend to waste or unreasonable use
24 or unreasonable method of use.

25 SEC. 2. Section 65591.5 of the Government Code is amended
26 to read:

27 65591.5. It is the intent of the Legislature that the Department
28 of Water Resources prepare and promote the use of a model
29 water efficient landscape ordinance that local agencies may
30 adopt.

1 SEC. 3. Section 65592 of the Government Code is amended
2 to read:

3 65592. Unless the context requires otherwise, the definitions
4 used in this section govern the construction of this article:

5 (a) "Department" means the Department of Water Resources.

6 (b) "Local agency" means any city, county, or city and county.

7 On and after January 1, 2010, "local agency" includes a chartered
8 city.

9 (c) "Water efficient landscape ordinance" means an ordinance
10 or resolution adopted by a local agency to address the efficient
11 use of water in landscaping.

12 SEC. 4. Section 65593 of the Government Code is repealed.

13 SEC. 5. Section 65594 of the Government Code is amended
14 to read:

15 65594. (a) The department shall adopt a model local water
16 efficient landscape ordinance which each local agency may
17 adopt.

18 (b) Not later than January 1, 2009, after holding a public
19 hearing, the department, based on recommendations set forth in
20 the report prepared pursuant to Chapter 682 of the Statutes of
21 2004, shall update the model local water efficient landscape
22 ordinance adopted pursuant to subdivision (a). The updated
23 ordinance shall include restrictions on overspray and runoff.

24 (c) In developing the model ordinance, the department shall
25 recognize and promote the benefits of consistent local ordinances
26 in areas having similar climatic, geological, or topographical
27 conditions.

28 (d) Not later than January 31, 2009, the department shall
29 distribute the updated model ordinance adopted pursuant to
30 subdivision (b) to all local agencies and other interested parties.

31 SEC. 6. Section 65595 of the Government Code is amended
32 to read:

33 65595. (a) Except as provided in subdivision (b), if by
34 January 1, 1993, a local agency has not adopted a water efficient
35 landscape ordinance or has not adopted findings based on
36 climatic, geological, or topographical conditions, or water
37 availability, which state that a water efficient landscape
38 ordinance is unnecessary, the model water efficient landscape
39 ordinance adopted by the department pursuant to subdivision (a)
40 of Section 65594 shall apply within the jurisdiction of the local

1 agency as of that date, shall be enforced by the local agency, and
2 shall have the same force and effect as if adopted by the local
3 agency.

4 (b) If, by January 1, 2010, a local agency has not adopted a
5 water efficient landscape ordinance that is, based on evidence in
6 the record, at least as effective as the updated model ordinance
7 adopted by the department pursuant to subdivision (b) of Section
8 65594 in conserving water, the updated model ordinance adopted
9 by the department pursuant to subdivision (b) of Section 65594
10 shall apply within the jurisdiction of the local agency as of that
11 date, shall be enforced by the local agency, and shall have the
12 same force and effect as if adopted by the local agency.

13 ~~SEC. 7. Section 65596.5 is added to the Government Code, to~~
14 ~~read:~~

15 ~~65596.5. On and after January 1, 2008, a public water system~~
16 ~~servicing 300 or more service connections shall install, or require~~
17 ~~the installation of, a separate water meter used exclusively to~~
18 ~~measure the volume of water delivered to any new irrigated~~
19 ~~landscaping area of 5,000 square feet or more for nonsingle~~
20 ~~family properties.~~

21 ~~SEC. 8.~~

22 ~~SEC. 7. Section 65599 of the Government Code is amended~~
23 ~~to read:~~

24 ~~65599. Not later than January 31, 2010, each local agency~~
25 ~~shall notify the department as to whether the local agency is~~
26 ~~subject to the department's model ordinance, and if not, shall~~
27 ~~submit to the department a copy of the water efficient landscape~~
28 ~~ordinance adopted by the local agency, including a copy of the~~
29 ~~local agency's findings which state that its water efficient~~
30 ~~landscape ordinance is at least as effective as the department's~~
31 ~~model ordinance in conserving water. Not later than January 31,~~
32 ~~2011, the department shall prepare and submit a report to the~~
33 ~~Legislature summarizing the status of water efficient landscape~~
34 ~~ordinances adopted by local agencies.~~

35 ~~SEC. 8. Article 4.5 (commencing with Section 535) is added~~
36 ~~to Chapter 8 of Division 1 of the Water Code, to read:~~

1 *Article 4.5. Irrigated Landscape*

2

3 535. (a) *A water purveyor serving 300 or more service*
4 *connections shall require as a condition of new water service on*
5 *and after January 1, 2008, the installation of a separate water*
6 *meter to measure the volume of water used exclusively for*
7 *landscape purposes.*

8 (b) *Subdivision (a) does not apply to single-family residential*
9 *connections.*

10 (c) *Subdivision (a) applies only to service connections serving*
11 *property with more than 5,000 square feet of irrigated landscape.*

12 SEC. 9. If the Commission on State Mandates determines
13 that this act contains costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be
15 made pursuant to Part 7 (commencing with Section 17500) of
16 Division 4 of Title 2 of the Government Code.

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