

City of Merced

Water Shortage Contingency Plan

AMENDED

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LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
Annual Assessment	Annual Water Supply and Demand Assessment
AWSAR	Annual Water Shortage Assessment Report
Central Valley Water Board	Central Valley Regional Water Quality Control Board
City	City of Merced
CWC	California Water Code
DWR	California Department of Water Resources
ERP	Emergency Response Plan
gpcd	gallons per capita per day
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
IRWMP	2018 Merced Integrated Regional Water Management Plan Update
MIUGSA	Merced Irrigation-Urban Groundwater Sustainability Agency
MMC	Merced Municipal Code
MOU	Memorandum of Understanding
PW	City of Merced Department of Public Works
SB	Senate Bill
SGMA	Sustainable Groundwater Management Act
UWMP	Urban Water Management Plan
Water Rate Study	Water Rate & Capital Facility Charge Study
WSCP	Water Shortage Contingency Plan

1 Introduction

In response to the severe drought of 2012-2016, legislation was adopted in 2018 mandating that the Urban Water Management Plan (UWMP) include a Water Shortage Contingency Plan (WSCP) that provides a detailed proposal for assessing water supply availability and response actions to water shortage conditions. Although required to be included with the 2020 UWMP, the WSCP is a stand-alone document and can be amended on its own.

The WSCP is required to include:

- Key attributes of the water supply reliability analysis conducted pursuant to California Water Code (CWC) Section 10632. [CWC Section 10632(a)(1)]
- Six standard water shortage levels corresponding to progressive ranges of up to 10-, 20-, 30-, 40-, and 50-percent shortages and greater than 50-percent shortage. [CWC Section 10632(a)(3)(A)]
- Locally appropriate “shortage response actions” for each shortage level, with a corresponding estimate of the extent the action will address the gap between supplies and demands. [CWC Section 10632(a)(4)]
- Procedures for conducting an Annual Water Supply and Demand Assessment (Annual Assessment) with prescribed elements. Under CWC 10632.1, urban water suppliers are required to submit, by July 1 of each year, beginning in the year following adoption of the 2020 UWMP, an Annual Water Shortage Assessment Report (AWSAR) to the California Department of Water Resources (DWR). [CWC Section 10632(a)(2)]
- Communication protocols and procedures to inform customers, the public, and government entities of any current or predicted water shortages and associated response actions. [CWC Section 10632(a)(5)]
- Monitoring and reporting procedures to assure appropriate data is collected to monitor customer compliance and to respond to any state reporting requirements. [CWC Section 10632(a)(9)]
- A re-evaluation and improvement process to assess the functionality of the WSCP and to make appropriate adjustments as warranted. [CWC Section 10632(a)(10)]

2 Water Supply Reliability Analysis

Water Code Section 10632(a)(1)

The analysis of water supply reliability conducted pursuant to Section 10635.

Pursuant to CWC Section 10632(a)(1), this section examines the (a) findings related to water system reliability conducted pursuant to CWC Section 10632, and (b) the key issues that may create a shortage condition based on the City of Merced’s (City) water asset portfolio. These topics are described in Chapters 6 and 7 of the 2020 UWMP, but are also summarized below, recognizing that the WSCP is a stand-alone document.

The City's sole source of drinking water is from the groundwater aquifer underlying the community. The City currently obtains groundwater from approximately 20 wells. The City's wells pump from a non-adjudicated groundwater basin (Merced Subbasin) with no limits on pumping. However, the Merced Subbasin has been identified as being in a critical state of overdraft. Therefore, the future reliability of the groundwater supply for the City will depend on the long-term balance of groundwater extraction and recharge for the Merced Subbasin as a whole.

The City's 2020 UWMP evaluates the long-term (20-year) and near-term (5-year) supply reliability of the City's water system, including consideration for a normal year, single dry year, and a 5-year dry period. Constraints on the water supply reliability for the City are primarily water quantity, water quality, and climate change. The 2020 UWMP estimates that the reliability of the City's water supply is sufficient to meet long-term and near-term demands based on positive impacts from State requirements for sustainable groundwater management and the addition of a surface water supply source starting in 2030.

3 Annual Water Supply and Demand Assessment Procedures

Water Code Section 10632(a)(2)

The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:

(A) The written decision-making process that an urban water supplier will use each year to determine its water supply reliability.

(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:

(i) Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.

(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.

(iii) Existing infrastructure capabilities and plausible constraints.

(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.

(v) A description and quantification of each source of water supply.

Water Code Section 10632.1

An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before July 1 of each year, submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan. An urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by July 1 of each year, whichever is later.

Beginning in 2022, CWC Section 10632.1 requires the City to conduct an Annual Assessment on or before July 1 of each year and submit an AWSAR by July 1 of every year. The purpose of the Annual Assessment and AWSAR is to forecast near-term water supply conditions (for the current year) and ensure appropriate shortage response actions are triggered in a timely manner. This section of the WSCP details the procedures used to prepare the Annual Assessment. The intent of the procedures is to provide a description of annual timing and steps to complete the document. The Annual Assessment will be included as part of the AWSAR.

On April 20, 2022, the DWR finalized the Annual Water Supply and Demand Assessment Guidance (Annual Assessment Guidance) and accompanying tables. The Annual Assessment will be performed annually by the City using the most current version of the Annual Assessment Guidance. The Annual Assessment shall then be used to complete the AWSAR, which will include recommendations for triggering shortage response actions consistent with the WSCP.

This section describes methods and processes related to the Annual Assessment. All information provided in this section is subject to guidance from the DWR. If the DWR provides modified guidance, then the methods used to perform the Annual Assessment shall change accordingly.

