

# Water Shortage Contingency Plan



**Indio Water Authority**

**June 2021**

## Table of Contents

Introduction.....	1
1.0 Water Supply Reliability Analysis.....	1
2.0 Annual Water Supply and Demand Assessment Procedures .....	2
2.1 Decision Making Process.....	2
2.2 Data and Methodologies .....	3
2.2.1 Evaluation Criteria.....	3
2.2.2 Water Supply.....	3
2.2.3 Unconstrained Customer Demand.....	3
2.2.4 Planned Water Use for Current Year Considering Dry Subsequent Year .....	3
2.2.5 Infrastructure Considerations .....	3
2.2.6 Other Factors .....	3
3.0 Six Standard Water Shortage Levels.....	3
4.0 Shortage Response Actions.....	4
4.1 Supply Augmentation .....	4
4.2 Demand Reduction Actions and Mandatory Use Restrictions .....	5
4.3 Operational Changes .....	8
4.4 Additional Mandatory Restrictions.....	8
4.5 Emergency Response Plan.....	8
4.6 Seismic Risk Assessment and Mitigation Plan .....	9
5.0 Communication Protocols .....	9
6.0 Compliance and Enforcement.....	11
6.1 Penalties.....	11
6.2 Appeals and Exemption Process .....	11
7.0 Legal Authorities .....	11
8.0 Financial Consequences of WSCP .....	12
9.0 Monitoring and Reporting.....	13
10.0 WSCP Refinement Procedures.....	13
11.0 Special Water Feature Distinction.....	14
12.0 Plan Adoption, Submittal, and Availability.....	14

Appendix A. Legal Authority

Appendix B. Resolution of Adoption

## Introduction

This document represents the Water Shortage Contingency Plan (WSCP) adopted by the Indio Water Authority (IWA). The document follows the structure recommended in guidance documents prepared by the California Department of Water Resources (DWR).

IWA is one of six agencies in the Coachella Valley participating in the development of a 2020 Regional Urban Water Management Plan (RUWMP). Each agency is adopting the RUWMP to meet its reporting requirements under the Urban Water Management Planning Act. Each agency is also adopting its own WSCP. The agencies have sought to align their shortage levels and shortage response actions to the extent possible, with the intent of reducing confusion for neighboring customers during a shortage. However, each agency will adopt its own WSCP with slight variations (e.g. penalty processes and amounts) for flexibility in the event that future changes are necessary.

As individual agencies make updates or enhancements to their WSCP, each will be able to make modifications and re-adopt an amended WSCP without triggering a requirement for the other participating agencies to take similar steps. The update process is described in later sections of this WSCP.

### 1.0 Water Supply Reliability Analysis

This section provides a summary of the supply reliability analysis presented in the RUWMP and highlights key issues that could create a shortage condition.

The supplies of the agencies in the Coachella Valley generally have a high degree of reliability. The RUWMP participating agencies meet most of their urban demands with groundwater produced from the Indio (also known as Whitewater River) and Mission Creek Subbasins of the Coachella Valley Groundwater Basin. The groundwater basin is large enough to provide storage that allows continued production during dry periods. Because production exceeds the recharge provided by precipitation and return flows, the agencies use imported water to recharge the groundwater basin. These sources of imported water for recharge include:

- Colorado River water that Coachella Valley Water District (CVWD) receives through the Coachella Canal.
- State Water Project (SWP) water that CVWD and Desert Water Agency (DWA) have rights to receive. Because the SWP infrastructure does not extend into the Coachella Valley, CVWD and DWA have an exchange agreement with the Metropolitan Water District of Southern California (MWD). The agreement allows MWD to deliver water from its Colorado River Aqueduct (CRA) to the Coachella Valley to recharge the local aquifer. In return, MWD receives SWP water through the SWP infrastructure based on the annual allocations to CVWD and DWA.

Drought conditions are not expected to affect CVWD's Colorado River water supply due to the agency's high priority allocation. Colorado River water is not a direct source of urban water supply; it is used for groundwater replenishment and non-potable uses. If a reduction in Colorado River water supply occurred, CVWD would initially reduce deliveries to groundwater replenishment projects. Subsequent reductions in delivery would be applied to users following the priorities in CVWD's Canal Water Shortage Contingency Plan. These priorities are defined in CVWD's Canal Water Shortage Contingency Plan, which is Chapter 3.10, Article XII of CVWD's administrative code.

Drought conditions in the Sierra Nevada would have an effect on the SWP water allocation; thus reducing the SWP Exchange water received by CVWD and DWA. This water is used for replenishment of the groundwater basin and is not a direct source of urban water supply. Consequently, water use restrictions due to drought involving the SWP water supply would likely be implemented only as a result of a prolonged drought.

During dry periods when less imported water is available, groundwater production will exceed the amount of recharge, and the volume in storage will be reduced. However, these reductions can be reversed in years when additional imported water is available. The Coachella Valley Groundwater Basin is a large basin which provides a buffer during dry periods, thus allowing the agencies to develop long-term plans and programs to manage regional water supplies.

The reliability analysis for IWA is presented in Section 7 of IWA’s chapter of the RUWMP. Although that analysis demonstrates that the region’s urban water supply is reliable, there are potential issues that could create a shortage condition. These include:

- An extended drought more severe than historic events, possibly impacted by climate change.
- A natural disaster or a malevolent act that leads to prolonged disruption of imported water delivery from the Colorado River or the SWP.
- Reductions in imported water supply due to environmental restrictions related to endangered species or habitat protection.
- Identification of a currently unregulated contaminant that has widespread effects on the region’s groundwater supply.
- Regulatory mandates to reduce water use.

Water shortage contingency planning provides a way to plan for these risks and anticipate actions that can be implemented to manage the impacts. This plan describes how IWA intends to respond to such shortage events. The responses have been aligned with those of other RUWMP participating agencies to the extent possible.

## 2.0 Annual Water Supply and Demand Assessment Procedures

IWA will be required to prepare an Annual Water Supply and Demand Assessment (Annual Assessment) and submit it to DWR each year, beginning July 1, 2022. The Annual Assessment is intended to meet requirements of Water Code Section 10632.1 and present an assessment of the likelihood of a water shortage occurring during the next 12 months. This section of the WSCP outlines the procedures that IWA will use to prepare the Annual Assessment. The procedures defined in this section will allow IWA to follow a consistent annual procedure for making the determination of whether to activate the WSCP.

### 2.1 Decision Making Process

DWR requires a defined decision-making process for performing the Annual Assessment. The process and anticipated timeline are presented in Table 1.

**Table 1. Annual Assessment Decision-Making Process**

Anticipated Timeline of Each Year	Activities
February	IWA staff will review available data related to anticipated supplies and demands.
March	The six agencies participating in the Coachella Valley RUWMP will review the data and determine whether a consistent region-wide determination on water supply reliability can be made. If needed, individual agencies may elect to activate their WSCP at different shortage levels than other participating agencies.
April	IWA staff will make a determination whether to recommend implementation of shortage response actions.
May	If shortage response actions are to be implemented, IWA management will present the recommendation to the governing board for consideration.  If the governing board decides to implement the WSCP, it will provide public notice of a hearing to consider changes in the implementation of the shortage response actions.
June	IWA staff will prepare the Annual Assessment and submit it to DWR by July 1 <sup>st</sup> .

## **2.2 Data and Methodologies**

This section describes the data and methodologies that will be used to evaluate water system reliability for the coming year, while considering that the year to follow could be dry.

### **2.2.1 Evaluation Criteria**

IWA will rely on locally applicable criteria for each annual assessment. These criteria will include the findings of the annual reports prepared for the Indio Subbasin and the Mission Creek Subbasin for compliance with the Sustainable Groundwater Management Act. Findings from the annual Engineer's Report on Water Supply and Replenishment Assessment will also be incorporated.

### **2.2.2 Water Supply**

IWA's anticipated supplies will be quantified for the near-term future, and descriptive text will be used to note any anticipated reductions in supply.

### **2.2.3 Unconstrained Customer Demand**

IWA will prepare an estimate of unconstrained demand (as the term is used in Water Code Section 10632(a)(2)(B)(i)). The estimated demand will be calculated using the demand projection approach described in Section 4 of each agency's chapter of the RUWMP, in combination with updated data for connections, climate, changes in land use, and recent water usage history.

### **2.2.4 Planned Water Use for Current Year Considering Dry Subsequent Year**

IWA will describe the anticipated use of water supplies for the coming year, with the anticipation that the following year will be dry. The supplies will be characterized in a manner consistent with the RUWMP, in combination with updated data for climate and recent observations.

### **2.2.5 Infrastructure Considerations**

IWA will describe any potential infrastructure constraints on the ability to deliver adequate supplies to meet expected customer demands in the coming year. IWA will verify that its system of wells, pipelines, pump stations, and storage tanks have adequate capacity to deliver the anticipated demands. IWA will describe any anticipated capital projects that are intended to address constraints in production, treatment, or distribution.

### **2.2.6 Other Factors**

IWA will describe any specific locally applicable factors that could influence or disrupt supplies. IWA will also describe unique local considerations that are considered as part of the Annual Assessment.

## **3.0 Six Standard Water Shortage Levels**

The RUWMP participating agencies have elected to use the six standard shortage levels included in guidance documents prepared by DWR. The six standard water shortage levels correspond to progressively increasing estimated shortage conditions (up to 10-, 20-, 30-, 40-, 50- percent, and greater than 50-percent shortage compared to the normal reliability condition). These levels are identified in Table 2.

**Table 2. Water Shortage Contingency Plan Levels**

Shortage Level	Percent Shortage Range	Description	Narrative Summary of Shortage Response Actions
1	Up to 10%	Normal water supplies	Mandatory prohibitions defined by the state, ongoing rebate programs
2	Up to 20%	Slightly limited water supplies	Outdoor water use restrictions on time of day, increased water waste patrols
3	Up to 30%	Moderately limited water supplies	Outdoor water use restrictions on days per week, restrictions on filling swimming pools
4	Up to 40%	Limited water supplies	Limits on new landscaping, expanded public information campaign
5	Up to 50%	Significantly limited water supplies	Limits on watering of parks or school grounds
6	Greater than 50%	Severe shortage or catastrophic incident	No potable water use for outdoor purposes

Each level in Table 2 represents an anticipated reduction in the supplies that would normally be available to IWA. These supply reductions could be the result of a variety of potential causes including natural forces, system component failure or interruption, regulatory actions, contamination, or any combination of factors. IWA may need to activate shortage levels across its entire service area or within certain areas that are impacted by an event.

