



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Date: February 3, 2009
To: Member Agency Managers
From: Stephen N. Arakawa, Manager, Water Resource Management
Subject: Ordinance Prerequisite for Extraordinary Conservation Programs

On January 13, 2009, Metropolitan's Board authorized ordinance implementation criteria as a prerequisite to participation in three extraordinary conservation programs:

- Phase II Public Sector Program
- Turf Removal Pilot Program
- New Enhanced Conservation Program.

Please note that board direction resulted in changes to the information letter submitted in January and from our prior communications. A copy of our implementation schedule is provided in Attachment 1. All of Metropolitan's other conservation programs do not require the prerequisite for eligibility.

Ordinance Prerequisite Options

Metropolitan is initiating implementation of the three extraordinary conservation programs within its budget capability. To comply with the Board's ordinance prerequisite, we request that member agencies provide one of the following for each local jurisdiction, which can be a city, water agency or county covering the proposed project site seeking an incentive.

1. Copy of the conservation ordinance and written description of the implementation plan for a city, county, or water agency. Agencies that previously submitted ordinances to Metropolitan must resubmit their ordinance and an implementation plan. Attachment 2 lists the required ordinance provisions. The implementation plan must enumerate the applicable sections that address each of the required ordinance provisions. Metropolitan will rely on written member agency assessments that local water efficiency requirements are publicly communicated and enforced. Where agencies have ordinances with phased implementation, the information provided must explain the phase currently in effect. To be eligible for incentive funding, the phase in effect must comply with minimum requirements at the time of funding.
2. Written pledge to develop an action plan and to work with a specific constituent jurisdiction that would adopt a conservation ordinance and implementation plan including the timeline for the following milestones:

- Inform all local jurisdictions of need for conservation ordinance and implementation
 - Each jurisdiction secure commitment from its governing body to begin drafting ordinance and implementation plan
 - Develop draft ordinance and implementation plan
 - Receive public input on draft ordinance and implementation plan
 - Governing body adopt ordinance
 - Enact ordinance
 - Submit adopted ordinances and implementation plans to Metropolitan
3. Written statement attesting to and describing an alternative method or strategy that will achieve at least 5 percent of additional water conservation savings in the local jurisdiction over calendar year 2008 levels.

Prioritization

Priority for issuing financial incentives under the extraordinary programs will be given to applicants that comply with Option 1.

Progress Reporting

Staff will provide a progress report to Metropolitan's Board in June 2009. Sample progress reports are provided in Attachment 3.

For jurisdictions that elect Option 1, member agencies must report on the status of public communication and enforcement of the ordinance to Metropolitan by April 30 and October 30, 2009, and annually thereafter.

For jurisdictions that elect Option 2, member agencies must report status on progress to Metropolitan on April 30, 2009. The report should include progress on each milestone established above and remaining actions needed to complete work by July 1, 2009, in order for that jurisdiction to remain eligible for the extraordinary conservation programs. Upon adoption, member agencies must submit to Metropolitan a copy of the ordinance and implementation plan and provide progress reports thereafter as outlined for Option 1.

For jurisdictions that elect Option 3, member agencies must provide reports on actual water savings as compared to calendar 2008 levels by April 30 and October 30, 2009, and annually thereafter.

Member Agency Managers

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Program Status

Currently, applications for Phase II Public Sector Program funding exceed \$11 million. Since program funding will be released on a fiscal year basis in increments of \$5 million beginning this fiscal year, it is in your best interest to submit the requested information outlined above as soon as possible. With regards to the Enhanced Conservation Program, Metropolitan issued a competitive Request for Proposals earlier this month and anticipates making selections and negotiating agreements as early as April 2009. Additionally, we are awaiting execution of our Turf Removal Pilot Program agreement with the Department of Water Resources, which has indicated that funds will likely be suspended until further notice due to the unprecedented state budget and financial crisis.

Please submit information in support of the ordinance prerequisite to the attention of Mr. Raymond Jay. If you have any questions, please call Mr. Jay at (213) 217-5777 or via email at rjay@mwdh2o.com.