3.1 Decision-Making Process

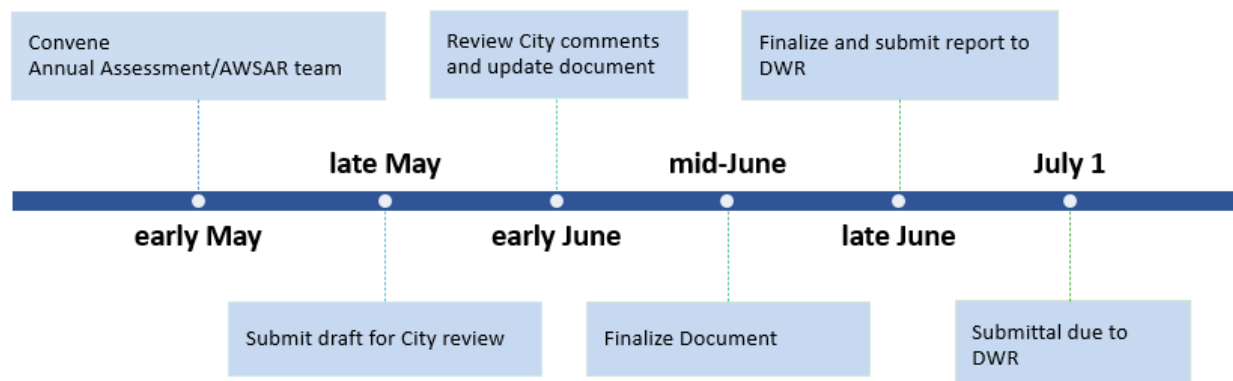
The City Department of Public Works (PW) will be responsible for preparing and submitting the AWSAR to the DWR. Potential key responsibilities for preparation of the Annual Assessment and AWSAR are listed in **Table 3-1**. Early in the process, the key team members will be selected and assigned responsibilities to ensure accurate and timely completion of the documents. The Director of Public Works or their designee shall be responsible for approving the AWSAR and presenting recommended shortage response actions to the City for approval (if applicable).

Table 3-1 Annual Assessment Potential Key Responsibilities

#	Activity
1	Convene Annual Assessment and AWSAR team
2	Information collection and review (see Section 3.2, Key Data Inputs and Methodologies)
3	Prepare draft AWSAR
4	Finalize AWSAR
5	Submit AWSAR to DWR

An example timeline for the decision-making process is provided in **Figure 3-1**. Actual dates for each activity may vary however the Annual Assessment is required to be submitted to DWR by July 1 each year, starting in 2022.

Figure 3-1 Example Annual Assessment and AWSAR Timeline



3.2 Key Data Inputs and Methodologies

The following sections describe the key data inputs and methodologies which may be used to evaluate the water system reliability for the current year, while considering that the year to follow will be a dry year. To be consistent with the Annual Assessment Guidance, the current year is defined as the twelve-month period which ends on June 30th, preceding the July 1st due date of the AWSAR and the year to follow is defined as the subsequent calendar year. If the definition of current year and dry year is changed by the DWR, then the City shall use the updated definitions for its Annual Assessment.

Key data inputs may include, but are not required to include the following:

- Summary of active water supply sources and their capacities.
- Monthly water production data for the previous calendar year.
- Available weather data for the previous calendar year and current year.
- Population data for the previous calendar year and current year.
- Growth projections in terms of land use and/or population for the current year.
- Recently completed documents and studies related to the water system and water supply sources.
- Recent regulatory documents.
- Water quality data for the previous calendar year.
- Water system improvements completed in the previous calendar year and planned for the next two years.
- Information on issues encountered in water system for the previous calendar year. Issues may include exceeding contaminant limits, breaks in pipeline, and decreased well production.
- Current and projected hydrological conditions.
- Other data which affects the water system.

Data for additional years prior to the current year may be analyzed as part of the assessment. The data will be used to develop projections for available water supply and unconstrained customer demands for the current calendar year, considering a dry subsequent year. To assess the adequacy of the available water supply, customer demands for average conditions should be calculated at a minimum. The criteria used in the calculations should be described and be consistent with the most recently prepared City documents and regulatory requirements.

3.3 Evaluation Criteria

The Annual Assessment will compare the projected water supply and the unconstrained average customer demand. If unconstrained average customer demands are higher than the projected water supply, shortage response actions corresponding to the projected WSCP shortage level and Water Conservation Ordinance will be activated.

3.4 Water Supply

The Annual Assessment will describe and quantify each source of water supply. This shall include descriptive text and methods used to determine the supply values.

3.5 Unconstrained Customer Demand

Unconstrained customer demand for the current year will be developed as part of the Annual Assessment. The methodology for the calculations will be described in the Annual Assessment. References for the sources and assumptions used should be provided. Unconstrained customer demands for subsequent years may be calculated and included.

Various methods could be used to calculate unconstrained customer demand. The method should be consistent with previous City documents, including the 2020 UWMP. If an alternative method is used, reasons for the change in approach shall be provided. The most common methods will either involve the use of population projections and a per capita water demand or water demand factors for various types of land uses and estimates for developed areas, by land use type.

3.6 Current Year Available Supply

The current year available supply shall be analyzed as part of the Annual Assessment. The available supply shall consider hydrological and regulatory conditions in the current year and one dry year. The City may, but is not required to, consider more than one dry year.

3.7 Infrastructure Considerations

The City shall consider how the infrastructure capabilities and constraints may affect the City's ability to deliver supplies to meet customer demands in the coming year. Anticipated capital projects that may influence capabilities, such as repairs that may constrain capabilities (e.g., planned treatment plant upgrades) or new projects that may add capacity (e.g., a new groundwater well or system intertie) may be described in the AWSAR.

3.8 Other Factors

Other factors that can influence or disrupt the water supply, along with unique local considerations should be described in the Annual Assessment. These factors may include recent regulatory requirements, documents and studies related to the water system and water supply sources, and weather conditions.

4 Six Standard Water Shortage Levels

Water Code Section 10632(a)(3)

(A) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.

(B) An urban water supplier with an existing water shortage contingency plan that uses different water shortage levels may comply with the requirement in subparagraph (A) by developing and including a cross-reference relating its existing categories to the six standard water shortage levels.

CWC Section 10632(a)(3) requires water suppliers to define six shortage levels based on the supplier's water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. **Table 4-1 (DWR Table 8-1)** lists the six WSCP levels for the City. These six levels replaced the previous four levels of water supply restrictions listed in the 2015 UWMP to correspond with the changes to the CWC.