The levels involve voluntary and mandatory conservation measures and restrictions, depending on the causes, severity, and anticipated duration of the water supply shortage. The locally appropriate shortage response actions that would be taken at each level to address the resulting gap between supplies and demands are described in the following section.

#### **4.0 Shortage Response Actions**

This section describes the shortage response actions that would be taken by IWA at each shortage level. These actions have been grouped into categories including:

- Supply Augmentation Actions
- Demand Reduction Actions and Mandatory Use Restrictions
- Operational Changes

##### **4.1 Supply Augmentation**

For long-range planning, IWA continues to evaluate opportunities for transfers, exchanges, and other purchases of imported water to increase supply reliability. CVWD and DWA collaborate to replenish the groundwater aquifer with imported water, creating a stored supply that can be used for emergencies or longer-term shortages. CVWD and DWA are also making investments in increasing supply reliability from the SWP through the Delta Conveyance Facility and in securing new supplies like Sites Reservoir. Additionally, the RUWMP participating agencies continue to implement water conservation measures and increase use of recycled water usage to reduce groundwater demand. These programs are described in Chapter 3 of the RUWMP.

In their WSCP, agencies have the option of identifying short-term supply augmentation actions that would be taken during a shortage. These actions are intended to be separate from the long-range planning efforts to sustainably manage the groundwater basin. The short-term supply augmentation measures that could be implemented are presented in Table 3.

**Table 3. Supply Augmentation Actions**

Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier	Expected Relative Impact	Additional Explanation or Reference
1 - 6	Exchanges	Medium	Emergency connections with neighboring agencies could be activated or constructed to help exchange water with adjoining systems.
5	New recycled water	Medium	In areas where recycled water supply is available, customers could be mandated to use recycled water and cease use of potable water.
6	Other actions	Medium	Additional non-potable water sources such as new shallow groundwater wells.

#### 4.2 Demand Reduction Actions and Mandatory Use Restrictions

The RUWMP participating agencies have aligned their demand reduction actions to the greatest extent possible, while allowing each agency to tailor its response to the unique characteristics of its service area. The agencies conducted public workshops to gather input on actions that could be taken during a water shortage. The input from stakeholders was used to select and prioritize actions that reflected the values of the community. Key elements of the input included:

- The importance of recognizing the conservation efforts that many customers have already made and not imposing requirements for all customers to meet the same percentage reduction in water use.
- The importance of involving Homeowner Associations (HOAs) to help implement and communicate response actions to individuals.
- The benefits of tiered rates in allowing customers to pay less for their basic efficient use and more for excessive use.
- A balanced program should include incentives (such as expanded rebates for turfgrass removal) as well as penalties (such as drought rates).
- A range of approaches is needed to communicate with customers and end users, including social media, web sites, bill inserts, presentations, and virtual tours, ideally in multiple languages.

The demand reduction actions that could be implemented at each shortage level are shown in Table 4. During a shortage, IWA may implement some or all of the actions as needed, depending on actual conditions.

**Table 4. Demand Reduction Actions**

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement
1	1.1	Applying any water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.	Low	No
	1.2	Using any water in a fountain or other decorative water feature is prohibited, unless the water recirculates.	Low	No
	1.3	Applying water to driveways, sidewalks, concrete or asphalt is prohibited unless to address immediate health and safety needs. Reasonable pressure washer or water broom use is permitted.	Low	No
	1.4	Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches is prohibited.	Low	No
	1.5	Using a hose to wash a vehicle, windows, or solar panels is prohibited unless an automatic shut-off nozzle or pressure washer is used.	Low	No
	1.6	Broken sprinklers shall be repaired within five business days of notification by agency, and leaks shall be repaired as soon as practical.	Low	No
	1.7	Draining and refilling of private swimming pools is discouraged, unless necessary for health and safety or leak repair.	Low	No
	1.8	Hotels will provide guests the option of choosing not to have towels and linens laundered daily.	Low	No
	1.9	Agency shall discourage overseeding.	Low	No
	1.10	Agency shall provide rebates for landscape efficiency.	High	No
	1.11	Agency shall offer water use surveys/audits.	Medium	No
	1.12	Agency shall provide rebates on plumbing fixtures and devices.	Medium	No
2	2.1	Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.	Medium	Yes
	2.2	Restaurants can serve water only on request.	Low	Yes
	2.3	Agency shall encourage use of non-potable water for construction, if available.	Low	No
	2.4	Agency shall actively discourage overseeding.	Medium	No
	2.5	Agency shall reduce outdoor water budget by 10%	Medium	Yes
	2.6	Agency shall expand public information campaign.	Medium	No
	2.7	Agency shall increase water waste patrols.	Medium	Yes
	2.8	Agency shall reduce hydrant and dead-end line flushing.	Low	No
3	3.1	Outdoor water use is allowed only three days a week for spray irrigation (Monday, Wednesday, and Friday).	High	Yes
	3.2	Drip or subterranean irrigation is allowed seven days per week, during non-daylight hours.	Medium	Yes



Water Shortage Contingency Plan

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement	
	3.3	Commercial nurseries are to use water only on alternate days during non-daylight hours for outside operations.	Low	Yes	
	3.4	Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features are not to be filled or replenished.	Low	Yes	
	3.5	No filling of swimming pools or landscaping ponds unless necessary for health and safety or leak repair.	Low	Yes	
	3.6	Commercial car washes must use recycled water or recirculating water systems.	Medium	Yes	
	3.7	Spray irrigation of medians and parkways is prohibited.	Medium	Yes	
	3.8	Agency shall encourage counties, cities, Homeowners Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turfgrass areas and to otherwise comply with new State laws regarding limitations on such enforcement.	Low	No	
	3.9	Agency shall strengthen customer billing messages with use comparisons.	Medium	No	
	3.10	Agency shall implement water use audits targeted to key customers to ensure compliance with directives.	Medium	No	
	3.11	Agency shall expand rebate programs.	Medium	No	
	4	4.1	Turfgrass landscapes may not be watered except where subterranean or non-potable water systems are used.	High	Yes
		4.2	Agency shall implement or modify drought rate surcharge.	High	Yes
4.3		Agency shall reduce outdoor water budget by up to 25%.	High	Yes	
4.4		Agency shall expand public information campaign.	Medium	No	
4.5		Agency shall impose moratorium on new turfgrass landscaping.	N/A	Yes	
5	5.1	Watering turfgrass is prohibited.	High	Yes	
	5.2	The use of misting systems is prohibited.	Medium	Yes	
	5.3	Turfgrass at parks and school grounds are to be watered with recycled water, if available, or not at all.	Medium	Yes	
	5.4	Golf course greens and tees may be watered no more than two times per week during non-daylight hours with recycled water, or not at all.	Medium	Yes	
	5.5	Trees, desert plants and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.	High	Yes	
	5.6	Outdoor water use for grading or development is prohibited.	High	Yes	
	5.7	Agency shall reduce outdoor water budget by up to 50%.	High	Yes	
	5.8	Agency shall impose moratorium or net zero demand on new connections.	N/A	Yes	
	5.9	Agency shall not issue new construction meters, and water service through construction meters will not be available.	N/A	Yes	

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement
6	6.1	Commercial nurseries shall discontinue all use of potable water for watering and irrigation.	Low	Yes
	6.2	Watering of livestock is permitted as necessary.	N/A	Yes
	6.3	Outdoor water use is prohibited.	High	Yes
	6.4	Restaurants must use disposable cups, plates, and utensils.	Low	Yes
	6.5	Agency shall implement mandatory rationing.	High	Yes

### 4.3 Operational Changes

IWA has identified potential operational changes that could be made to help address a short-term gap between demands and available supplies. These include improved monitoring and analysis of customer water usage, reductions in flushing of hydrants and dead-end lines, and use of emergency connections with neighboring water agencies. Some of the potential actions are included in Table 4. IWA may also expedite planned system improvement projects that include reduction in water loss (e.g., replacement of water mains that are experiencing higher rates of leaks and breaks).

### 4.4 Additional Mandatory Restrictions

IWA has identified a series of restrictions that could be implemented at different shortage levels. These restrictions are included in the demand reduction actions in Table 4.

### 4.5 Emergency Response Plan

The Water Code requires that an agency's WSCP address catastrophic water shortages and plans to address them. This information can be addressed in the agency's Emergency Response Plan (ERP). IWA's ERP contains sensitive information related to potential vulnerabilities or impacts of natural disasters or malevolent acts. Therefore, these documents are not typically made publicly available. IWA's plan outlines specific disaster-related procedures to guide staff in responding efficiently to catastrophic interruptions of water supply.

Five of the RUWMP participating agencies collaborate on planning efforts, including emergency response, through the Coachella Valley Regional Water Management Group (CVRWMG). In addition, CVWD, DWA, IWA, and MSWD are members of the California Water/Wastewater Agency Response Network (CalWARN), which supports and promotes emergency preparedness. More information about CalWARN is available at their web site at [www.calwarn.org](http://www.calwarn.org).

The region's imported water supplies from the Colorado River and the SWP could be disrupted by an earthquake. Because the agencies use local groundwater to meet urban demands, the agencies could continue to meet short term urban demands with groundwater production. The agencies have installed backup generators at key water production facilities to allow continued operation during a power outage.

DWR has plans in place to make emergency repairs to the SWP, and MWD has plans in place to make emergency repairs to the CRA. CVWD has plans to make emergency repairs to the Coachella Canal. CVWD staff receives regular Incident Command System (ICS) training through the Federal Emergency Management Agency (FEMA), and drills are conducted routinely. CVWD remotely monitors the status of most key facilities at CVWD headquarters, which enables it to detect areas affected by disasters. RUWMP participating agencies also participate in ICS training and regularly monitor key water facilities remotely.

If imported water supplies were disrupted for an extended period, it would reduce the water supply available for replenishment of the groundwater basin. It could also lead to increased groundwater

pumping by non-urban users who normally use imported canal water. IWA would implement levels of this WSCP as needed if pumping needed to be decreased while imported water supplies were interrupted.

### **4.6 Seismic Risk Assessment and Mitigation Plan**

Water Code Section 10632.5 requires the RUWMP participating agencies to assess seismic risk to water supplies as part of their WSCP. The code also requires a mitigation plan for managing seismic risks. In lieu of conducting their own seismic risk assessment, which can be a lengthy process, suppliers can comply with the Water Code requirement by submitting the relevant local hazard mitigation plan or multi-hazard mitigation plan.

