

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE MOVE TO STAGE II AND CONDITIONS TO MOVE TO STAGE III OF THE SUSTAINABLE WATER USE ORDINANCE

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. Section 8-2-305 of the Burbank Municipal Code (“BMC”), the same being part of the Sustainable Water Use Ordinance adopted by the City Council on April 22, 2008 pursuant to Ordinance No. 3737, as amended by adoption of Ordinance No. 3761 on June 2, 2009, amended by ordinance, effective August 13, 2016 provides that the City Council, following a public hearing, may adopt a resolution to provide for the implementation of the sustainable water use practices contained in BMC section 8-2-304.

B. The Sustainable Water Use Ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to state CEQA Guidelines Class 1, Sec. 15301, Existing Facilities; Class 5, Sec. 15305, Minor Alterations in Land Use Limitations; Class 7, Sec. 15307, Actions by Regulatory Agencies for Protection of Natural Resources; and Class 8, Sec. 15308, Actions by Regulatory Agencies for Protection of the Environment.

C. Upon the effective date of the aforementioned Ordinance, the “Stage I” practices set forth in subsection (a) of BMC section 8-2-304 became applicable throughout the City and have remained in effect since that date.

D. On July 8, 2021 Governor Newsom issued Executive Order N-10-21 that calls for Californian’s to voluntarily reduce their water consumption by 15 percent from 2020 levels.

E. On July 8, 2021 Governor Newsom issued a Proclamation of a State of Emergency for 50 of California’s 58 counties in response to climate change and worsening conditions.

F. On July 8, 2021 The Metropolitan Water District of Southern California, in response to the governor’s proclamation, called on Southern Californians to re-examine and renew our water saving habits and reiterated that we are one when it comes to water, and our state’s river ecosystems and snowpack-reliant supplies are under greater and greater stress.

G. On August 16, 2021 the Bureau of Reclamation declared an official shortage condition going into next year due to the historic lowering (below 1,075 feet) level of Lake Mead behind Hoover Dam.

ATTACHMENT 1

H. On August 16, 2021 The Metropolitan Water District of Southern California issued a statement on the Bureau's declaration saying that the water shortage moves the river into a new era and reinforces the need for Southern Californians to use less water to preserve this critical supply and that the Colorado River is sending us a clear message: conserve, reuse and recycle.

I. On August 17, 2021 The Metropolitan Water District of Southern California declared a Water Supply Alert that urges water agencies to reduce their water demand through public awareness campaigns and by adopting measures tailored to their own local conditions and seeks to avoid more severe actions that could include a Water Supply Allocation.

J. In a staff report dated September 14, 2021, the General Manager of Burbank Water and Power has recommended that the City Council take the necessary action to implement Stage II of the Sustainable Water Use Ordinance, with the authority to implement Stage III under, defined circumstances, if it appears that we cannot meet the governor's water use reduction target with Stage II reductions. The staff report identifies target goals for reduction on a monthly basis and is set forth on Appendix A hereto. The recommendation is based upon: (1) the call to action given by Governor Newsom's executive order asking Californians to voluntarily reduce water use by fifteen percent from 2020 levels; and (2) the dire conditions on the Colorado River and State Water Project.

K. Stage II implementation sets forth in subsection (B) of BMC section 8-2-304 the following additional measures:

- (1) Do not water outdoor landscaped areas more than fifteen (15) minutes per day per station and no more than three (3) days per week during the months of April through October. Do not water outdoor landscaped areas more than fifteen (15) minutes per day per station and no more than one (1) day per week during the months of November through March. Regardless of month, areas watered with low volume irrigation systems that require additional spray time are exempt from the 15-minute time restriction of this requirement, but must comply with the number of days per week watering limit.
- (2) During the months of April through October, the three allowable irrigation days are Tuesdays, Thursdays and Saturdays. During the months of November through March, the one allowable irrigation day is Saturday. Irrigation will not be allowed any day outside of the requirement listed here.
- (3) The filling or refilling of an artificial or ornamental body of water that does not use recycled water is prohibited.

L. Stage III implementation sets forth in subsection (C) of BMC section 8-2-304 the following additional measures:

- (1) During the months of April through October do not water outdoor landscaped areas more than fifteen (15) minutes per station and no more than two (2) days per week. Areas watered with low volume irrigation systems that require additional spray time are exempt from the 15-minute time restriction of this requirement, but must comply with the limit of two days per week watering requirement. The two

ATTACHMENT 1

allowable irrigation days are Tuesdays and Saturdays. Irrigation will not be allowed any day outside of Tuesday or Saturday.

(2) Do not use outdoor evaporative cooling devices (for example, misters).

(3) The prohibition on watering outdoor landscaped areas between the hours of 9:00 a.m. to 6:00 p.m. or during daylight hours from November through March, extends to include attended hand-watering.

(4) Cover all swimming pools, wading pools, or spas when not in use with acceptable protection designed to decrease water evaporation.

M. Pursuant to BMC 8-2-305, a duly noticed public hearing was held before the City Council on September 14, 2021, and based upon the evidence presented by staff the Council finds that implementation of the Stage II practices set forth in BMC Section 8-2-304 (B) is warranted and that establishing conditions for implementing Stage III practices set forth in BMC Section 8-2-304(C) is further warranted.

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. Pursuant to BMC Section 8-2-305, the Council hereby declares that the Stage II sustainable water use practices applicable as contained in Subsection (B) of BMC Section 8-2-304 be implemented beginning on September 14, 2021, that the same remain in effect until changed by action of the City Council or as changed in Section 2 below.

ATTACHMENT 1

2. Pursuant to BMC Section 8-2-305, the Council hereby further declares that if for three consecutive months the City’s water usage, on a gallons per capita per day basis, does not meet the target goals, as set forth on Appendix A, then Stage III sustainable water use practices applicable as contained in Subsection (C) of BMC Section 8-2-304 be implemented upon written declaration by the General Manager of BWP, that the same remain in effect until changed by action of the City Council.

3. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED this 14th day of September, 2021.

Bob Frutos
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

By: _____
Christopher Chwang
Senior Assistant City Attorney

Zizette Mullins, MMC, City Clerk

STATE OF CALIFORNIA)
CITY OF BURBANK) ss.
COUNTY OF LOS ANGELES)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 14th day of September, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Zizette Mullins, MMC, City Clerk

ATTACHMENT 1

Appendix A

Gallons per Capita Per Day

2020	2020 GPCD	Goal GPCD
January	124.73	106.02
February	125.67	106.82
March	103.79	88.22
April	111.86	95.08
May	140.57	119.48
June	148.94	126.60
July	157.20	133.62
August	162.45	138.08
September	158.92	135.09
October	153.47	130.45
November	136.01	115.60
December	132.22	112.39