Table 4-1 (DWR Table 8-1) WSCP Levels

Submittal Table 8-1 Water Shortage Contingency Plan Levels		
Shortage Level	Percent Shortage Range	Shortage Response Actions (Narrative description)
1	Up to 10%	Prohibit outdoor water wasting activities. Commercial, industrial and institutional water conservation measures.
2	Up to 20%	Increasing landscape irrigation limits.
3	Up to 30%	Increasing landscape irrigation limits.
4	Up to 40%	Increasing landscape irrigation limits.
5	Up to 50%	Prohibit most landscape irrigation.
6	>50%	Prohibit all landscape irrigation.
NOTES: A detailed list of demand reduction actions is provided in Table 5-2 (DWR Table 8-2).		

5 Shortage Response Actions

Water Code Section 10632 (a)(4)

Shortage response actions that align with the defined shortage levels and include, at a minimum, all of the following:

(A) Locally appropriate supply augmentation actions.

(B) Locally appropriate demand reduction actions to adequately respond to shortages.

(C) Locally appropriate operational changes.

(D) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.

(E) For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.

CWC Section 10632(a)(4) requires shortage response actions that align with the shortage levels defined in **Table 4-1 (DWR Table 8-1)** and include locally appropriate supply augmentation actions, demand reduction actions, operational changes, and additional mandatory prohibitions against specific water use practices. An estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the actions must be provided.

In 1993, the City adopted a resolution for a program of mandatory prohibitions related to water conservation. The City adopted this ordinance in response to the water shortage emergency associated with the drought of 1987 through 1991. The regulations associated with this ordinance have been updated, with the most recent update occurring in 2021 to correspond with the six WSCP shortage levels. Currently, Chapter 15.42 of the City Municipal Code (MMC), implemented through Ordinance 2526 (included in **Appendix A**), also referred to as the Water Conservation Regulation or the Water Conservation Ordinance, includes general provisions, definitions, application of regulations, and water conservation restrictions for six levels, corresponding to the WSCP levels in **Table 4-1 (DWR Table 8-1)**. The water conservation restrictions are described in more detail in this section.

5.1 Supply Augmentation Actions

The City's supply augmentation actions are focused on long-term strategies for increasing reliability by utilizing and procuring other sources of water. **Table 5-1 (DWR Table 8-3)** lists these long-term strategies. Because these are long-term strategies which have yet to be implemented, they are considered to have no effect on reducing a short-term shortage gap. Short-term shortage gaps will primarily be satisfied by demand reduction actions described in the next section.

Table 5-1 (DWR Table 8-3) Supply Augmentation and Other Actions

Submittal Table 8-3: Supply Augmentation and Other Actions			
Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>
<i>Add additional rows as needed</i>			
1	Exchanges	0	City is exploring a surface water exchange for recycled water with MID for park irrigation. Because this is not currently available, no reduction in shortage gap was listed. This action will be part of the normal water management strategy.
2	Other Purchases	0	The City's Water Master Plan recommends the construction of a 10 mgd surface water treatment plant to be implemented by the year 2030. This action is part of the City's long term water supply strategy.
3	Other Actions (describe)	0	The City's Water Master Plan recommends the construction of six additional wells with a capacity of 2,500 gpm each to be implemented by the year 2030. This action is part of the City's long term water supply strategy.
4		0	No action taken.
5		0	No action taken.
6		0	No action taken.
NOTES:			

5.2 Demand Reduction Actions

Increasing demand reduction actions will be enforced with increasing WSCP levels. **Table 5-2 (DWR Table 8-2)** summarizes demand reduction actions and the WSCP shortage level at which the action will be mandated. The demand reduction actions column was limited to a drop-down list provided by DWR. Additional explanation or reference information is listed to provide details specific to the City. Some demand reduction actions listed in the table correspond to operational changes which are described in Section 5.3. Because the City relies solely on groundwater for water supply and the groundwater basin is in a critical state of overdraft, the City urges residents to conserve water and is currently enforcing WSCP Shortage Level 2 demand reduction actions.

Table 5-2 (DWR Table 8-2) Demand Reduction Actions

Submittal Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only Drop Down List</i>
<i>Add additional rows as needed</i>				
1	Expand Public Information Campaign	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)		No
1	Improve Customer Billing	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)		Yes
1	Other - Prohibit use of potable water for washing hard surfaces	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Prohibits the washing of sidewalks, driveways, filling station aprons, porches or other outdoors surfaces except when necessary to protect the public health and safety.	Yes
1	Other	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Prohibit use of potable water for washing exterior of dwelling, buildings, and structures. Exceptions are applicable.	Yes
1	Water Features - Restrict water use for decorative water features, such as fountains	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Non-recirculating fountains are prohibited.	Yes
1	Other	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Prohibit use of water, except for domestic use, when an alternative source is available. Alternative source includes reclaimed water, well water, spring water, or other.	Yes

Submittal Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only Drop Down List</i>
1	Other - Require automatic shut off hoses	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)		Yes
1	Other	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Prohibits external washing of trailers, trailer houses, mobile homes, and home exteriors unless in conjunction with painting the exterior of such trailers, or homes with an automatic shut-off device.	Yes
1	Other	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	The washing of boats or motor vehicles with a hose that is not fitted with an automatic shut-off device.	Yes
1	Other	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	The indiscriminate running of water or washing with water not otherwise prohibited above which is wasteful and without reasonable purpose.	Yes
1	Landscape - Other landscape restriction or prohibition	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall is prohibited.	Yes
1	Other	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	All car wash fundraisers must be held at an established car washing facility that collects and recycles the run-off water before it enters the city's	Yes

Submittal Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only Drop Down List</i>
			sewer system. When held in a parking lot, car washes can cause pollutants such as soap, dirt, oil grease, and other automotive fluids to enter the storm drain system.	
1	CII - Restaurants may only serve water upon request	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Prohibits the serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.	Yes
1	CII - Lodging establishment must offer opt out of linen service	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.	Yes
2	Landscape - Limit landscape irrigation to specific times	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m. is prohibited.	Yes