The Riverside County Local Hazard Mitigation Plan (LHMP) was updated in 2018. The Riverside County LHMP is available on the Riverside County web site at <https://rivcoemd.org/LHMP>. The Riverside County LHMP includes an assessment of the region's vulnerability to a broad range of hazards, including earthquakes. It also describes mitigation strategies and actions to reduce the impacts of a seismic event. The RUWMP participating agencies continue to include seismic risk assessment in their planning process for system improvements.

### **5.0 Communication Protocols**

Timely and effective communication is a key element of WSCP implementation. IWA will need to inform customers, the general public, and other government entities of WSCP actions taken during a water shortage (either one determined by the Annual Assessment, an emergency, catastrophic, or other event). An overview of planned communication approaches is provided in Table 5. These protocols have been aligned between the RUWMP participating agencies where possible, but some are tailored to the needs of IWA's service area. IWA will adjust its communication strategy as needed to address issues that are impacting the entire service area or limited areas.

**Table 5. Communication Plan Outline**

<b>At all times</b>	<b>Level 1 Up to 10% Voluntary Conservation</b>	<b>Level 2 Up to 20% Mandatory Conservation</b>	<b>Levels 3 and 4 Up to 30% or 40% Mandatory Conservation</b>	<b>Levels 5 and 6 Up to 50% or Over 50% Mandatory Conservation</b>
Standard outreach efforts in effect (media relations, social media, website)	Update message platform to reflect conditions, District response, and needed actions from public	Update campaign and messages to generate immediate actions/behaviors by public, include information on enforcement actions	Update campaign and messages to raise awareness for more severe water-saving actions/behaviors by public, highlight need for reduced outdoor water use	Update campaign and messages to reflect extreme or emergency condition and likely need to focus water use on health/safety needs
Promote ongoing Water Use Efficiency (WUE) programs and tools and partnerships designed to achieve long-term water management goals	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce emergency status to key stakeholders and general public (e.g., News release, social media, etc.)
Standard coordination with MWD and regional partners	Include increased conservation messages on website and in standard outreach efforts; provide regular condition updates to stakeholders/media	Supplement Level 1 activities with additional tactics as needed; provide regular condition updates to stakeholders/media	Supplement Level 2 outreach with additional tactics as needed; provide regular updates to stakeholders/media on conditions	Supplement Level 3-4 outreach with additional tactics as needed; provide regular condition updates to stakeholders/media on conditions
Board reports on public communication and water-use efficiency outreach activities at least annually.	Enhance promotion of ongoing WUE programs/tools; deploy targeted advertising	Conduct issue briefings with elected officials, other key civic and business leaders	Conduct specialized outreach to HOAs and local organizations	Suspend promotion of long-term WUE programs/tools to focus on imminent needs
	Initiate regular Board reports on campaign efforts	Increase promotion of ongoing WUE programs/tools	Promote available water assistance resources for vulnerable populations; specialized outreach to impacted industries	Continue enhanced coordination with neighbor agencies and local/state/federal policy makers as needed (e.g. daily or weekly briefings or email updates, etc.)

## 6.0 Compliance and Enforcement

This section describes how IWA will ensure compliance with and enforce provisions of the WSCP. The RUWMP participating agencies have worked together to align their policies where possible, but each agency implements its compliance and enforcement actions within its service area.

### 6.1 Penalties

The penalties that could be imposed for non-compliance are summarized in Table 6.

**Table 6. Enforcement Actions**

Water Shortage Level	First Violation	Second Violation (within 12 months)	Third Violation (within 12 months)	Subsequent Violations	Additional Information
All	Written warning	Surcharge of 25 percent	Surcharge of 50 percent	Surcharge of 50 percent	If water wasting continues, water service may be shut off and misdemeanor charges filed, at the discretion of the City Manager.

### 6.2 Appeals and Exemption Process

This section describes the appeals and exemption processes. Where feasible, specific exemptions can be identified and defined. Where not feasible, the process to appeal or obtain an exemption should be detailed.

Any water user violating the regulations and restrictions on water use may receive a written notice for the violation. The water user shall have seven days from receipt of the notice to submit a written request for a hearing. If no hearing is requested, or at the hearing it is determined that the water user has committed a violation, a civil penalty may be levied.

The government codes and ordinances that are used to implement these policies and processes are discussed in Section 7.

## 7.0 Legal Authorities

This section describes the legal authorities that IWA relies upon to implement the shortage response actions and the associated enforcement actions.

Chapter 54 of the Indio Municipal Code provides the legal authority to enforce water service conditions, including the WSCP. The current WSCP begins with Water Conservation, Chapter 54.050.

IWA is in the process of updating its ordinances to reflect the contents of this WSCP.

A copy of the legal authority is included in Appendix A.

In accordance with Water Code Chapter 3 (commencing with Section 350) of Division 1 general provisions regarding water shortage emergencies, IWA shall declare a water shortage emergency in the event of a catastrophic interruption in supply.

IWA shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency under California Government Code, California Emergency Services Act (Article 2, Section 8558). Including a list of and contacts for all cities or counties for which the

## Water Shortage Contingency Plan

RUWMP participating agencies provide service in the WSCP, along with developed coordination protocols, can facilitate compliance with this section of the Water Code in the event of a local emergency as defined in subpart (c) of Government Code Section 8558.

These cities and counties are summarized in Table 7.

**Table 7. City and County Coordination on Proclamation of Emergencies**

City or County	Contact	CVWD	CWA	DWA	IWA	MDMWC	MSWD
Imperial County	Office of Emergency Services	X					
Riverside County	Emergency Management Department	X	X	X	X	X	X
City of La Quinta	Emergency Management Division	X			X	X	
City of Indio	Emergency Services Coordinator	X	X		X		
City of Coachella	Emergency Services Coordinator	X	X		X		
City of Palm Desert	Emergency Services Coordinator	X					
City of Cathedral City	Emergency Manager	X		X			
City of Indian Wells	Emergency Services Coordinator	X					
City of Rancho Mirage	Emergency Services Coordinator	X					
City of Palm Springs	Emergency Management Coordinator			X			X
City of Desert Hot Springs	Emergency Services Coordinator			X			X

## 8.0 Financial Consequences of WSCP

This section describes the anticipated financial consequences to IWA of implementing the WSCP. The description includes potential reductions in revenue due to lower water sales and increased expenses associated with implementing the shortage response actions.

Potential financial impacts of implementing the WSCP could include:

- Reduced revenue from reduced water use

## Water Shortage Contingency Plan

- Increased staff costs for tracking, reporting, patrolling, and enforcing restrictions
- Economic impacts associated with water-dependent businesses in the service area

Potential mitigation measures include:

- Triggering of drought rate structures or surcharges
- Using financial reserves
- Reducing operation and maintenance expenses (expenses related to source of supply and pumping will fall due to reduced water production)
- Deferring capital improvement projects
- Reducing future projected operation and maintenance expenses
- Increasing fixed readiness-to-serve charge
- Increasing commodity charge and water adjustment rates to cover revenue shortfalls
- Seeking alternative source of funding, such as state or federal grants or loans
- Other financial management mechanisms

IWA will monitor financial conditions during a water shortage and take appropriate actions as needed. IWA maintains financial reserves that can be used to continue operations during a period of reduced water sales. IWA has the ability to increase water rates or implement surcharges or penalties to increase revenues from water sales.

## 9.0 Monitoring and Reporting

This section describes how IWA will monitor and report on implementation of the WSCP. IWA will gather data on key water use metrics and use the data to evaluate the effectiveness of response actions in achieving their intended water use reduction purposes. IWA will also gather data on customer compliance to evaluate the effectiveness of enforcement actions. IWA will gather and report data at frequencies adequate to meet reporting requirements established by the State Water Resources Control Board and other government agencies. The specific reporting requirements are expected to change over the next five years.

IWA will monitor water use by customers using billing systems and operational control systems to monitor production and consumption. Each customer is metered, and billing records will be compiled and used to observe trends in water consumption. Each groundwater well and water connection point is also metered, and production records will be used to observe trends in water production. Levels in reservoirs can be monitored using the operational control systems to help identify potential high usage or leaks. IWA staff may also perform field visits and record observations to monitor water use and identify potential issues for follow-up.

For agencies that have budget-based rates, the consumption by customers will be compared to the water budgets to determine effectiveness of response actions. For agencies without defined water budgets for each customer, the consumption records will be aggregated by customer class to evaluate response actions and identify potential additional measures.

## 10.0 WSCP Refinement Procedures

IWA will monitor the implementation of this plan to evaluate its effectiveness as an adaptive management tool. The monitoring and reporting program described in Section 9 will provide information on the effectiveness of the shortage response actions during any shortage levels that may be invoked. If IWA determines that the shortage response actions are not effective in producing the desired results, IWA will initiate a process to refine the WSCP. IWA will consider the addition of new shortage response actions, or changing the levels when shortage response actions are implemented. Suggestions for refinements will be collected from agency staff, customers, industry experts, and the general public. The RUWMP participating agencies will share data and suggestions for refinement to identify opportunities to increase the effectiveness of the WSCP while maintaining alignment with other agencies in the region when possible.

## **11.0 Special Water Feature Distinction**

The RUWMP participating agencies have distinguished swimming pools and spas as recreational water features, while non-pool and non-spa water features are considered decorative water features. This distinction is used in the shortage response actions because decorative water features have the potential to use recycled water, while most pools and spas (recreational water features) use potable water for health and safety considerations. However, this distinction does not apply to the hot mineral spring pools and spas throughout the Desert Hot Springs area; while they are recreational, they also do not rely on potable water.

## **12.0 Plan Adoption, Submittal, and Availability**

IWA adopted this WSCP with the 2020 RUWMP. The RUWMP and WSCP were made available for public review during May and June of 2021. A public hearing was held on June 16, 2021 to allow public input on the draft RUWMP and the WSCP.

IWA's governing board adopted the RUWMP and the WSCP at a meeting on June 16, 2021. The resolution of adoption is included as Appendix B.

This WSCP was submitted to DWR through the WUEData portal before the deadline of July 1, 2021. This WSCP was made available to the public on IWA's web site. Notice was provided to cities and counties in the service area that the WSCP was available on IWA's web site.

