

RESOLUTION NO. 2022-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DECLARING A STATE OF EMERGENCY DUE TO DROUGHT AND IMPOSITION OF WATER CONSERVATION REGULATIONS

WHEREAS, Chapter 5, Section 33 of the Municipal Code includes the City's "Emergency Organization and Functions," and Section 5-33-020 defines "Emergency" to mean "the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions..." and

WHEREAS, Chapter 5, Section 33-030 establishes the City Manager as the Director of Emergency Services and the Director's duties include requesting the City Council to proclaim the existence or threatened existence of a "local emergency," and/or the proclamation of a "state of emergency" after the Governor has made such a proclamation for the State; and

WHEREAS; in October 2021, the Governor issued a proclamation declaring a state of emergency due to severe drought for the entire State of California resulting in voluntary water conservation measures be taken in San Benito County; and

WHEREAS, following an assessment of water resources in March 2022, the San Benito County Water District learned that it would not be receiving a water allocation from the State effective April 1, 2022, this year, and has upgraded the State of Emergency to "Stage 2" which requires mandatory conservation in attempt to achieve a 25% reduction in water consumption; and

WHEREAS, As pursuant to the California Water Code - Section 350-359 the City of San Juan Bautista may declare a water shortage emergency condition to prevail within the area whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply for human consumption, sanitation, and fire protection; and

WHEREAS, the Declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration.

WHEREAS, the City's Municipal Code Chapter 6 Section 4-116 "Water Shortage Regulations and Restrictions" that a Declaration of Emergency and imposition of water conservation regulations stipulated within City Code 6-4-116 and consistent with the San Benito Water Resources Agency "Stage 2 Water Shortage Contingency Plan" with a goal of reducing water consumption by 25% is required when the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply; and

WHEREAS, Code 6-4-116 goes on to further require that all persons in the community be made aware of this declaration of emergency and that the City Manager or their designee shall take such steps as are necessary to inform the public; and

WHEREAS, that the imposition of water conservation regulations shall not be enforced until such a time as the public has received notice as set forth in the attached full text of Code 6-4-116.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It finds that severe drought conditions exist within the State and the County, placing every California city in a state of drought emergency.
3. Finds and determines that ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply.
4. Due to the severity of the drought, it hereby declares San Juan Bautista to be in a State of Emergency, and imposes certain water conservation regulations as provided in Municipal Code 6-4-116.
5. Authorize the City Manager to publicize this Declaration of Emergency as soon as possible, and begin enforcing the provisions in Municipal Code Section 6-4-116 May 1, 2022, work with the San Benito County Water Resources Agency to re-asses water resources as necessary until such a time as the drought has ended.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 19th day of April 2021, by the following vote:

AYES: Jordan, Edge, Flores, Freels, Freeman

NOES: None

ABSENT: None

ABSTAIN: None



Leslie Q. Jordan, Mayor

ATTEST:



Don Reynolds, Acting Deputy City Clerk

Attachment: Municipal Code 6-4-116