Submittal Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only Drop Down List</i>
2	Landscape - Limit landscape irrigation to specific days	70 gpcd	Three-day watering schedule.	Yes
2	Decrease Line Flushing	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Utilize recycled water for line flushing.	No
2	Offer Water Use Surveys	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)		No
3	Landscape - Limit landscape irrigation to specific days	20 gpcd	Two-day watering schedule.	Yes
3	Implement or Modify Drought Rate Structure or Surcharge	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)		Yes
3	Provide Rebates on Plumbing Fixtures and Devices	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)		Yes
3	Increase Water Waste Patrols	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)		Yes
4	Landscape - Limit landscape irrigation to specific days	20 gpcd	One-day watering schedule.	Yes

Submittal Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only Drop Down List</i>
5	Landscape - Prohibit all landscape irrigation	20 gpcd	Some exceptions allowed.	Yes
5	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	3-6 gpcd.		Yes
6	Landscape - Other landscape restriction or prohibition	Supports other demand reduction actions. Less than 2 gpcd (1% of baseline water demand)	Maintenance of landscaping within active public parks and playing fields, schools, and cemeteries shall be prohibited.	Yes
NOTES:				

Water use reductions for each demand reduction action included in **Table 5-2 (DWR Table 8-2)** were estimated based on information from water conservation studies and an analysis of historical per capita water production data for the City between 1996 – 2020. Most of the demand reduction is estimated to occur from restrictions on landscape irrigation.

Water use reduction associated with the demand reduction actions for shortage levels 1 and 2 were primarily assigned to limiting landscape irrigation to a three-day water schedule and estimated to be the difference between the 2020 target per capita gross water use of 248 gpcd from the SB X7-7 tables in the 2020 UWMP and the average per capita gross water use achieved between 2016 – 2020.

Water use reduction associated with reducing landscape irrigation by one day was estimated by comparing the average water use for the three lowest months of each year with the annual average water use for the year on a per capita basis for 2016 – 2020, and assuming that outdoor water use was occurring three days per week. The overall difference between outdoor water use and baseline water use was divided by three to estimate outdoor water use per day. **Tables 5-3 and 5-4** summarize the calculations for estimating the impacts from the demand reduction actions.

Table 5-3 Historical Water Production Data

Month	# of days	Water Pumped (MG)				
		2016	2017	2018	2019	2020
January	31	292.24	297.75	326.62	299.34	303.73
February	28	289.50	267.61	328.52	268.55	348.72
March	31	318.74	338.64	339.96	301.73	387.88
April	30	382.03	366.74	410.21	438.17	411.49
May	31	506.46	591.68	609.11	545.26	643.06
June	30	677.26	675.97	719.28	677.10	732.23
July	31	752.99	787.49	826.24	775.79	839.40
August	31	748.21	761.04	783.02	788.41	824.03
September	30	650.40	664.75	684.84	679.48	692.11
October	31	518.07	583.44	569.06	592.78	607.69
November	30	350.60	400.50	440.61	472.12	411.74
December	31	317.60	355.25	312.75	329.89	339.19
Total		5,804.10	6,090.86	6,350.22	6,168.62	6,541.27
Service Area Population ^a		92,208	93,482	95,242	96,670	99,100
Average water use, gpcd		172	179	183	175	181
Average water use, gpcd		178				
Baseline water use (lowest 3 months), MG		899.34	904.00	967.89	869.62	991.64
Baseline ^b , gpcd		108	107	113	100	111
Baseline water use, gpcd		108				
Estimated outdoor water use, gpcd		64	71	70	75	70
Average outdoor water use, gpcd		70				
^a Service area population is defined as the population served by the distribution system and includes the City of Merced and UC Merced. 2016-2020 City of Merced population data is from the California Department of Finance, Table E-4. 2016-2020 UC Merced population from UC Merced Center of Institutional Effectiveness (https://cie.ucmerced.edu/overall-enrollment-totals and https://cie.ucmerced.edu/faculty-and-staff-interactive-data)						
^b Baseline, gpcd is the Baseline water use (lowest 3 months) divided by the Service Area Population.						

Table 5-4 Shortage Gap Estimates

#	Description	Value
(1)	Average Water Use without Demand Reduction Actions, gpcd (SB X7-7 2020 Target)	248
(2)	Average Water Use after Shortage Level 1 and 2 Actions, gpcd (Average water use, 2016-2020)	178
(3)	Estimated Reduction in Shortage Gap from Level 1 and 2 Actions, gpcd	70
(4)	Average outdoor water use (3-day watering schedule), gpcd	70
(5)	Reduction in Shortage Gap by one day reduction in watering schedule, gpcd	23

Notes:

(2) Average Water Use after Shortage Level 1 and 2 Actions = Average water use from **Table 5-2**.

(3) Estimated Reduction in Shortage Gap from Level 1 and 2 Actions = (1) Average Water Use without Demand Reduction Actions - (2) Average Water Use after Shortage Level 1 and 2 Actions.

(4) Average outdoor water use (3-day watering schedule) = Average outdoor water use from **Table 5-2**.

(5) Reduction in Shortage Gap by one day reduction in watering schedule = (4) ÷ 3.

5.3 Operational Changes

The demand reduction options listed in **Tables 5-1 and 5-2 (DWR Tables 8-2 and 8-3)** include several operational changes. The operational changes are:

- Decreasing line flushing.
- Offering water use surveys.
- Implement or modify drought rate structure or surcharge.
- Increase water waste patrols.

5.4 Additional Mandatory Prohibitions

Chapter 15.42.100 of the MMC includes the following mandatory prohibitions for all users:

- Allowing broken or defective plumbing, or sprinklers, watering, or irrigation systems which permit the escape or leakage of water.
- The use of water in any manner which causes, allows, or permits the flooding of any premises, or any portion thereof.
- All uses of non-potable water without the permission of the Department of Public Works, except for the use of rainwater collected for irrigation purposes.

Chapter 15.42.100 of the MMC also includes additional mandatory prohibitions applicable to new plantings.