If IWA identifies the need to amend this WSCP, it will follow the same procedures for notification to cities, counties and the public as used for the RUWMP and for initial adoption of the WSCP. The draft amended WSCP will be made available for public review, and IWA's governing board will hold a public hearing to receive comments on the draft amended WSCP. Once IWA's governing board adopts the amended WSCP, the amended plan will be submitted to DWR and the California State Library, and it will be made available to the public and the cities and counties in the service area through placement on IWA's web site.



## **Appendix A. Legal Authority**



**SUBMITTAL TO THE WATER  
AUTHORITY  
AND CITY COUNCIL  
CITY OF INDIO, CALIFORNIA  
June 16, 2021**



**FROM:** Indio Water Authority

**SUBJECT:** Ordinance No. 1762 Amending Sections of Chapter 54 of the Indio Municipal Code Regarding Water Conservation to Align with the 2020 Coachella Valley Regional Urban Water Management Plan.

**RECOMMENDED MOTION:** Waive full reading of Ordinance 1762 amending sections of Chapter 54 of the Indio Municipal Code regarding Water Conservation, introduce Ordinance No.1762 by title only and request the City Clerk to read the title.

**SUMMARY:** IWA collaborated with five other water agencies in the Coachella Valley region to develop the 2020 Regional Urban Water Management Plan (RUWMP). One of the elements to be included in this plan is the Water Shortage Contingency Plan (WSCP), which outlines an agency's efforts in response to a water shortage. The six agencies aligned their response and actions in each of their respective WSCPs as much as possible to maintain consistent requirements and messaging for customers throughout the region, with each agency having their own WSCP document for adoption. This ordinance is to amend the Water Shortage Contingency Plan provisions in the City's municipal code to align with the regionally developed WSCP.

*Michelle Tse*

Michelle Tse  
Administrative Services Manager

<b>FINANCIAL DATA</b>	Current FY financial impact:	N/A	In current year budget:	Yes
	Current FY general fund impact:	N/A	Budget adjustment:	No
	Future FY financial impact:	N/A	For fiscal year:	20/21
Source of funds: N/A		Current account balance:		N/A
Account number: N/A		Balance remaining if approved:		N/A
<b>Legal Review:</b>  <i>Roxanne Diaz</i> Roxanne Diaz City Attorney/General Counsel	<b>Department Head Review:</b>  <i>Trish Rhay</i> Trish Rhay General Manager	<b>Financial Review:</b>  <i>Brian M. Kinder</i> Brian M. Kinder Manager of Finance and Customer Service		
<b>EXECUTIVE DIRECTOR'S/CITY MANAGER'S RECOMMENDATION:</b>  APPROVE		<b>EXECUTIVE DIRECTOR'S/CITY MANAGER'S SIGNATURE:</b>  <i>[Signature]</i>		

**BACKGROUND:**

The City Council previously approved and adopted Ordinance 1662 on October 15, 2014, which established the Water Shortage Contingency Plan provisions to be included in the Indio Municipal Code. These provisions were adopted during the midst of the State declared drought in 2014, and the City wanted to ensure the water use restrictions were enforceable.

Most recently, the Indio Water Authority, as a water agency, is required to prepare an Urban Water Management Plan (UWMP) every five years as required by the California Department of Water Resources (DWR). The UWMP describes the anticipated water supplies and demands for the next 25 years. It also describes the programs that are in place to encourage efficient water use.

The following six agencies in the Coachella Valley worked together to develop a Regional Urban Water Management Plan (RUWMP):

- Coachella Valley Water District (CVWD)
- Coachella Water Authority (CWA)
- Desert Water Agency (DWA)
- Indio Water Authority (IWA)
- Mission Springs Water District (MSWD)
- Myoma Dunes Mutual Water Company (MDMWC)

In addition to the RUWMP, water agencies are also required to prepare a Water Shortage Contingency Plan (WSCP). The WSCP is a document that describes how each agency will respond to a water shortage. If an extended drought, an annual water supply and demand assessment (i.e. a regulatory reporting requirement starting July 1, 2022) projecting a shortage, or sudden event (like an earthquake) impacted the region's ability to replenish the groundwater basin or the agency's ability to provide enough water to meet customer needs, the WSCP may be implemented. The six agencies collaborated on the development of the WSCP so that actions aligned as much as possible to maintain consistent requirements and messaging for customers throughout the Coachella Valley region. Additionally, two public workshops (i.e. December 14, 2020 and March 31, 2021) were conducted to solicit community input and feedback. Stakeholder input was used to prioritize the actions that was reflective of the community. The ordinance amendment included in this report is to update the Indio Municipal Code so that the code sections align with the WSCP as developed by the water agencies in the region.

The water use restrictions and actions outlined in each water shortage stage (except for Stage I) will require City Council approval prior to implementation. There is flexibility to implement all, some, or impose additional water use restrictions or actions, depending on the circumstances of the water shortage.

The water shortage stages with corresponding water use restrictions and City actions are not drastically different than what is currently included in the Indio municipal code. Staff has reviewed and compared the proposed six (6) stage water shortage contingency plan to the City's existing four (4) stage plan and deemed it is not drastically different. The biggest change

is that there will be more “stages” to the water shortage contingency plan; the water use restrictions and actions will be spread across a broader scale. The 6-stage plan is a more progressive approach when needing to impose water use restrictions during a declared water shortage. Table 1 below highlights the changes to the Municipal Code.

**Table 1: Summary of Major Changes to Water Shortage Contingency Plan Section of Municipal Code**

<b>Current</b>	<b>Amended</b>
<ul style="list-style-type: none"> <li>Four (4) water shortage stages: (I) Normal; (II) Water Alert; (III) Water Warning; and (IV) Water Emergency.</li> </ul>	<ul style="list-style-type: none"> <li>Six (6) water shortage stages, with the Percentage referring to water shortage conditions: (I) Normal (up to 10%); (II) Slightly Limited Supply (up to 20%); (III) Moderately Limited Supply (up to 30%); (IV) Limited Supply (up to 40%); (V) Significantly limited supply (up to 50%); (VI) Severe shortage (greater than 50%).</li> <li>Water use restrictions are spread across a broader scale.</li> </ul>
<ul style="list-style-type: none"> <li>Restricts outdoor water watering during specified times (e.g. no watering between 6:00 am and 6:00 pm)</li> </ul>	<ul style="list-style-type: none"> <li>Restricts outdoor watering during “daylight” hours” to account for daylight variations throughout the year.</li> </ul>
<ul style="list-style-type: none"> <li>Stage III: Provides two (2) options for outdoor watering (i.e. no more than two times per week or no more than four times per week), given City the flexibility to select an option based on water shortage severity.</li> </ul>	<ul style="list-style-type: none"> <li>Stage III: Outdoor water use allowed three days per week for spray irrigation (Monday, Wednesday, and Friday) and drip or subterranean irrigation is allowed 7 days per week, during non-daylight hours</li> </ul>
<ul style="list-style-type: none"> <li>Stage III: No mention of public outreach, rebate programs, nor site audits.</li> </ul>	<ul style="list-style-type: none"> <li>Mentions expanded City public outreach, rebate programs, and site audits in the more advanced water shortage stages.</li> </ul>
<ul style="list-style-type: none"> <li>Stage III: No issuance of new construction water meters.</li> </ul>	<ul style="list-style-type: none"> <li>Stage V: No issuance of new construction water meters.</li> </ul>
<ul style="list-style-type: none"> <li>Stage III: No mention of encouraging the suspension of code enforcement and fines for brown turf areas.</li> </ul>	<ul style="list-style-type: none"> <li>Stage III: Encourages the suspension of code enforcement and fines for brown turf areas.</li> </ul>
<ul style="list-style-type: none"> <li>Stage IV: Highest water shortage stage and declared during a severe water emergency.</li> </ul>	<ul style="list-style-type: none"> <li>Stage IV: Not the highest water shortage stage.</li> </ul>
	<ul style="list-style-type: none"> <li>Stage V: Watering grass is prohibited, unless recycled water is available. Trees and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.</li> </ul>

<b>Current (cont.)</b>	<b>Amended (cont.)</b>
	<ul style="list-style-type: none"><li>• Stage VI: Highest water shortage stage.</li><li>• Mandatory water rationing.</li></ul>

Remaining provisions in Chapter 54 of the Municipal Code, including but not limited to penalties, enforcement, and appeals process will remain the same. Any additional public input and comments will be heard during the June 16, 2021 meeting. If approved by the City Council, the item will be agendaized for a second reading during the July 21, 2021 Council meeting, and changes in the ordinance amendment will be effective 30 days thereafter.

**FINANCIAL ANALYSIS: N/A**

**ATTACHMENT:**

1. Ordinance to Amend Chapter 54 Provisions Regarding Water Shortage Contingency Plan
2. Amendments to the Chapter 54 Provisions Regarding the Water Shortage Contingency Plan (Redlined)
3. Public Hearing Notice

## ATTACHMENT 1

### ORDINANCE NO. 1762

#### **AN ORDINANCE OF THE CITY OF INDIO, AMENDING SECTIONS OF CHAPTER 54 OF THE INDIO MUNICIPAL CODE REGARDING WATER CONSERVATION TO ALIGN WITH THE 2020 COACHELLA VALLEY REGIONAL URBAN WATER MANAGEMENT PLAN**

**WHEREAS**, on July 15, 2014, the State Water Resources Control Board adopted Resolution No. 2014-0038 to establish temporary emergency water conservation regulations (the "Regulations") (23 California Code of Regulations Section 865); and

**WHEREAS**, the Regulations require urban water suppliers to implement certain water conservation measures contained in their water shortage contingency plans; and

**WHEREAS**, the City of Indio through the Indio Water Authority ("City") is an urban water supplier, as defined in Water Code Section 10617, and is required to comply with the Regulations; and

**WHEREAS**, on October 15, 2014, the City Council had adopted the Water Shortage Contingency Plan provisions as outlined in Ordinance No. 1662 for enforcement purposes; and

**WHEREAS**, the City has been working with five other agencies in the Coachella Valley region on the development of the 2020 Regional Urban Water Management Plan; and

**WHEREAS**, the participating agencies include Coachella Valley Water District, Coachella Valley Authority (City of Coachella), Desert Water Agency, Mission Springs Water District, Myoma Dunes Mutual Water Company, and Indio Water Authority (City of Indio); and

**WHEREAS**, the 2020 Regional Urban Water Management Plan includes a Water Shortage Contingency Plan element which describes the actions that could be undertaken during a water shortage to reduce demand; and

**WHEREAS**, the City desires to implement and fairly enforce the water conservation measures contained in its Water Shortage Contingency Plan as necessary to ensure a stable and reliable water supply for residents and businesses, to help the State address ongoing drought, and to fully comply with the Regulations;

**WHEREAS**, the Regulations specifically require the City to implement all requirements and actions of the stage of its Water Shortage Contingency Plan, found in the 2020 Regional Urban Water Management Plan, that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes, and to fully comply with the Regulations; and

**WHEREAS**, the participating agencies have identified and want to align demand reduction actions to the greatest extent possible throughout the region; and

**WHEREAS**, the participating agencies have coordinated their respective Water Shortage Contingency Plans to provide consistent shortage levels and response regions across the Coachella Valley region; and

**WHEREAS**, the City desires to amend Chapter 54 provisions of the Water Shortage Contingency Plan in its Municipal Code to align with the Water Shortage Contingency Plan related to the 2020 Regional Urban Water Management Plan.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council hereby specifically finds that all of the facts set forth in the recitals of this Ordinance are true and correct and are incorporated herein by this reference.

