



# CITY OF GARDEN GROVE

## PUBLIC WORKS

August 20, 2008

Honorable Nancy Wieben Stock  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

William J. Dalton  
Mayor

Mark Rosen  
Mayor Pro Tem

Dina Nguyen  
Council Member

Bruce A. Broadwater  
Council Member

Steven R. Jones  
Council Member

Dear Judge Wieben Stock:

The Garden Grove Water Services Division has reviewed the 2007-2008 Orange County Grand Jury report, "Water Budgets, Not Water Rationing." After studying the report findings and recommendations, we are pleased to provide our responses to Findings F-1 through F-2 and Recommendations R-1 through R-2c as requested by the Grand Jury.

### Response to Findings

*F-1 Opportunities for further water conservation exist especially with regard to landscape watering.*

The Garden Grove Water Services Division agrees with this finding. The City of Garden Grove is signatory to the California Urban Water Conservation Council's (CUWCC) Memorandum of Understanding (MOU) on water conservation and is in the process of implementing CUWCC's 14 Best Management Practices (BMP's) towards water conservation goals. As signatory to the MOU and as a participant in water conservation activities, Garden Grove supports water education efforts by further raising public awareness about water conservation with regard to landscape watering. This is accomplished through information provided in the City's "Water Bill Insert," and education at public events such as, Garden Grove Pride, Garden Grove Strawberry Festival, Fire Services Day, Public Works Open House, Children's Water Educational Festival and the Public Works Equipment Show.

*F-2 Conservation pricing, or tiered pricing, with a fair and reasonable base allotment, followed by tiers of higher rates, can be an effective tool to motivate further conservation.*

The Garden Grove Water Services Division agrees with this finding. The City of Garden Grove currently utilizes tiered pricing as an incentive to encourage customers to conserve water. The City's current tiered pricing structure is reflected in the commodity charge, which consists of four tiers with increasing usage blocks tied to higher rates. The rate increases with each tier. The first tier captures efficient and essential water users. The last tier is termed "excess" which the City has determined to be an excessive water usage. Approximately 80% of residents remain in the first tier, which demonstrates the effectiveness of this rate structure by successfully deterring residents from excessive consumption. Although the City presently uses a tiered pricing structure, the City has not conducted a comprehensive base allotment

study. To further water conservation efforts and strengthen the City's current tiered pricing structure, the City is presently partnering with the Municipal Water District of Orange County to complete a study on the development of fair and reasonable base allotments in conjunction with tiers of higher rates for the different classes of customers. This study will include per person indoor and outdoor allotments. Based on the findings from this study, the City will determine if changing the existing tiered pricing structure is warranted.

#### Response to Recommendations

*R-1 Continue to emphasize methods and availability of tools that assist the customers in understanding weather-based irrigation practices by:*

- Providing a hotline for assisting the public with landscape irrigation information.
- Providing a countywide soil texture map on the MWDOC website.
- Developing an Orange County specific water calculator on the MWDOC website.

The recommendation has not yet been implemented, but the Municipal Water District of Orange County (MWDOC) has committed to the implementation of these recommendations by November 20, 2008 on behalf of itself and its Retail Agencies in the County, including the City of Garden Grove.

*R-2a Develop monthly water allocations for each customer based on both of the following:*

- *A per person indoor water allotment that satisfies basic needs.*
- *An outdoor water allotment that applies the weather-based method over the customer's landscaped area.*

This recommendation has not yet been implemented, but will be implemented in the future. As noted in the Water Division's response to finding F-2, the City is partnering with MWDOC to complete a base allotment study by January 2009. The findings of this study will be used to determine whether these allotments will be imposed on a mandatory basis at some point in the future. Such a decision would require a comprehensive review and analysis of the City's rate structure. In the interim, Garden Grove has implemented the first stage (community-wide voluntary conservation) in its water conservation program. During the voluntary conservation stage, residents are encouraged to reduce water consumption through implementing outdoor water conservation techniques as outlined in the attached ordinance. The City of Garden Grove has provisions for increasing stages of mandatory conservation should that become necessary.

*R-2b Develop a tiered-pricing structure with the first tier based on individual customer water allocation priced at a commodity rate, and subsequent tiers priced significantly higher to encourage conservation. The pricing shall be structured in a manner that will preclude the necessity of price increases as a result of reduced water use.*

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The recommendation will not be implemented because it is not warranted at this time. The City currently utilizes tiered pricing as an incentive to encourage customers to conserve water. As noted previously in F-2, the City's current tiered pricing structure is reflected in the commodity charge, which consists of four tiers with increasing usage blocks tied to higher rates. When the base allotment study is completed in January 2009, the findings will be used to provide additional conservation information to our customers, as well as to determine if future adjustments to the City's tiered pricing structure are warranted.