6 Seismic Risk Assessment and Mitigation Plan

Water Code Section 10632.5

(a) In addition to the requirements of paragraph (3) of subdivision (a) of Section 10632, beginning January 1, 2020, the plan shall include a seismic risk assessment and mitigation plan to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities.

(b) An urban water supplier shall update the seismic risk assessment and mitigation plan when updating its urban water management plan as required by Section 10621.

(c) An urban water supplier may comply with this section by submitting, pursuant to Section 10644, a copy of the most recent adopted local hazard mitigation plan or multihazard mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multihazard mitigation plan addresses seismic risk.

The City adopted a Local Hazard Mitigation Plan in March 2015. The plan addresses seismic risk and satisfies the requirement of CWC Section 10632.5(a). A copy of the most recently adopted Local Hazard Mitigation Plan is available at this web address:

<https://www.cityofmerced.org/departments/development-services/planning-division/local-hazard-mitigation-plan>

Another useful reference for assessing and mitigating seismic risks to the water system is an Emergency Response Plan (ERP). The City is in the process of updating their ERP to address requirements of America's Water Infrastructure Act of 2018 Section 2013(b). The ERP will incorporate findings of their risk and resilience assessment and describe strategies, resources, plans, and procedures utilities can use to prepare for and respond to an incident, natural or man-made, that threatens life, property, or the environment.

7 Communication Protocols

Water Code Section 10632 (a)(5)

Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communications

In accordance with CWC 10632(a)(5), the City shall initiate communication procedures to inform customers, the public, interested parties, and local, regional, and state governments when the AWSAR

predicts a current or predicted shortage and the shortage response actions that will be triggered or anticipated to be triggered.

The Water Conservation Ordinance (MMC Section 15.42.050) includes language that the current level of water conservation restrictions, and any change in said level of water conservation restrictions, shall be communicated to the public by reasonable means to ensure compliance, including but not limited to, posting on the City's website, publishing in the local newspaper, and written notice to be included with the City's water bills.

8 Compliance and Enforcement

Water Code Section 10632 (a)(6)

For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.

Customer compliance with the triggered shortage response actions will be enforced through cease-and-desist orders and penalties, as described in the Water Conservation Ordinance, MMC Section 15.42.110. MMC Section 15.42.060 allows for the granting of variances. MMC Section 15.42.110 includes details for an appeal process.

9 Legal Authorities

Water Code Section 10632 (a)(7)

(A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

(B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1. [see below]

(C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code.

Water Code Section Division 1, Section 350

Declaration of water shortage emergency condition. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

Chapter 15.42 of the MMC gives the City the authority to implement and enforce its shortage response actions. When the conditions deem it necessary, the City shall declare a water shortage emergency in

accordance with Water Code Chapter 3 (commencing with Section 350) of Division 1 general provision regarding water shortage emergencies. Because the City is also the water supplier, City staff can coordinate the possible proclamation of a local emergency under California Government Code, California Emergency Services Act (Article 2, Section 8558).

10 Financial Consequences of WSCP

Water Code Section 10632(a)(8)

A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:

(A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1.

Revenues for the cost of operating the City water system are collected from customer water rates. The City adopted a multi-year water rate program for 2019 – 2021 based on a Water Rate & Capital Facility Charge Study (Water Rate Study) completed in July 2018 [1]. The rate structure is comprised of a fixed service charge (Base Monthly Charge) and a uniform, consumption-based rate (Volumetric Rate). When shortage response actions are activated, revenues will be reduced due to reduced consumption. However, the costs for operating the water system will not correspondingly decrease. There may also be additional costs associated with implementing the shortage response actions and enforcing compliance.

The cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1 of the CWC is not projected to be significant because the Water Rate Study was recently completed, analyzed water use during a drought period when excessive water use was prohibited, and utilized the conservative assumption that water usage will remain flat to mitigate potential revenue reductions associated with water conservation. Additionally, a drought rate was developed for the City to recover costs for providing water service during drought periods. These drought rates are to be implemented for WSCP shortage level 3 or higher.

If needed, the City may implement additional strategies to address decreased revenue from water sales. These strategies may include use of financial reserves, deferring capital improvement projects, and reducing current and future operation and maintenance expenses.

11 Monitoring and Reporting

Water Code Section 10632(a)(9)

For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.

The City's water system has water meters on all production sources and customers. The City will use the production meters and customer usage meters to determine actual water use reductions. Monthly water pumping volumes and water billing data analyzed for the previous year will be summarized in the Annual Assessment and will assist with monitoring and reporting the adequacy of the shortage response actions.

12 Refining

Water Code Section 10632 (a)(10)

Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.

The Annual Assessment, including monitoring and reporting procedures, will provide data to determine if the water shortage mitigation strategies are adequate for reducing water demands. If the data indicates that the strategies are not adequate or can be reduced, the WSCP should be amended and be formally approved as described in Section 12.2.

12.1 Special Water Feature Distinction

Water Code Section 10632 (b)

For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

In accordance with Water Code Section 10632 (b), swimming pools and spas are considered different from other water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains. The City follows the definition of a swimming pool found in the Swimming Pool Safety Act.

12.2 Plan Adoption, Submittal and Availability

12.2.1 Notice to the Public

Water Code Section 10642

...Prior to adopting either [the plan or water shortage contingency plan], the urban water supplier shall make both of the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon. Prior to any of these hearings, notice of the time and place of the hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code [see below]. The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies.

Government Code section 6066

Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

The City is committed to encouraging the active involvement of diverse social, cultural, and economic elements of its citizenry. On November 10, 2022 and November 17, 2022, the City placed a notice in the local newspaper stating that its WSCP has been prepared and that a public hearing would be conducted to take testimony from members of the community. A copy of this notification is included in **Appendix B**. The Draft 2020 WSCP was made available for public inspection at the City Public Works Department, located at 1776 Grogan Avenue. In addition, the City also posted a copy of the public review Draft WSCP on its website (www.cityofmerced.org). The notice of public hearing to the public is included in **Appendix B**.

12.2.2 Public Hearing and Adoption

Water Code Section 10642

...Prior to adopting either, the [plan or water shortage contingency plan], the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon.