**Section 2.** Section 54.054 (Procedures) of Chapter 54 (Water) of Title V (Public Works) is hereby amended in its entirety as follows:

"54.054 Procedures

(A) In the event the City Manager determines that water supply conditions require the implementation of Stage II, Stage III, Stage IV, Stage V, or Stage VI of the Water Shortage Contingency Plan, or parts thereof, the following actions shall be taken:

(1) The City Manager shall declare, at a noticed public hearing of the Indio City Council, implementation of the appropriate stage of action as set forth in §§ 54.056 through 54.060.

(2) The City Council shall adopt a resolution affirming the declaration made by the City Manager.

(3) Within ten (10) days after adoption of the resolution, the city shall publish a copy of the resolution in a newspaper used for the publication of official notices.

(B) None of the restrictions contained in Stage II, Stage III, Stage IV, Stage V, or Stage VI of the Water Shortage Contingency Plan, shall be applicable and subject to enforcement until the City Council adopts a resolution imposing the restrictions at a duly

noticed public hearing. Such restrictions shall continue until repealed by resolution of the City Council.

(C) The City Manager shall direct staff to provide public education material and notices to all water users advising them of the actions taken by the City Manager and the water use restrictions included in the water stage of action.

(D) In the event that the City Manager declares, and the City Council approves, implementation of Stage VI of the Water Shortage Contingency Plan ("Severe Shortage or Catastrophic Incident"), the City Manager may also request specific reductions in water allocations to conserve water for the greatest public benefit. The City Council shall declare a Water Emergency in the manner and on the grounds provided in Cal. Water Code § 350 before the City Manager's requested reductions may take effect."

**Section 3.** Section 54.055, Section 54.056, Section 54.057 and Section 54.058 of Chapter 54 (Water) of Title V (Public Works) are hereby amended in their entirety to read as follows:

**"Section 54.055 Stage I – Normal Water Supplies (Up to 10% Shortage Range)**

Stage I represents the normal operating condition where all persons are advised to use water wisely and practice water conservation measures to avoid wasting water. The City Manager or his or her designee has authority to declare a Stage I state of action without further action of the City Council. The following prohibitions and actions shall take effect in the event that the City Manager declares Stage I stage of action:

A. Applying any water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures shall be prohibited.

B. Using any water in a fountain or other decorative water feature shall be prohibited, except where the water is part of a recirculating system.

C. Applying water to driveways, sidewalks, concrete or asphalt shall be prohibited, unless to address immediate health and safety needs. Reasonable pressure washer or water broom use shall be permitted.

D. Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches shall be prohibited.

E. Using a hose to wash a vehicle, windows, or solar panels, shall prohibited, unless an automatic shut-off nozzle or pressure washer is used.

F. Broken sprinklers shall be repaired within five (5) business days of



notification by City, and leaks shall be repaired as soon as practical.

G. Draining and refilling of private swimming pools shall be discouraged, unless necessary for health and safety or leak repair.

H. Hotels shall provide guests the option of choosing not to have towels and linens laundered daily.

I. City shall discourage overseeding.

J. City shall provide rebates for landscape efficiency.

K. City shall offer water use surveys/audits.

L. City shall provide rebates on plumbing fixtures and devices.

**Section 54.056      Stage II – Slightly Limited Water Supplies (Up to 20% Shortage Range)**

The following prohibitions and actions shall take effect in the event that the City Manager declares a Stage II stage of action:

A. Outdoor water use shall be prohibited during daylight hours for spray irrigation, except for leak checks or a City approved conservation alternative plan.

B. City shall encourage use of non-potable water for construction, if available.

C. City shall actively discourage over-seeding.

D. Restaurants shall serve water only upon request.

E. Outdoor water budget shall be reduced by 10%.

F. City shall expand its public information campaign.

G. City shall increase water waste patrols.

H. City shall reduce frequency of hydrant and dead end line flushing.

**Section 54.057      Stage III – Moderately Limited Water Supplies (Up to 30% Shortage Range)**

The following prohibitions and actions shall take effect in the event that the City Manager declares a Stage III stage of action:

A. Outdoor water use shall be allowed three days a week for spray irrigation (Monday, Wednesday, Friday).

B. Drip or subterranean irrigation shall be allowed seven days per week, during non-daylight hours.

C. Commercial nurseries shall use water only on alternate days during non-daylight hours for outside operations.

D. Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features shall not to be filled or replenished.

E. Swimming pools or landscaping ponds shall not be filled, unless necessary for health and safety or leak repair.

F. City shall encourage counties, cities, Homeowner Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turf areas and to otherwise comply with new State laws regarding limitations on such enforcement.

G. Commercial car washes shall use recycled water or recirculating water systems.

H. Spray irrigation of medians and parkways shall be prohibited.

I. City shall strengthen customer billing messages with use comparisons.

J. City shall implement water use audits targeted to key customers to ensure compliance with directives.

K. City shall expand rebate programs.

**Section 54.058      Stage IV – Limited Water Supplies (Up to 40% Shortage Range)**

The following prohibitions and actions shall take effect in the event that the City Manager declares a Stage IV stage of action:

A. Turfgrass landscapes shall not be watered, except where subterranean or non-potable watering systems are used.

B. City shall implement a moratorium on new turfgrass landscaping.

C. City shall implement or modify drought rate surcharge.

- D. Outdoor water budget shall be reduced by up to 25%.
- E. City shall expand public information campaign.”

**Section 4.** Section 54.059 (Penalties), 54.060 (Relief from Compliance), 54.061 (Hearing Regarding Violations), 54.062 (Landscape Water Conservation), 54.063 (Water Efficient Landscape Development Standards) of Chapter 54 (Water) of Title V (Public Works) are hereby renumbered as follows: Section 54.061 (Penalties), 54.062 (Relief from Compliance), 54.063 (Hearing Regarding Violations), 54.064.1 (Landscape Water Conservation), 54.064.2 (Water Efficient Landscape Development Standards)

**Section 5.** A new Section 54.059 (Stage V – Significantly Limited Water Supplies) is hereby added to Chapter 54 (Water) of Title V (Public Works) to read as follows:

**“Section 54.059 Stage V – Significantly Limited Water Supplies (Up to 50% Shortage Range)**

The following prohibitions and actions shall take effect in the event that the City Manager declares a Stage V stage of action:

- A. Watering turfgrass shall be prohibited.
- B. Turfgrass at parks and school grounds shall be watered with recycled water, if available, or not at all.
- C. Golf course greens and school grounds shall be watered no more than two times per week during non-daylight hours with recycled water, or not at all.
- D. Trees, desert plants and shrubs shall be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.
- E. Outdoor water budget shall be reduced by up to 50%.
- F. City shall implement a moratorium or net zero demand on new connections.
- G. New construction meters for water service shall not be issued.
- H. Water service through construction meters shall not be made available.
- I. The use of misting systems shall be prohibited.”

**Section 6.** A new Section 54.060 (Stage VI – Severe Shortage or Catastrophic Incident) is hereby added to Chapter 54 (Water) of Title V (Public Works) to read as follows:

**“Section 54.060 Stage VI – Severe Shortage or Catastrophic Incident (Greater than 50% Shortage Range)**

The following prohibitions and actions shall take effect in the event that the City Manager declares a Stage VI stage of action:

- A. Commercial nurseries shall discontinue all use of potable water for watering and irrigation.
- B. Watering of livestock shall be permitted, as necessary.
- C. Outdoor watering shall be prohibited.
- D. Initial filling of swimming pools or landscaping ponds shall be prohibited.
- E. Restaurants shall use disposable cups, plates, and utensils.
- F. Mandatory rationing shall be implemented.”

**Section 7.** Paragraph A of Section 54.061(Penalties) is hereby amended to read as follows:

“(A) Violation of the water use restrictions § 54.056 through 54.060 shall be penalized as follows:”

**Section 8.** Paragraph B of Section 54.061 (Penalties) is hereby amended to read as follows:

“(B) In addition to any penalties imposed herein, a fourth or subsequent violation during any one water shortage declaration of the water use restrictions §§ 54.056 through 54.060 shall also constitute a misdemeanor unless, at the discretion of the City Prosecutor, the violation is charged as an infraction.”

**Section 9.** Subparagraph (3) of Paragraph C of Section 54.061 (Penalties) is hereby amended to read as follows:

“(3) The notice shall contain a description of the facts of the violation, a statement of the possible penalties for each violation, and a statement informing the customer of the right to a hearing on the merits of violation pursuant to § 54.063.”

**PASSED, APPROVED AND ADOPTED** this 21st of July, 2021.

\_\_\_\_\_  
**ELAINE HOLMES, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CYNTHIA HERNANDEZ, CMC  
CITY CLERK**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**ROXANNE DIAZ, CITY ATTORNEY**

## ATTACHMENT 2

### WATER CONSERVATION

#### § 54.050 PURPOSE AND INTENT.

The purpose of this article is to establish voluntary and imposed water conservation standards intended to alter behavior related to water use efficiency and further establishes four stages of action to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies. As used herein, the term ARTICLE shall refer to and mean §§ 54.050 through 54.065~~1~~.

(Ord. 1662, passed 10-15-14)

#### § 54.051 AUTHORITY OF THE CITY MANAGER.

(A) The City Manager is hereby authorized and directed to implement the applicable provisions of this article in order to protect the public health, safety and welfare.

(B) The City Manager is hereby authorized and directed to implement the stages of action as set forth in the Urban Water Management Plan, Water Shortage Contingency Plan, developed and adopted pursuant to Cal. Water Code §§ 10620 et seq., ("Water Shortage Contingency Plan") pursuant to the provisions of this article. The Water Shortage Contingency Plan includes any amendments that may be adopted from time to time.