*R-2c Modify water bills to clearly explain customer monthly allotment and monthly water usage.*

This recommendation has not yet been implemented, but will be implemented in fiscal year 2009/2010. Based on the findings of the base allotment study, the City intends to modify its water bills to include suggested customer base allotment information for each bi-monthly billing period, along with a City website link to instructions on identifying monthly water usage on their water meters. It is estimated that the suggested base allocations will be in place by September 2009. Given that the City recently adopted new rates based on a 5-year Water Financial Plan, it is anticipated that customer base allotments will initially be implemented on a recommended/voluntary compliance basis. Once the 5-year Water Financial Plan is completed, implementation of the base allotments on a mandatory basis will be considered.

Thank you for the opportunity to respond to the Grand Jury's Report. Should you require additional information, please contact Water Services Manager, David Entsminger at (714) 741-5349.

Sincerely,

  
KEITH G. JONES  
Public Works Director

Enclosure: Garden Grove Municipal Code, Title 14, Chapter 40, Section 041, Water Conservation Program

Cc: City Council Members  
Matthew Fertal, City Manager  
David Entsminger, Water Services Manager

ORDINANCE NO. 2172

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE XIV OF THE GARDEN GROVE MUNICIPAL CODE TO ESTABLISH A WATER CONSERVATION PROGRAM.

WHEREAS, California Water Code Section 375 et seq. enables public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by their customers and to conserve the water supplies of the public entity;

WHEREAS, periodic droughts are a historic fact in the State of California;

WHEREAS, California is entering a fifth consecutive year of below normal precipitation;

WHEREAS, a water shortage could exist based upon the occurrence of one or more of the following conditions:

- (a) A general water supply shortage due to limited supplies or increased demand,
- (b) Distribution or storage facilities of the Metropolitan Water District of Southern California, the City of Garden Grove, or other agencies become inadequate,
- (c) A major failure of the supply, storage, and distribution facilities of the Metropolitan Water District of Southern California, the Municipal Water District of Orange County, or the City of Garden Grove occurs; and

WHEREAS, because of conditions prevailing in the City of Garden Grove, the general welfare requires that the water resources available to the City be put to maximum beneficial use to the extent capable, that the waste, unreasonable use, or unreasonable method of use of water be prevented and that the conservation of water be encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people of the City of Garden Grove and the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Code.

Title XIV of the Garden Grove Municipal Code is hereby amended to add Chapter 14.4 as follows.

#### Chapter 14.4 WATER CONSERVATION PROGRAM

**14.40.010 Application.** The provisions of this Chapter shall apply to all persons, customers, and property served by the City of Garden Grove water services.

**14.40.020 Authorization.** The City Manager or a designated representative is hereby authorized and directed to implement the provisions of this Chapter.

**14.40.030 Mandatory Conservation Phase Implementation.** The City shall monitor the projected supply and demand for water by its customers on a daily basis. The City Manager, with the assistance of the Public Services Director, shall determine the extent of the conservation required through the implementation and/or termination of particular water conservation stages in order for the City to prudently plan for and supply water to its customers.

**14.40.031 Procedure for Declaring the Implementation and/or Termination of Various Water Conservation Stages.** Based upon the daily monitoring of projected water supply and demand, the City Manager shall recommend the declaration of an appropriate stage of water conservation in accordance with the provisions of this Section. A recommendation for implementation of any stage beyond Stage 1 (Voluntary Compliance - Water Watch) shall be reported to the City Council at its next regular meeting. The City Council shall thereupon ratify the declaration, rescind the declaration, or direct the declaration of a different stage. The stage declared and associated regulations shall become effective immediately upon announcement.

**14.40.032 Announcement of a Water Stage Declaration.** The declaration of any water conservation stage beyond Stage 1 shall be made by public announcement or notice. Such announcement or notices shall be published a minimum of three (3) consecutive times in a newspaper of general circulation.

**14.40.040 Water Conservation Stages.** No customer of the City shall knowingly make, cause, use, or permit the use of water supplied by the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner in excess of the amounts authorized by this Chapter, or during any period of time other than the periods of time specified in this Chapter. At no time shall water be wasted or used unreasonably. The following stages shall take effect upon declaration as herein provided.