Water Code Section 10608.26

(a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:

- (1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.*
- (2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.*
- (3) Adopt a method, pursuant to subdivision (b) of Section 10608.20 for determining its urban water use target.*

The City has encouraged community and public interest involvement in the WSCP using mailings, public meetings, and web-based communication. Copies of the City’s outreach efforts are included in **Appendix B**.

12.2.3 Public Hearing

A public hearing was held on November 21, 2022, at the City Council Chamber. The hearing provided an opportunity for the City’s customers, residents, and employees to learn and ask questions about the current and future water supply of the City.

12.2.4 Adoption

Water Code Section 10642

...After the hearing or hearings, the plan or water shortage contingency plan shall be adopted as prepared or as modified after the hearing.

This WSCP was adopted by the City Council on November 21, 2022. City Resolution is included in **Appendix C**.

12.2.5 Plan Submittal

A copy of the WSCP will be submitted to DWR upon adoption by the Merced City Council. The adopted WSCP will be submitted electronically to DWR using the WUEdata Portal submittal tool.

12.2.6 Submitting a UWMP to Cities and Counties

The 2020 UWMP will be submitted in electronic format to Merced County and MID within 30 days of adoption.

12.2.7 Public Availability

Water Code Section 10632 (a)(c)

The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.

Water Code Section 10645

(a) Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

(b) Not later than 30 days after filing a copy of its water shortage contingency plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

Within 30 days of submitting the WSCP to DWR, the adopted WSCP will be available for public review during normal business hours at the City of Merced Public Works Department. The City will also post a copy of the adopted WSCP on its website (www.cityofmerced.org).

12.2.8 Notification to Public Utilities Commission

The City is not regulated by the California Public Utilities Commission.

12.2.9 Amending an Adopted Water Shortage Contingency Plan

Water Code Section 10644 (b)

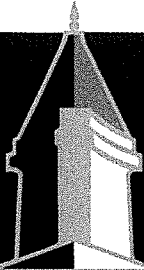
If an urban water supplier revises its water shortage contingency plan, the supplier shall submit to the department a copy of its water shortage contingency plan prepared...no later than 30 days after adoption, in accordance with protocols for submission and using electronic reporting tools developed by the department.

If the City revises the WSCP, copies of amendments or changes to the plans will be submitted electronically to the DWR through the WUEdata Portal within 30 days of its adoption.

13 References

- [1] City of Merced Water Rate & Capital Facility Charge Study, Stantec, July 24, 2018.

Appendix A
Water Conservation Ordinance



CITY OF MERCED

MERCED

CITY CLERK'S CERTIFICATE

I, STEPHANIE DIETZ, City Clerk of the City of Merced, California, do hereby certify that the attached document, entitled:

ORDINANCE NO. 2526

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTIONS 15.42.050, "WATER CONSERVATION LEVELS AND PROHIBITIONS," AND 15.42.100, "PROHIBITED USES – MANDATORY," OF THE MERCED MUNICIPAL CODE

is a true and correct copy of the original on file in the Office of the Merced City Clerk, Merced, California.

DATED: July 20, 2021

STEPHANIE DIETZ, CITY CLERK

BY: _____


JOHN TRESIDDER
Deputy City Clerk

ORDINANCE NO. 2526

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTIONS 15.42.050, "WATER
CONSERVATION LEVELS AND PROHIBITIONS,"
AND 15.42.100, "PROHIBITED USES –
MANDATORY," OF THE MERCED MUNICIPAL
CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section 15.42.050, "Water Conservation Levels and Prohibitions," of the Merced Municipal Code is hereby amended to read as follows:

"15.42.050 Water Conservation Levels and Prohibitions.

Notwithstanding any other provision of this Chapter, at least one (1) of the following six (6) levels of water conservation restrictions shall apply at all times. The applicable level(s) of water conservation restrictions shall be based upon the condition of groundwater basin determination of the California Department of Water Resources then in effect, or by resolution of the City Council based upon a recommendation by the Director.

The current level of water conservation restrictions, and any change in said level of water conservation restrictions, shall be communicated to the public by reasonable means to ensure compliance, including but not limited to, posting on the City's website, publishing in the local newspaper, and written notice to be included with the City's water bills.

All persons using water supplied by the City shall comply with the following mandatory water conservation restrictions:

A. Level 1: This level is in effect at all times and establishes the baseline conservation measures for the City.

1. Water waste prohibition: the following uses of water are defined as 'water waste' and are hereby prohibited except as otherwise authorized:

(a) The washing of sidewalks, driveways, filling station aprons, porches or other outdoor surfaces except when necessary to protect the public health and safety.

(b) The washing of the exterior of dwellings, buildings, and structures, with the following exceptions:

(1) Window washing,

(2) Washing in conjunction with the painting of the exterior of a dwelling, building or structure,

(3) Washing of a dwelling, building or structure may be allowed once every twelve (12) months.

All exceptions listed above must comply with Sections 15.42.100(A) and (B) and the hose(s) must be fitted with an automatic shutoff device(s).

(c) The operation of any ornamental fountain or other such structure making use of water from the city domestic water system, unless such fountain or structure uses a recirculating water system.

(d) The use of water, except for domestic use, where an adequate source of water is

available whether such alternate source is reclaimed water, well water, spring water, or other source.

(e) The external washing of trailers, trailer houses, mobile homes, and home exteriors unless in conjunction with painting the exterior of such trailers, or homes with an automatic shut-off device.

(f) The washing of boats or motor vehicles with a hose that is not fitted with an automatic shut-off device.

(g) The indiscriminate running of water or washing with water not otherwise prohibited above which is wasteful and without reasonable purpose.

(h) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall.

(i) All car wash fundraisers must be held at an established car washing facility that collects and recycles the run-off water before it enters the city's sewer system. When held in a parking lot, car washes can cause pollutants such as soap, dirt, oil grease, and other automotive fluids to enter the storm drain system.

(j) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

(k) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

B. Level 2: This level shall be in effect when the Department of Water Resources determines the condition of groundwater basin is in a state of critical overdraft, water supply is projected to be reduced by up to 20 percent, and/or city council deems it necessary. During any time in which level 2 restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all level 1 restrictions on water waste.