(Ord. 1662, passed 10-15-14)

#### § 54.052 GENERAL PROHIBITION; APPLICABILITY.

(A) No person shall use or permit the use of potable water provided by the City of Indio through the Indio Water Authority ("city") for residential, commercial, industrial or any other purpose in violation of any provision of this article or in excess of the amount permitted by the stages of action of the Water Shortage Contingency Plan set forth in this article. The provisions of this article shall apply to all persons, customers and property served by the city wherever situated.

(B) The provisions of this article do not apply to uses of water necessary to protect the public health and safety or for essential government services, such as police, fire, and other similar emergency services.

(C) The provisions of this article do not apply to the use of reclaimed or recycled water.

(Ord. 1662, passed 10-15-14)

#### § 54.053 DETERMINATION OF WATER SHORTAGE.

A water supply shortage exists when the City Manager determines that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. When the City Manager finds that such conditions have been satisfied, he or she shall recommend to the City Council that a resolution to declare the appropriate stage of action be adopted. The City Manager has discretion to determine that certain mandatory restrictions may be appropriate for

implementation at an earlier stage and may recommend such restriction for implementation.

(Ord. 1662, passed 10-15-14)

§ 54.054 PROCEDURES.

(A) In the event the City Manager determines that water supply conditions require the implementation of Stage II, Stage III, ~~or Stage IV, Stage V, or Stage VI~~ of the Water Shortage Contingency Plan, or parts thereof, the following actions shall be taken:

(1) The City Manager shall declare, at a noticed public hearing of the Indio City Council, implementation of the appropriate stage of action as set forth in §§ 54.056 through 54.060~~58~~.

(2) The City Council shall adopt a resolution affirming the declaration made by the City Manager.

(3) Within ten (10) days after adoption of the resolution, the city shall publish a copy of the resolution in a newspaper used for the publication of official notices.

(B) None of the restrictions contained in Stage II, Stage III, ~~or Stage IV, Stage V, or Stage VI~~ of the Water Shortage Contingency Plan, shall be applicable and subject to enforcement until the City Council adopts a resolution imposing the restrictions at a duly noticed public hearing. Such restrictions shall continue until repealed by resolution of the City Council.

(C) The City Manager shall direct staff to provide public education material and notices to all water users advising them of the actions taken by the City Manager and the water use restrictions included in the water stage of action.

(D) In the event that the City Manager declares, and the City Council approves, implementation of Stage ~~VII~~ of the Water Shortage Contingency Plan ("~~Severe Shortage or Catastrophic Incident~~Water Emergency"), the City Manager may also request specific reductions in water allocations to conserve water for the greatest public benefit. The City Council shall declare a Water Emergency in the manner and on the grounds provided in Cal. Water Code § 350 before the City Manager's requested reductions may take effect.

(Ord. 1662, passed 10-15-14)

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§ 54.055 STAGE I --NORMAL CONDITION, NORMAL WATER SUPPLIES (UP TO 10% SHORTAGE RANGE)

~~Stage I represents the normal operating condition where all persons are advised to use water wisely and practice water conservation measures to avoid wasting water. Stage I represents the normal operating condition where all persons are advised to use water wisely and practice water conservation measures to avoid wasting water. The City Manager or his or her designee has authority to declare a Stage I stage of action without further action of the City Council.~~

~~(A) All persons shall avoid using water in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures shall be prohibited. manner that creates~~

~~(B) Using any water in a fountain or other decorative water feature shall be prohibited, unless the water is part of a recirculating system.~~

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~~(C) Applying water to driveways, sidewalks, concrete or asphalt shall be prohibited, unless to address immediate health and safety needs. Reasonable pressure washing or water broom use shall be permitted.~~

~~(D) Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches shall be prohibited.~~

~~(E) Using a hose to wash a vehicle, windows, or solar panels shall be prohibited, unless an automatic shut-off nozzle or pressure washer is used.~~

~~(F) Broken sprinklers shall be repaired within five business days of notification by agency, and leaks shall be repaired as soon as practical.~~

~~(G) Draining and refilling of private swimming pools shall be discouraged, unless necessary for health and safety or leak repair.~~

~~(H) unoff or drainage onto adjacent properties or onto public or private roadways. Hotels shall provide guests the option of choosing not to have towels and linens laundered daily.~~

~~(I) City shall discourage overseeding.~~

~~(J) City shall provide rebates for landscape efficiency.~~

~~(K) City shall offer water use survey/audits.~~

~~(L) City shall provide rebates on plumbing fixtures and devices.~~

~~The City Manager or his or her designee has authority to declare a Stage I stage of action without further action of the City Council.~~

~~(Ord. 1662, passed 10-15-14)~~

§ 54.056 STAGE II -- WATER ALERT, SLIGHTLY LIMITED WATER SUPPLIES (UP TO 20% SHORTAGE RANGE)

The following ~~prohibitions~~ restrictions and actions shall take effect in the event that the City Manager declares a Stage II stage of action:

~~(A) (A) Outdoor water use shall be prohibited during daylight hours for spray irrigation except for leak checks or a City approved conservation alternative plan. City shall encourage use of non-potable water for construction, if available. Parks, school grounds, and golf courses may be watered at night only with irrigation repairs, if necessary, restricted to the hours between 6:00 a.m. and 10:00 a.m.~~

~~(B) (B)~~

~~Lawns and landscaping may be watered only between the hours of 6:00 p.m. and 6:00 a.m. with irrigation repairs, if necessary, restricted to the hours between 6:00 a.m. and 10:00 a.m.~~

~~(C) City shall actively discourage over-seeding. Applying water to driveways, parking lots, and other paved surfaces is prohibited.~~

~~(D) Restaurants shall serve water only on request. Private vehicles may only be washed with a bucket or with a hose equipped with a positive shut-off nozzle.~~

~~(E) Shall reduce outdoor water budget by 10%.~~

~~Commercial car washes shall recycle water.~~

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~~– (F) City shall expand public information campaign.~~

~~Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, club, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.~~

~~– (G) Water service through construction meters for grading or other construction purposes shall be used only between the hours of 5:00 p.m. and 10:00 a.m.~~

~~– (G) City shall increase water waste patrols.~~

~~– (H) City shall reduce frequency of hydrant and dead end line flushing.~~

~~– (H) Commercial nurseries may only use water for irrigation purposes between the hours of 6:00 p.m. and 6:00 a.m.~~

~~– (I) Filling or replenishing decorative ponds, golf course water hazards which are not an integral part of the permanent irrigation or fire protection system, fountains, and other waterscape features is prohibited. Unless otherwise approved by the Executive Director or designee, fountain pumps should remain off to minimize evaporation.~~

~~(Ord. 1662, passed 10-15-14; Am. Ord. 1681, passed 10-21-15)~~

~~§ 54.057 STAGE III – WATER WARNING, MODERATELY LIMITED WATER SUPPLIES (UP TO 30% SHORTAGE RANGE)~~

~~The following restrictions and actions prohibitions shall take effect in the event that the City Manager declares a Stage III stage of action:~~

~~(A) – (A) Outdoor water use shall be allowed only three days a week for spray irrigation (Monday, Wednesday, and Friday).~~

~~(B) Drip or subterranean irrigation shall be allowed seven days per week, during non-daylight hours. Parks and school grounds may be watered no more than two times per week and only at night, with irrigation repairs, if necessary, restricted to the hours between 6:00 a.m. and 10:00 a.m.~~

~~(CB) Commercial nurseries shall use water only on alternate days during non-daylight hours for outside operations.~~

~~(D) Golf course greens and tees may be watered at night only. Fairways shall be watered on alternating days and at night only.~~

~~– (C) Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features shall not be filled or replenished.~~

~~(E) Swimming pools or landscaping ponds shall not be filled unless necessary for health and safety or leak repair.~~

~~(F) Encourage counties, cities, Homeowner Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turfgrass areas and to otherwise comply with new State laws regarding limitations on such enforcement.~~

~~(G) Commercial car washes shall use recycled water or recirculating water systems.~~

~~(H) Spray irrigation of medians and parkways shall be prohibited.~~

~~(I) City shall strengthen customer billing messages with use comparisons.~~

~~(J) City shall implement water use audits targeted to key customers to ensure compliance with directives.~~

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(M) City shall expand rebate programs.

~~Lawns and landscaping may be watered no more than two times per week between the hours of 6:00 p.m. and 6:00 a.m., with irrigation repairs, if necessary, restricted to the hours between 6:00 a.m. and 10:00 a.m.~~

~~-(D) Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, club, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested. Water shall be provided in disposable cups only.~~

~~-(E) Applying water to driveways, parking lots, and other paved surfaces is prohibited.~~

~~-(F) Filling swimming pools with water is prohibited.~~

~~-(G) Commercial car washes shall recycle water.~~

~~-(H) The Indio Water Authority shall not issue new construction meters.~~

~~-(I) Water service through construction meters for grading or other construction purposes shall be used only between the hours of 5:00 p.m. and 10:00 a.m.~~

~~-(J) Users of water for agricultural purposes may only use water for irrigation purposes on alternating days.~~

~~-(K) Commercial nurseries may only use water for irrigation purposes between the hours of 6:00 p.m. and 6:00 a.m. on alternating days.~~

~~-(L) Lawns and landscaping may be watered no more than four times per week (Tuesday, Thursday, Saturday and Sunday) between the hours of 6:00 p.m. and 6:00 a.m. with irrigation repairs, if necessary, restricted to the hours between 6:00 a.m. and 10:00 a.m. This paragraph (L), however, is an alternative to paragraph (C) of this § 54.057, and the City Manager has the discretion to implement either the restriction in paragraph (C) or paragraph (L).~~

~~(Ord. 1662, passed 10-15-14; Am. Ord. 1673, passed 5-20-15)~~

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§ 54.058 STAGE IV – WATER EMERGENCY - LIMITED WATER SUPPLIES (UP TO 40% SHORTAGE RANGE)

The following prohibitions restrictions and actions shall take effect in the event that the City Manager declares a Stage IV stage of action:

(A) – (A) Irrigating lawns and Turfgrass landscapes shall not be watered except where

subterranean or non-potable

water systems are used, landscaping is prohibited.

(BB) City shall implement a moratorium on new turfgrass landscaping.

(C) City shall implement or modify drought rate surcharge.