**14.40.041 Stage 1 -- Voluntary Conservation - Water Watch.** Stage 1 applies during times of regional drought when, in the spirit of cooperation, the City desires to assist in overall water conservation and water consumption reduction. During Stage 1, the following water conservation measures shall apply on a voluntary basis:

- (a) Lawn watering and landscape irrigation should be limited to once every other day, unless a hand-held hose equipped with a positive shut-off nozzle, a hand-held bucket, or a drip irrigation system is used. It also is suggested that watering be done between the hours of 6:00 p.m. and 10:00 a.m. the following morning, to minimize usage during peak hours.
- (b) The washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment should be limited to once every other day unless done at a commercial car wash.
- (c) The filling or refilling of swimming pools, spas, ponds, and artificial lakes should be limited to once every other day.
- (d) Watering of golf courses, parks, schools, grounds, and recreational fields is recommended between the hours of 4:00 p.m. and 10:00 a.m. the following morning, to minimize usage during peak hours.
- (e) Water should not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
- (f) Restaurants should avoid serving water to their customers unless the customers specifically request it.
- (g) It is recommended that ornamental fountains or similar structures not be operated.
- (h) The use of water from fire hydrants should be limited to fire fighting, system testing and related activities, for construction activities, or for other activities necessary to maintain the public health, safety, and welfare.

**14.40.042 Stage 2 -- Mandatory Conservation - Water Alert.** Stage 2 applies during periods when the probability exists that the City will not be able to meet all of the water demands of its customers. During Stage 2, the following water conservation measures shall apply on a mandatory basis, except when reclaimed or recycled water is used.

- (a) Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on designated irrigation days between the hours of 6:00 p.m. and 10:00 a.m. the following morning. For purposes of Stage 2 regulations, a "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may use water on even numbered days, and properties with addresses ending in an odd number may use water on odd numbered days.

EXCEPTION: Watering is permitted at any time on any day if a hand-held hose equipped with a positive shut-off nozzle, a hand-held faucet-filled bucket of five (5) gallons or less, or a drip irrigation system is used.

- (b) Agricultural users and commercial nurseries as defined by the Metropolitan Water District Code are exempt from Stage 2 irrigation restrictions, but are required to curtail all non-essential water use. The watering of livestock and irrigation of propagation beds are permitted at any time.
- (c) Washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment is permitted only on designated irrigation days between the hours of 6:00 p.m. and 6:00 a.m. the following morning. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses.

EXCEPTIONS: Washing is permitted at any time on the immediate premises of a commercial car wash. Washing also is permitted without the above restrictions where the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.

- (d) Filling or refilling of swimming pools, spas, ponds, and artificial lakes is permitted only on designated irrigation days between the hours of 6:00 p.m. and 6:00 a.m. the following morning.
- (e) Watering of golf courses, parks, schools, grounds, and recreational fields is permitted only between the hours of 4:00 p.m. and 10:00 a.m. the following morning.

EXCEPTION: Golf course greens may be watered at any time.

- (f) The use of water from fire hydrants shall be limited to fire fighting, system testing, and related activities, for construction activities, or for other activities necessary to maintain the public health, safety, and welfare.
- (g) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
- (h) Restaurants shall not serve water to their customers except when specifically requested.

- (i) The operation of any ornamental fountain or similar structure is prohibited.

14.40.43 Stage 3 -- Mandatory Conservation - Water Warning. Stage 3 applies during periods when the City will not be able to meet all of the water demands of its customers. During Stage 3, the following water conservation measures shall apply except when reclaimed water is used:

- (a) Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on designated irrigation days and only between the hours of 6:00 p.m. and 6:00 a.m. the following morning. For purposes of Stage 3 regulations, the "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may use water on Tuesdays and Saturdays. Properties with addresses ending in an odd number may use water on Wednesdays and Sundays.
- (b) Agricultural users and commercial nurseries shall use water only between the hours of 6:00 p.m. and 6:00 a.m. the following morning. The watering of livestock and the irrigation of propagation beds are permitted at any time.
- (c) Washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited.  
  
EXCEPTION: Washing is permitted at any time on the immediate premises of a commercial car wash. Washing also is permitted where the public health, safety, and welfare is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.
- (d) The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by twenty (20) percent.
- (e) Filling or refilling of swimming pools, spas, ponds, and artificial lakes is permitted only on designated irrigation days between the hours of 10:00 p.m. and 6:00 a.m. the following morning.
- (f) The use of water softening devices is prohibited.
- (g) Watering golf courses, parks, school grounds and recreational fields is permitted only between the hours of 6:00 p.m. and 6:00 a.m. the following morning.

EXCEPTION: Golf course greens may be watered at any time.



- (h) The use of water from fire hydrants shall be limited to fire fighting, system testing, and related activities, or to other activities necessary to maintain the public health, safety, and welfare.
- (i) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
- (j) Restaurants shall not serve water to their customers except when specifically requested.
- (k) The operation of any ornamental fountain or similar structure is prohibited.
- (l) All water leaks shall be repaired immediately.
- (m) New construction meters or permits for unmetered services will not be issued. Construction water shall not be used for earth work or road construction purposes.
- (n) The prohibited uses of water as described above are not applicable to that use of water necessary for public health, safety, and welfare or for essential governmental services such as police, fire, and other similar emergency services.