1. Three-day watering schedule:

(a) Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m. is prohibited.

(b) Watering by persons with even numbered addresses or on properties without an assigned address is only allowed on Tuesdays, Thursdays, and Saturdays.

(c) Watering by persons with odd numbered addresses is only allowed on Wednesdays, Fridays, and Sundays.

(d) Any watering by persons on Mondays with the exception of parks is prohibited.

C. Level 3: This level shall be in effect when the governor has declared a state of emergency due to drought, water supply is projected to be reduced by up to 30 percent, and/or city council deems it necessary. During any time in which level 3 restrictions are imposed

the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1 and level 2 restrictions.

1. Two-day watering schedule:

(a) Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m. is prohibited.

(b) Watering by persons with even numbered addresses or on properties without an assigned address is only allowed on Tuesdays and Saturdays.

(c) Watering by persons with odd numbered addresses is only allowed on Wednesdays and Sundays.

(d) Parks, commercial nurseries, cemeteries, and schools are exempt from subsections C.1. of this section but will be requested to curtail all nonessential water use.

2. Implement drought rate schedule.

D. Level 4: This level shall be in effect when the governor has declared a state of emergency due to drought, water supply is projected to be reduced by up to 40 percent, and/or city council deems it necessary. During any time in which level 4 restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1, level 2, and level 3 restrictions.

1. One-day watering schedule:

(a) Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m is prohibited.

(b) Watering by persons with even numbered addresses or on properties without an assigned address is only allowed on Saturdays.

(c) Watering by persons with odd numbered addresses is only allowed on Sundays.

(d) Parks, commercial nurseries, cemeteries, and schools are exempt from subsections C.1. of this section but will be requested to curtail all nonessential water use.

2. All leaks detected in landscape irrigation systems or water systems shall be repaired as soon as reasonably possible following notification by the city unless other arrangements are made with the director.

E. Level 5: This level shall be in effect when water supply is projected to be reduced by up to 50 percent and/or city council deems it necessary. During any time in which level 5 restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1, level 2, level 3, and level 4 restrictions.

1. Restricted watering:

(a) All landscape irrigation shall be prohibited.

(b) Maintenance of landscaping within active public parks and playing fields,

schools, and cemeteries, provided that such irrigation does not exceed two (2) days per week according to the schedule established in level 3.

(c) All leaks detected in landscape irrigation systems or water systems shall be repaired within forty-eight (48) to seventy-two (72) hours of notification by the city unless other arrangements are made with the director.

F. Level 6: This level shall be in effect during times of catastrophe, i.e., system failure, natural disaster, water supply is projected to be reduced by greater than 50 percent, and/or when City Council deems it necessary. During any time in which level 6 restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1, level 2, level 3, level 4, and level 5 restrictions.

1. Restricted watering:

(a) Maintenance of landscaping within active public parks and playing fields, schools, and cemeteries shall be prohibited.”

SECTION 2. AMENDMENT TO CODE. Section 15.42.100, “Prohibited Uses - Mandatory,” of the Merced Municipal Code is hereby amended to read as follows:

“15.42.100 Prohibited Uses – Mandatory.

The following uses, methods, types, or techniques of use of water are hereby determined and declared nonessential and are prohibited:

A. All Users.

1. Allowing broken or defective plumbing, or sprinklers, watering or irrigation systems which permit the escape or leakage of water.
2. The use of water in any manner which causes, allows, or permits the flooding of any premises, or any portion thereof.
3. All uses of non-potable water without the permission of the Department of Public Works, except for the use of rainwater collected for irrigation purposes.

B. New planting. Notwithstanding the prohibitions contained in Section 15.42.050 of this Chapter, new lawns, ground cover, or bedding plants, may be watered every day between nine p.m. and nine a.m. provided the following conditions are met:

1. New lawns, ground cover, or bedding plants shall not include the reseeded of existing lawns or replacement of existing ground cover, or bedding plants, and shall be newly rototilled earth;
2. A permit must be obtained from the Department of Public Works;
3. The permit shall be limited to thirty (30) days' duration;
4. No permit shall be issued if the City is in level 3 water conservation level; and,
5. The director may impose such other restrictions as are deemed necessary to prevent the water waste.”

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the 6th day of July, 2021, and was passed and adopted at a regular meeting of said City Council held on the 19th day of July, 2021, by the following called vote:

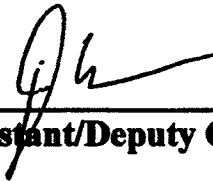
AYES: 6	Council Members: BLAKE, BOYLE, ORNELAS, PEREZ, SERRATTO, SHELTON
NOES: 0	Council Members: NONE
ABSTAIN: 0	Council Members: NONE
ABSENT: 1	Council Members: ECHEVARRIA

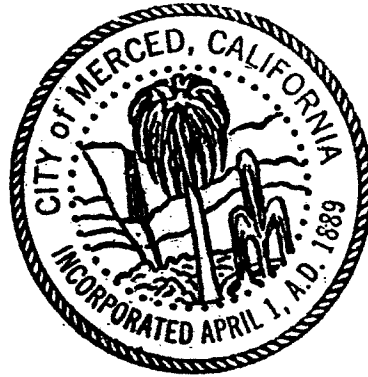
APPROVED:



Mayor

**ATTEST:
STEPHANIE R. DIETZ, CITY CLERK**

BY: 
Assistant/Deputy City Clerk



(SEAL)

APPROVED AS TO FORM:

 3/9/2021
City Attorney **Date**

Appendix B

Notices to Public and Public Outreach Efforts



CITY OF MERCED

MERCED

September 22, 2022

Office of Environment, Health and Safety
University of California, Merced
Attn: Mal Donohue
5200 North Lake Rd
Merced, CA 95340

Subject: **UPDATED**
**Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan**

Dear Mal:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of a hearing.