(D) Outdoor water budget shall be reduced by up to 25%.

(E) City shall expand public information campaign.

~~Watering parks, school grounds, and golf course fairways is prohibited unless with recycled water. Golf course greens and tees may be watered no more than two times per week.~~

~~-(C) Applying water to driveways, parking lots, and other paved surfaces is prohibited.~~

~~-(D) Commercial car washes shall use only recycled water and then only for the purpose of washing vehicles. Consuming water for the purpose of commercially washing vehicles must be reduced to 50% of average consumption from the prior year.~~

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- ~~–(B) Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, club, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested. Water shall be provided in disposable cups only.~~
  - ~~–(F) Filling swimming pools with water is prohibited.~~
  - ~~–(G) The City shall not issue new construction meters.~~
  - ~~–(H) Water service through construction meters shall be prohibited.~~
  - ~~–(I) Permanent orchard crop irrigation is limited to no more than two times per week and other agricultural and commercial nursery irrigation is prohibited.~~
- (Ord. 1662, passed 10-15-14)

§ 54.059 STAGE V – SIGNIFICANTLY LIMITED WATER SUPPLIES (GREATER THAN 50% SHORTAGE RANGE)

The following restrictions and actions shall take effect in the event that the City Manager declares a Stage V stage of action:

- (A) Watering grass shall be prohibited.
- (B) Grass at parks and school grounds shall be watered with recycled water, if available, or not at all.
- (C) Golf course greens and tees may be watered no more than two times per week during non-daylight hours with recycled water, or not at all.
- (D) Trees, desert plants and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.
- (E) Outdoor water budget shall be reduced by up to 50%.
- (F) City shall implement a moratorium or net zero demand on new connections.
- (G) New construction meters for water service shall not be issued.
- (H) Water service through construction meters shall not be made available.
- (I) The use of misting systems shall be prohibited.

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§ 54.060 STAGE VI – SEVERE SHORTAGE OR CATASTROPHIC INCIDENT.

The following restrictions and actions shall take effect in the event that the City Manager declares a Stage VI stage of action:

- (A) Commercial nurseries shall discontinue all use of potable water for watering and irrigation.
- (B) Watering of livestock shall be permitted, as necessary.
- (C) Outdoor watering shall be prohibited.
- (D) Initial filling of swimming pools or landscaping ponds shall be prohibited.
- (E) Restaurants shall use disposable cups, plates, and utensils.
- (F) Mandatory rationing shall be implemented.

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§ 54.06159 PENALTIES.

(A) Violation of the water use restrictions of §§ 54.056 through 54.06058 shall be penalized as follows:

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(1) First violation. The Indio Water Authority General Manager or his designee ("General Manager") shall issue a written notice of the fact of a first violation to the person.

(2) Second violation. For a second violation during any one water shortage declaration, the General Manager may impose a surcharge in the amount equal to 25% of the person's water bill.

(3) Third violation. For a third violation during any one water shortage declaration, the General Manager may impose a surcharge in the amount equal to 50% of the person's water bill.

(4) Fourth and subsequent violation. For a fourth and each subsequent violation during any one water shortage declaration, the General Manager may install a flow restricting device of one (1) gallon per minute capacity for services up to one and one-half (1-1/2) inch size, and comparatively sized restrictors for larger services, on the service of the person at the premises at which the violation occurred for a period of not less than forty-eight (48) hours. The city shall charge the person the reasonable costs incurred for installing and for restoration of normal service. Normal service shall not be restored until all the account has been made current and all charges have been paid. In addition, the surcharge provided in division (A)(3) of this section shall continue to apply.

(B) In addition to any penalties imposed herein, a fourth or subsequent violation during any one water shortage declaration of the water use restrictions of §§ 54.056 through 54.06058 shall also constitute a misdemeanor unless, at the discretion of the City Prosecutor, the violation is charged as an infraction.

(C) Notice of the violation shall be provided as follows:

(1) Notice of a first violation shall be given in writing by regular mail.

(2) Notice of second or subsequent violations shall be given in writing in the following manner:

(a) By giving the notice to the customer personally; or

(b) If the customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion at the premises and sending a copy through the regular mail to the address at which the customer is normally billed; or

(c) If a person of suitable age or discretion cannot be found, by affixing a copy in a conspicuous place at the premises at which the violation occurred and also sending a copy through the regular mail to the address at which the customer is normally billed.

(3) The notice shall contain a description of the facts of the violation, a statement of the possible penalties for each violation, and a statement informing the customer of the right to a hearing on the merits of violation pursuant to § 54.0634.

(Ord. 1662, passed 10-15-14)

#### § 54.0602- RELIEF FROM COMPLIANCE.

(A) A person may file an application for relief from any provision of this article. The City Manager shall develop such procedures as necessary to resolve such application for relief, and shall take reasonable steps to resolve the application for relief. The decision of the City Manager shall be final. The City Manager may delegate these duties and responsibilities under this section as appropriate.

(B) The application for relief may include a request that the person be relieved, in whole or in part, from the water use restrictions of this article.

(C) In determining whether to grant relief and the nature of any relief, the City Manager shall take into consideration all relevant factors including, but not limited to, the following:

(1) Whether the applicable reduction in water consumption will result in unemployment;

(2) Whether additional persons have been permanently added to the household;

(3) Changes in vacancy factors in multi-family housing;

(4) Increased number of permanent employees in commercial, industrial, and governmental offices;

(5) Increased production requiring increased water;

(6) Water uses during new construction;

(7) Adjustments to water use caused by emergency health or safety hazards;

(8) First filling of a permit-constructed swimming pool; and

(9) Water use necessary for reasons related to family illness or health.

(D) In order to be considered, an application for relief must be filed with the General Manager within 20 days from the date of the mailing of the water bill which is the subject matter of the application. No relief shall be granted unless the person shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific areas in which relief is being sought.

(Ord. 1662, passed 10-15-14)

#### § 54.0634 HEARING REGARDING VIOLATIONS.

(A) Any person receiving notification of violation of this article may request a hearing by filing an appeal along with the appeal fee with the General Manager within 15 days of mailing or other delivery of the notice of violation. The appeal fee shall be in an amount set by City Council resolution.

(B) The person's timely written request for a hearing shall automatically stay installation of a flow-restricting device on any customer's premises until the Administrative Hearing Officer renders his or her decision.

(C) The person's timely written request for a hearing shall not stay the imposition of a surcharge. If it is determined that the surcharge was wrongly charged and paid, the Indio Water Authority shall credit any amount due to the unpaid water bill.

(D) The decision of the Administrative Hearing Officer shall be final.

(Ord. 1662, passed 10-15-14)

#### § 54.0642 LANDSCAPE AND WATER CONSERVATION.

(A) Water waste prevention. Water waste from inefficient landscape irrigation allowing runoff, low head drainage, overspray or other conditions where water flows onto roadways, adjacent property or non-irrigated property is prohibited.

(B) Prohibition on certain covenants conditions and restrictions, all development. It shall be unlawful for covenants, conditions and restrictions of any development project or

homeowners association to require the use of water-intensive landscaping or prohibit low water use landscaping.

(C) Landscaping equipment.

(1) Water meters. Separate landscape water meters shall be installed for all projects except for single family homes. All commercial, industrial and apartment buildings must have separate meters for landscaping installed by January 1, 2013.

(a) All meters are the property of the Indio Water Authority.

(b) Consumers, contractors, or any other person shall not tamper with or make inoperable any permanent meter that is installed to record water usage.

(c) All new construction shall have separate landscaping meters.

(d) Portable meters shall be installed on hydrants to record water use for construction use, air quality dust control or any other water use deemed acceptable by the Indio Water Authority. Meters shall be obtained from the Indio Water Authority.

(e) Only Indio Water Authority meters shall be used to record water usage in the Authority's service area.

(2) Controllers. Automatic evapotranspiration, ET, controller systems or moisture sensing devices shall be required for all irrigation systems and must be able to accommodate all aspects of the design.

(3) Valves. Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage.

(4) Sprinkler heads. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

(5) Rain sensing override devices. Rain sensing override devices shall be required on all irrigation systems.

(6) Soil moisture sensing devices. It is recommended that soil moisture sensing devices be considered where appropriate.

(7) Vertical stops. Sprinklers must be equipped with vertical stops installed just below the sprinkler head which automatically shut off water to a broken sprinkler head.

(8) Backflow devices and valves. No consumer, contractor or any other person shall tamper with backflow devices or distribution valves without consent of the Indio Water Authority. Repairs of backflow devices shall be done by companies approved and authorized by the Indio Water Authority.

(9) Master valves. Master valves must be installed on all systems with a flow sensor for automatic shut off of the station based on 10% over flow rate.

(D) Remedies nonexclusive. Enforcement remedies provided in this chapter are not exclusive. The city may take all, or any combination of these actions against a person, as well as any other enforcement remedies which the city may have available.

(E) Administrative remedies.

(1) Notice of violation. Whenever an authorized enforcement official determines there has been a violation of this chapter, the official may serve a notice that enumerates the violations found and order compliance by a certain date.

(2) Administrative compliance order. Whenever an authorized enforcement official determines that a violation of this chapter has occurred, the official may require the submission of a detailed compliance schedule, including the actions that will be taken to correct said violation(s) or prevent future recurrences of said violation(s), to the authorized enforcement official for approval. A compliance order shall not relieve the violator of liability for any violation, including any continuing violation.

(3) Cease and desist order. Whenever an authorized enforcement official determines that a violation of this chapter is occurring, or that past violations are likely to recur, the authorized enforcement official may issue an order to cease and desist and take such appropriate remedial or preventive action as may be needed to properly address a continuing or potential violation, including halting operations and/or terminating the discharge.

(4) Termination of service. If the violation continues after the issuance of a cease and desist order, irrigation service to the facility may be turned off and remain off until corrective actions are taken to the satisfaction of the authorized enforcement official.

(5) Administrative civil penalties. The city may serve an administrative complaint on any person who has violated, or continues to violate, any provision of this chapter. Each day on which each instance of noncompliance shall occur or continue shall be deemed a separate and distinct violation. Procedures for application of administrative civil penalties shall be in accordance with standard procedures adopted by the city.

(F) Violations deemed a public nuisance.

(1) In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated and/or restored by any authorized enforcement official, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the city.

(2) If any violation of this chapter constitutes a seasonal and recurrent nuisance, the city shall conduct a hearing to consider revocation of a permit by serving notice to the permittee a notice of intention to revoke. The city will set forth the grounds for the hearing and designate a time and a place for the hearing.