**14.40.044 Stage 4 -- Mandatory Conservation - Water Emergency.** Stage 4 applies during periods of severe drought and/or when a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State Water Project, the Metropolitan Water District, the Municipal Water District of Orange County, or City of Garden Grove facilities. During Stage 4, the following water conservation measures shall apply, except when reclaimed or recycled water is used:

- (a) All outdoor irrigation of vegetation is prohibited.
- (b) The use of water for agricultural or commercial nursery purposes, except for livestock watering, is prohibited.
- (c) Washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited.

EXCEPTION: Such washings are exempted from the above regulation where the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.

- (d) The filling, refilling or adding of water to swimming pools, spas, ponds, and artificial lakes is prohibited.
- (e) The use of water-softening devices is prohibited.
- (f) Watering of all golf course areas is prohibited. Watering of parks, school grounds, and recreation fields is prohibited, with the exception of plant materials classified as being rare, exceptionally valuable, or essential to the well being of rare or endangered animals.
- (g) The use of water from fire hydrants shall be limited to fire fighting, system testing, or related activities necessary to maintain the public health, safety, and welfare.
- (h) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
- (i) Restaurants shall not serve water to their customers except when specifically requested.
- (j) The operation of any ornamental fountain or similar structure is prohibited.
- (k) New construction meters or permits for unmetered service will not be issued. Construction water shall not be used for earth work or road construction purposes.
- (l) The use of water for commercial, manufacturing, or processing purposes shall be reduced in volume by fifty (50) percent.
- (m) No water shall be used for air conditioning purposes.
- (n) All water leaks shall be repaired immediately.
- (o) The prohibited uses of water as described above are not applicable to that use of water necessary for public health, safety and welfare, or for essential governmental services such as police, fire, and other similar emergency services.

**14.40.05 Notice of Violation.** Except as otherwise provided in Section 145.40.09, prior to enforcement, any person who is suspected of violating this Chapter shall be given a written notice containing the description of the violation. This person then shall have 24 hours to correct the violation.

**14.40.06 Failure to Comply.** Except as otherwise provided in Section 14.40.09, for the first failure to comply, the City of Garden Grove may immediately install a flow restricting device in the customer's water service line for a period not less than 48 hours and until the customer satisfies the City that failure to comply will not continue. The customer shall pay \$50.00 for installing and removing the flow restricting device prior to the removal of the device.

Except as otherwise provided in Section 14.40.09, for the second or subsequent failure to comply with this Chapter, the City of Garden Grove may discontinue water service for a period of not less than 24 hours and until the customer satisfies the City that failure to comply will not continue. The customer shall pay \$150.00 for restoration of water service, prior to the restoration of water service.

**14.40.07 Appeal Procedure.** Except as otherwise provided in Section 14.40.09, a customer shall have the right to appeal by filing a written request for appeal within five (5) days with the City Manager or its designee. Within (10) days after receipt of a request, a written decision shall be issued. The decision of the City Manager or its designee shall be final.

**14.40.08 Violations.** Any person violating any of provision of this Chapter or failing to comply with any of the mandatory requirements of this Chapter, is guilty of a misdemeanor, regardless of whether a flow restricting device is installed. If, after any order of the City made pursuant to this Chapter has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey the order, the person shall also be guilty of a misdemeanor. Violation of any City order shall constitute an offense separate from each and every other violation of this Chapter. Any person violating any provision of this Chapter or any City order, shall be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued or permitted by any person.

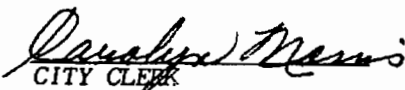
**14.40.09 Alternative Actions.** Nothing in the foregoing sections shall be construed to prevent the filing of a criminal action, or a civil court action or to enjoin any violations, pursuant to applicable law, if deemed legally appropriate by the City Attorney.

**Section 2. Severability.**

If any section, sub-section, clause, or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of the Water Conservation Program or the application of such provisions to other persons or circumstances shall not be affected.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 19th day of March, 1991.

ATTEST:

  
CITY CLERK

  
MAYOR

Water Conservation Program Ordinance  
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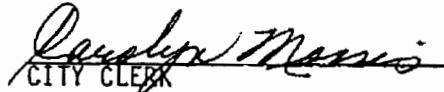
STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE)

I, CAROLYN MORRIS, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on February 19, 1991 with vote as follows:

AYES: COUNCILMEMBERS: (4) KESSLER, LEYES, WILLIAMS, DONOVAN  
NOES: COUNCILMEMBERS: (1) DINSEN  
ABSENT: COUNCILMEMBERS: (0) NONE

and was passed on March 19th, 1991 by the following vote:

AYES: COUNCILMEMBERS: (4) KESSLER, LEYES, WILLIAMS, DONOVAN  
NOES: COUNCILMEMBERS: (1) DINSEN  
ABSENT: COUNCILMEMBERS: (0) NONE

  
CITY CLERK