The draft Amended WSCP can be viewed and printed from the City's website:
<https://www.cityofmerced.org/departments/public-works/water/urban-water-management-plan>

This letter is to advise you that the public hearing has now been set for 6:00 p.m. on November 21, 2022, at the Civic Center in the City Council Chambers, 678 West 18th Street, Merced, CA. Comments can be submitted prior or at the public hearing for the amended WSCP. Upon completion of said public hearing, the plans will be adopted as prepared or as modified.

For more information about the WSCP, please contact us at (209) 385-6800.

Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Self Help Enterprises
Attn: Maria Herrera
P.O. Box 6520
Visalia, CA 93290

Subject: **UPDATED**
Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan

Dear Ms. Herrera:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of the public hearing.

The draft Amended WSCP can be viewed and printed from the City's website:
<https://www.cityofmerced.org/departments/public-works/water/urban-water-management-plan>

This letter is to advise you that the public hearing has now been set for 6:00 p.m. on November 21, 2022, at the Civic Center in the City Council Chambers, 678 West 18th Street, Merced, CA. Comments can be submitted prior or at the public hearing for the amended WSCP. Upon completion of said public hearing, the plans will be adopted as prepared or as modified.

For more information about the WSCP, please contact us at (209) 385-6800.

Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Merced Irrigation District
Attn: Mr. Hicham Eltal
744 W 20th St
Merced, CA 95340

Subject: **UPDATED**
**Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan**

Dear Hicham:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of the public hearing.

The draft Amended WSCP can be viewed and printed from the City's website:
<https://www.cityofmerced.org/departments/public-works/water/urban-water-management-plan>

This letter is to advise you that the public hearing has now been set for 6:00 p.m. on November 21, 2022, at the Civic Center in the City Council Chambers, 678 West 18th Street, Merced, CA. Comments can be submitted prior or at the public hearing for the amended WSCP. Upon completion of said public hearing, the plans will be adopted as prepared or as modified.

For more information about the WSCP, please contact us at (209) 385-6800.

Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Merced Union High School District
Attn: Mr. Alan Peterson
P.O. Box 2147
Merced, CA 95344

Subject: **UPDATED**
Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan

Dear Mr. Peterson:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of the public hearing.

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Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Merced College
Attn: Mr. Chris Vitelli, Ed.M
3600 M Street
Merced, CA 95348

Subject: **UPDATED**
Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan

Dear Mr. Vitelli:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of a hearing.

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Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Merced County
Attn: Lacey McBride
2222 M St
Merced, CA 95340

Subject: **UPDATED**
**Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan**

Dear Lacey:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of a hearing.

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Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Merced County Association of Governments
Attn: Ms. Stacie Guzman
369 West 18th Street
Merced, CA 95340

Subject: **UPDATED**
Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan

Dear Ms Guzman:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of a hearing.

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Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Merced City School District
Attn: Doug Collins
444 West 23rd St
Merced, CA 95340

Subject: **UPDATED**
**Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan**

Dear Mr. Collins:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of a hearing.

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Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Leadership Counsel for
Justice and Accountability
Attn: Sheng Xiong
2210 San Joaquin St
Fresno, CA 93721

Subject: **UPDATED**
**Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan**

Dear Sheng:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of a hearing.

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For more information about the WSCP, please contact us at (209) 385-6800.

Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced



CITY OF MERCED

MERCED

September 22, 2022

Weaver Union School District
Attn: John Curry
1240 D Street
Merced, CA 95341

Subject: **UPDATED**
Notice of Preparation and Public Hearing for the amended City of Merced
Water Shortage Contingency Plan

Dear Mr. Curry:

This letter is an update to the previous letter sent to notify your agency that the City of Merced is in the process of amending the Water Shortage Contingency Plan (WSCP) and to provide an updated notice of the time and place of the public hearing.

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Sincerely,

Ken Elwin, P.E.
Director of Public Works
City of Merced

Appendix C

City Resolution Adopting WSCP

RESOLUTION NO. 2022- 70

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING AND ADOPTING THE AMENDED
WATER SHORTAGE CONTINGENCY PLAN FOR
THE CITY OF MERCED**

WHEREAS, the California State Legislature has authorized the City of Merced and other qualifying local public entities to develop a groundwater management plan that includes a Water Shortage Contingency Plan pursuant to Water Code Section 10750, *et seq.*; and

WHEREAS, pursuant to the Urban Water Management Planning Act, staff developed the Water Shortage Contingency Plan for the City of Merced and the Plan was adopted by the City Council on August 16, 2021; and

WHEREAS, the Water Shortage Contingency Plan was amended to be consistent with requirements released April 2022 by the Department of Water Resources; and

WHEREAS, notice of the public hearing on whether or not the City Council of the City of Merced should adopt the Amended Water Shortage Contingency Plan was duly published, the matter was presented for public hearing at the time, date and place set forth in the notice, all persons desiring to be heard were permitted to present their views orally and in writing to the City Council, and all such comments were duly considered by the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced hereby adopts the Amended Water Shortage Contingency Plan for the City of Merced as presented and on file with the City Clerk, and implements the Amended Water Shortage Contingency Program presented therein.

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PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 21st day of November 2022, by the following vote:

AYES: 5 Council Members: BOYLE, ORNELAS, PEREZ, SERRATTO, SHELTON

NOES: 0 Council Members: NONE

ABSENT: 2 Council Members: BLAKE, ECHEVARRIA

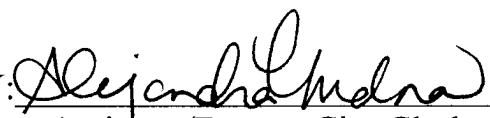
ABSTAIN: 0 Council Members: NONE

APPROVED:

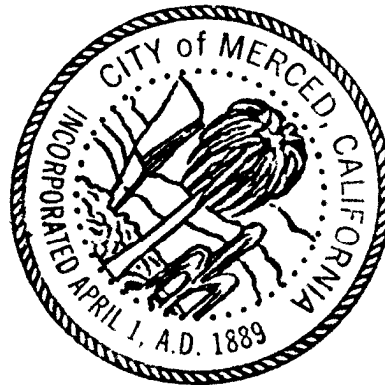


Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: 

Assistant/Deputy City Clerk



(SEAL)

APPROVED AS TO FORM:



City Attorney 10/12/22
Date