(G) Guidelines adopted, procedure for amendment and modification. The Indio Water Authority Board and City Council shall from time to time consider and adopt "Landscape and Water Conservation Guidelines" as Section 4 of the City's "Development Services Procedural Guidelines." City and Indio Water Authority staff shall apply these guidelines to all new development and may amend or modify same administratively as deemed necessary and appropriate by the City Manager/Executive Director or his or her designee. Within 90 days of approval of any administrative amendment or modification of these guidelines, the City Manager/Executive Director shall present a summary of same to the City Council and the Indio Water Authority Board for review and ratification at a public meeting.

(Ord. 1528, passed 3-5-08; Am. Ord. 1563, passed 12-16-09)

§ 54.0653 WATER EFFICIENT LANDSCAPE DEVELOPMENT STANDARDS.

(A) This section shall apply to the following landscape projects:

- (1) New development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building, landscape permit, plan check or design review;
- (2) Renovated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review; and
- (3) Existing landscapes installed before January 1, 2010 and over one acre in size, except that such landscapes shall be limited to complying with only those programs that the city or Indio Water Authority may adopt from time to time, which may include, but not be limited to, irrigation water analyses, irrigation surveys and irrigation audits that verify landscape water use does not exceed the maximum applied water allowance (MAWA) for existing landscapes. The maximum applied water allowance (MAWA) for existing landscapes shall be calculated as:  $MAWA = (.70) (ET_o) (LA) (.62/748)$  unless landscape plans were submitted and approved under a stricter water conserving ordinance.

(B) This section does not apply to:

- (1) Registered local, state or federal historical sites;
- (2) Ecological restoration projects that do not require a permanent irrigation system;
- (3) Mined-land reclamation projects that do not require a permanent irrigation system;

or

- (4) Plant collections, as part of botanical gardens and arboretums open to the public.

(C) Prior to installation, a landscape documentation package shall be submitted to the city for review and approval for all landscape projects subject to the provisions of this section. Any landscape documentation package submitted to the city shall comply with the provisions of the City of Indio/Indio Water Authority's Landscape and Irrigation System Design Criteria or, where service is provided by another water purveyor, the relevant landscape and irrigation system design criteria adopted by that water purveyor.

(D) Verification of compliance of the landscape installation with the approved plans shall be obtained through a certification of completion issued by the Indio Water Authority or other water purveyor in conjunction with a certificate of use and occupancy or permit process. The certificate of completion shall be filed with the Development Services Department.

(E) The city may delegate to, or enter into a contract with, another public agency, including the Indio Water Authority, to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the city.

(F) The "City of Indio/Indio Water Authority Landscape and Irrigation System Design Criteria," attached as Appendix A to Ordinance No. 1684 and any amendments thereto, is hereby adopted and incorporated herein by reference as if fully set forth below. The Director of Development Services or Indio Water Authority General Manager may amend this Design Criteria from time to time in a manner consistent with the purpose and intent of this section. One copy of the Design Criteria shall remain on file in the Office of the City Clerk.



(G) The City Council may establish by resolution fees for the cost of reviewing and monitoring landscape documentation packages and landscape irrigation audits. The landscape documentation review fee shall be due at the time that the landscape documentation package is initially submitted to the city.

(H) A violation of this section, including any provision of the City of Indio/Indio Water Authority Landscape and Irrigation System Design Criteria may be subject to an administrative citation pursuant to Chapter 11 of this code, except that the amount of fine shall be \$250 per violation.

(I) An applicant, property owner or designee of any applicable project may appeal decisions rendered pursuant to this section, other than the imposition of penalties, to the City Manager or his or her designee, in writing, within 15 days of notification of the decision. The City Manager's decision shall become final on the fifteenth day following service of written notification of said decision unless a timely appeal to the City Council is submitted to the City Clerk within 15 days of notification of the City Manager's decision. The City Council's decision shall be final upon its adoption.

(J) The requirements of this section apply in addition to other applicable landscape development standards contained in Title XV of this code, including but not limited to § 162.120. In the event of any conflict between this section and the provisions of Title XV, the provision that contains the more stringent landscaping water efficiency requirement(s) shall control.

(Ord. 1684, passed 1-20-16)

ATTACHMENT 3

CALIFORNIA NEWSPAPER SERVICE BUREAU

DAILY JOURNAL CORPORATION

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MICHELLE TSE / DENISE RUDISEL
CITY OF INDIIO/CITY CLERK
100 CIVIC CENTER MALL
INDIO, CA 92201

CNS 3476322

COPY OF NOTICE

Notice Type: HRG NOTICE OF HEARING
Ad Description PHN 06-16-21 Ord WSCP

To the right is a copy of the notice you sent to us for publication in the THE DESERT SUN. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

06/02/2021 , 06/09/2021

An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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THE INTER-CITY EXPRESS, OAKLAND (510) 272-4747

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the City Council of the City of Indio, California, will hold a public hearing on June 16, 2021, at 5 p.m. via teleconference and will allow the public to participate in the hearing remotely, in lieu of physical presence at the public hearing, via the electronic means provided below, consistent with the State of California Executive Order N-29-20, to consider the following matter:

An Ordinance of the City Council of the City of Indio, California, Amending Chapter 54 Provisions Regarding the Water Shortage Contingency Plan to Align with the 2020 Coachella Valley Regional Urban Water Management Plan

The purpose of the ordinance is to amend the City's municipal code sections related to the Water Shortage Contingency Plan to align with the Coachella Valley's regional efforts to encourage efficient water use, provide consistent shortage levels and response throughout the region. The following six agencies in the region were involved in the development of the regional plan: Coachella Valley Water District, Coachella Water Authority (City of Coachella), Desert Water Agency, Indio Water Authority (City of Indio), Mission Springs Water District, and Myoma Dunes Mutual Water Company.

Pursuant to Governor Newsom's Executive Orders N-25-20 and N-28-20, meetings of the City of Indio City Council are being conducted via teleconference. Consistent with these orders and in the interest of maintaining appropriate social distancing, City Council Chamber is closed and there will be no in-person public access to the meeting location.

The City Council meetings may be viewed via livestream on the City's website at https://www.indio.org/your\_government/city\_clerk/agendas.htm or via Facebook Live at https://www.facebook.com/CityofIndio/

Interested persons wishing to express their views on the hearing item referenced above may participate by providing oral or written comments as follows: Written comment on the public hearing item may be submitted via email to ssanchez@indio.org no later than 2:00 pm on the day of the hearing. If you wish to provide oral testimony during the hearing, email your name, contact number, and the item(s)

you wish to comment on to the email listed above on the day of the meeting. Upon receipt of your request, the City Clerk will email you the zoom ID and password to join the meeting for public comment. The agenda will be posted no less than 72 hours in advance of the meeting. Written comments provided via email by the time listed above will be distributed to the City Council and posted to the agenda-landing page for public view.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act, please contact Sabdi Sanchez at ssanchez@indio.org 24 hours in advance of the hearing for assistance.

If you challenge the request for this issue in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to the public hearing.

For further information on the above matter, please contact Michelle Tse, Administrative Services Manager, Indio Water Authority, at 83101 Avenue 45, Indio, California 92201 at 760-625-1805, or email mse@indio.org.

DATE: May 27, 2021
CITY OF INDIIO
S/ SABDI SANCHEZ, CMC
CITY CLERK ADMINISTRATOR
6/2, 6/9/21
CNS-3476322#
THE DESERT SUN



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**Appendix B. Resolution of Adoption**

**RESOLUTION NO. 10217**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO AND THE INDIO WATER AUTHORITY ADOPTING THE WATER SHORTAGE CONTINGENCY PLAN**

**WHEREAS**, the Urban Water Management Planning Act requires urban water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually to prepare and adopt, in accordance with prescribed requirements, a water shortage contingency plan; and

**WHEREAS**, the City of Indio and the Indio Water Authority (collectively "Authority") meet the definition of an urban retail water supplier for purposes of the Urban Water Management Planning Act; and

**WHEREAS**, the Urban Water Management Planning Act specifies the requirements and procedures for adopting such Water Shortage Contingency Plans; and

**WHEREAS**, the Urban Water Management Planning Act requires urban water suppliers to conduct an annual water supply and demand assessment (Annual Assessment) each year and to include in their water shortage contingency plans the procedures they use to conduct the Annual Assessment; and

**WHEREAS**, the procedures used to conduct an Annual Assessment include, but are not limited to, the written decision-making process that an urban water supplier will use each year to determine its water supply reliability; and

**WHEREAS**, the Authority's water shortage contingency plan provides that by June of each year, Authority staff will present a completed Annual Assessment for approval by the Authority Board or by an authorized designee with expressly delegated authority for approval of Annual Assessment determinations; and

**WHEREAS**, the Authority wishes to adopt such Water Shortage Contingency Plan and has determined the Water Shortage Contingency Plan to be consistent with the Urban Water Management Planning Act and to be an accurate representation of the planned actions during shortage conditions for the Authority.

**NOW, THEREFORE, THE CITY COUNCIL AND THE INDIO WATER AUTHORITY BOARD DO HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** The Water Shortage Contingency Plan on file with the Indio Water Authority is hereby adopted for submittal to the State of California and the General Manager of the Indio Water Authority is expressly authorized to approve the Annual Assessment each year.

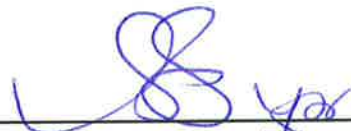
**Section 2.** This Resolution shall become effective immediately upon its adoption.

**Section 3.** The City Clerk/Secretary shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 16th day of June, 2021.

  
\_\_\_\_\_  
**ELAINE HOLMES**  
**MAYOR/PRESIDENT**

**ATTEST:**

  
\_\_\_\_\_  
**CYNTHIA HERNANDEZ**  
**CITY CLERK/SECRETARY**

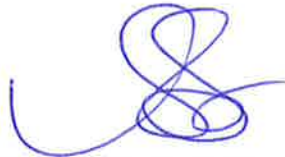
**CERTIFICATION**

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Resolution No. 10217** was duly and regularly adopted at a meeting of the City Council held on the 16th day of June 2021 by the following vote, to wit:

Ayes: Miller, Ramos Amith, Ortiz, MPT Fermon and Mayor Holmes

Noes: None

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 16th day of June 2021.



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SABDI SANCHEZ, CMC  
City Clerk Administrator  
City of Indio