Stephen M. Arakawa

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Attachments

cc: Board of Directors
Member Agency Conservation Coordinators

Attachment 1

Implementation Schedule

The key implementation milestones are summarized as follows:

- January 2009** Participating member agencies must provide one of the following:
1. Copy of conservation ordinance and written description of the implementation plan that meets the basic requirements; or
 2. Written pledge to develop an action plan and to work with its constituent jurisdictions (to be listed) to adopt conservation ordinances and implementation plans; or
 3. A written statement attesting to and describing an alternative method or strategy that will achieve at least 5 percent of additional water conservation savings in a local jurisdiction over calendar year 2008 levels.
- April 2009** Participating member agencies submit progress reports on ordinance and implementation plan development and adoption within their respective jurisdictions. Reports must include progress toward the milestones. Agencies choosing an alternative method or strategy must provide a written report on water savings achieved over 2008 levels.
- June 2009** Member agencies must submit one of the following:
1. Copy of conservation ordinance and description of implementation plan to meet the basic requirements; or
 2. A written statement attesting to and describing an alternative method or strategy that will achieve at least five percent of additional water conservation savings in a local jurisdiction over calendar year 2008 levels.
- Metropolitan staff report to Board on service area progress.
- July 2009** Ordinance prerequisite or alternative method or strategy required to participate in the extraordinary conservation programs.
- Begin FY 09/10 \$5 million funding for Phase II Public Sector Program.

Note: After July 1, 2009, the written pledge to develop an action plan and to work with its constituent jurisdictions to adopt conservation ordinances and implementation plans will no longer be the basis for meeting the Board's ordinance prerequisite requirements.

Attachment 2

Basic Ordinance and Implementation Requirements for Extraordinary Conservation Programs

The objective of the ordinance prerequisite is to achieve immediate and widespread efficiency practices by retail water users and achieve water savings to contend with recent and potential further water supply reductions to the region. Ordinance provisions are expected to be complemented with public communication on the need for water-use efficiency and how to achieve it. Examples of ordinance provisions have been provided to member agencies in the form of model ordinances.

The measures described below are identified as basic requirements that would meet the criteria for conservation ordinances and implementation:

1. Prohibited water uses
 - No washing down hard or paved surfaces
 - Fix leaks within reasonable time
2. Outdoor irrigation practices
 - Irrigation restrictions
 - No excessive water flow or runoff
3. Enforcement and penalty mechanisms; one or more of the following (these provisions may be addressed by implementation practices separate from the ordinance):
 - Administrative penalties
 - Civil fines
 - Flow restrictors
 - Disconnection of service
 - Misdemeanor
 - Water allocation and penalties for exceeding allotment
 - Escalating retail water rates

Alternative Compliance

A member agency would submit a written statement attesting to an alternative method or strategy that a local jurisdiction would use to achieve at least 5 percent of additional water conservation savings over calendar year 2008 levels. This would represent a proportionate share of the 200,000 acre-feet per year objective of new savings sought as a result of ordinance implementation.

**Metropolitan Water District of Southern California
Progress Report on Ordinance Prerequisite
Extraordinary Conservation Programs**

Date:

Reporting Period:

Option 2: Pledge to Develop Action Plan to Adopt Ordinance and Implementation Plan		
Agency	Member Agency	Local Jurisdiction
Name		
Phone		
E-mail		
Fax		
Describe the status of compliance with Metropolitan's ordinance and implementation plan prerequisite.		
For each milestone, please indicate expected completion date and percentage complete.		
Original Milestone	Expected Completion Date	% Complete
Inform all local jurisdiction of need for conservation ordinance and implementation		
Secure commitment from governing body to draft ordinance and implementation plan		
Develop draft ordinance and implementation plan		
Receive public input on draft ordinance and implementation plan		
Governing body adoption of ordinance		
Enact ordinance		
Submit adopted ordinance and implementation plan to Metropolitan		

Additional Comments (Optional)
Describe remaining actions needed to complete work by July 1, 2009 in order for jurisdiction to remain eligible for the extraordinary conservation programs. Identify any other pertinent issues related to status including any foreseeable problems or delays.

Please complete progress report and mail to Mr. Raymond Jay, Metropolitan Water District, PO Box 54153, Los Angeles, CA 90054-0153 or via email at rjay@mwdh2o.com.

**Metropolitan Water District of Southern California
 Progress Report on Ordinance Prerequisite
 Extraordinary Conservation Programs**

Date:

Reporting Period:

Option 3: Statement Describing Alternative Method/Strategy

Agency	Member Agency	Local Jurisdiction
Name		
Phone		
E-mail		
Fax		

Describe your alternative method or strategy to achieve at least five percent of additional water conservation savings in a local jurisdiction over calendar year 2008 levels.

Describe how you determine the water savings attributable to this method or strategy. Provide all underlying data, calculations, and assumptions.

Provide information on actual water usage in calendar year 2008. Subdivide as needed to demonstrate actual water savings over the previous year (e.g., monthly, quarterly, semi-annually, etc.)

Additional Comments (Optional)

Identify any other pertinent issues related to status including any foreseeable problems or delays.

Please complete progress report and mail to Mr. Raymond Jay, Metropolitan Water District, PO Box 54153, Los Angeles, CA 90054-0153 or via email at rjay@mwdh2o.com.