AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING JUNE 28, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order.**

2. **Pledge Of Allegiance.**

3. **Invocation.**

4. **Roll Call.**

5. **Declaration Of Conflicts Of Interest.**

6. **Ceremonial Matters**.

7. **Items from the Public - Non-Agenda Items.**

8. **Consent Calendar**

   a. Waive All Readings Of Ordinances And Resolutions Except By Title.
   b. Approval Of Warrants. (View Warrant Register)
   c. Approval Of Minutes Of The June 14, 2016 Meeting. (View Minutes)
   d. Adopt Resolution No. 2016- , Accepting The CNG Fast Fill Fueling Station Project As Complete And Authorizing Robert Martina As Mayor, And Mike Maier As City Clerk To Record A Notice Of Completion. (View Report)
   e. Consider Request From The City Of Gustine For A Donation To Fireworks Show. (View Report)

9. **Public Hearings**

   a. Adopt Resolution No. 2016- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. (View Report)

   b. Adopt Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman, California, Confirming The Assessment And Ordering The Levy For The Lighting And Landscape Maintenance District For Fiscal Year 2016/2017. (View Report)

   c. Adopt Resolution No. 2016- , A Resolution Approving And Adopting The 2015 Urban Water Management Plan. (View Report)

10. **Regular Business**

   a. Adopt Resolution No. 2016- , A Resolution Approving A Financial Assistance Application For A Financing Agreement From The State Water Resources Control Board For The Hexavalent Chromium Drinking Water Compliance Project, And Authorizing The City Manager Or His Designee To Execute All Financial Documents, Applications, Amendments And Certifications. (View Report)

b. First Reading And Introduction Of Ordinance No. 2016- , An Ordinance Of The City Of Newman Amending Title 1 Administrative, Adding Chapter 1.19 Reasonable Accommodation And Title 5 Zoning, Amending Chapters 5.01 General Zoning Provisions, 5.03 R-1 Single-Family Residential District, 5.04 R-2/R-2s Duplex/Medium Density Single-Family Residential District, 5.05 R-3 Multiple-Residential District, 5.06 C-1 Retail Business District, 5.09 M Light Industrial/Business Park District, 5.14 DBO Density Bonus Overlay District, 5.16 Development Regulations, And 5.23 General Regulations, Conditions And Exceptions For The Purpose Of Implementing The Newman General Plan Housing Element And Addressing Local Land Use Issues. (View Report)

c. Second Reading And Adoption Of Ordinance No. 2016- , An Ordinance Approving The Third Amendment To The Sherman Development Agreement And Authorize Staff To Publish A Summary Of Said Ordinance. (View Report)

11. Items From District Five Stanislaus County Supervisor.

12. Items From The City Manager And Staff.

13. Items From City Council Members.

14. Adjournment.

Calendar of Events

June 26 – Comforting Kids Car Show – Pioneer Park - 9:00 A.M. – 4:00 P.M.
June 28 – City Council - 7:00 P.M.

July 4 – Independence Day Holiday - City Offices Closed.
July 9 – Outdoor Movie Night – *Monster House* – Sherman Park - 8:00 P.M.
July 12 – City Council - 7:00 P.M.
July 14 – Recreation Commission – 7:00 P.M.
July 18 – The First Day To Secure And File Election Nomination Papers – 8:00 A.M. To 5:00 P.M.
July 21 – Planning Commission – 7:00 P.M.
July 26 – City Council - 7:00 P.M.

Manual Check Register
June 20, 2016

Vendor No	Vendor	Fund-Dept-Acct	Check Amount	Check Number	Check Date	Description
CHE00	Chevron & Texaco Business Card Services	10-33-6500	$ 100.50	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
CHE00	Chevron & Texaco Business Card Services	10-44-6500	$ 126.63	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
CHE00	Chevron & Texaco Business Card Services	63-56-6500	$ 826.14	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
CHE00	Chevron & Texaco Business Card Services	60-50-6500	$ 242.21	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
CHE00	Chevron & Texaco Business Card Services	10-21-6500	$ 2,544.51	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
CHE00	Chevron & Texaco Business Card Services	10-22-6500	$ 364.29	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
CHE00	Chevron & Texaco Business Card Services	69-47-6500	$ 124.94	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
CHE00	Chevron & Texaco Business Card Services	10-07-6500	$ 58.60	109533	6/15/2016	Gas and diesel purchases 4-15-16 to 5-14-16
			$ 4,387.82	**109533 Total**		
HOM01	Home Depot USA, Inc Store 1001	17-44-7521	$ 706.97	109534	6/17/2016	Dog park construction supplies
			$ 706.97	**109534 Total**		
STA16	Stanislaus LAFCO	63-56-6675	$ 500.00	109532	6/15/2016	LAFCO Out of Boundary Appliation
			$ 500.00	**109532 Total**		
			$ 5,594.79	**Grand Total**		

Void Check Register
June 20, 2016

Verndor No	Vendor Name	Account	Invoice	Description		Amount	Check Number	Check Date	Selected for Void
CHE00	Chevron & Texaco Business Card Services	10-33-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	100.50	109364	5/20/2016	TRUE
CHE00	Chevron & Texaco Business Card Services	10-44-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	126.63	109364	5/20/2016	TRUE
CHE00	Chevron & Texaco Business Card Services	63-56-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	826.14	109364	5/20/2016	TRUE
CHE00	Chevron & Texaco Business Card Services	60-50-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	242.21	109364	5/20/2016	TRUE
CHE00	Chevron & Texaco Business Card Services	10-21-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	2,544.51	109364	5/20/2016	TRUE
CHE00	Chevron & Texaco Business Card Services	10-22-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	364.29	109364	5/20/2016	TRUE
CHE00	Chevron & Texaco Business Card Services	69-47-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	124.94	109364	5/20/2016	TRUE
CHE00	Chevron & Texaco Business Card Services	10-07-6500	05-15-16	Gas and diesel purchases 4-15-16 to 5-14-16	$	58.60	109364	5/20/2016	TRUE
					$	**4,387.82**	**109364 Total**		
					$	**4,387.82**	**Grand Total**		

AP Check Register
June 24, 2016 FY 15-16

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Advanced Chemical Transport, Inc	10-22-6200	$ 7,799.46	109535	6/24/2016	Hazardous clean-up after fire at 1320 T Street
		$ 7,799.46	**109535 Total**		
Al's Farm Service, Inc	60-50-6230	$ 2,046.00	109536	6/24/2016	Baled 2046 bales @ WWTP
		$ 2,046.00	**109536 Total**		
AMERICAN SOCCER COMPANY,	10-45-6735	$ 722.85	109537	6/24/2016	18 Pop-Up goals for youth soccer
		$ 722.85	**109537 Total**		
Aramark	10-07-6200	$ 121.00	109538	6/24/2016	Uniform cleaning/mat rental/mop heads/May 2016
Aramark	10-21-6200	$ 71.00	109538	6/24/2016	Uniform cleaning/mat rental/mop heads/May 2016
Aramark	10-22-6200	$ 28.13	109538	6/24/2016	Uniform cleaning/mat rental/mop heads/May 2016
Aramark	10-33-6200	$ 82.56	109538	6/24/2016	Uniform cleaning/mat rental/mop heads/May 2016
Aramark	10-44-6200	$ 55.04	109538	6/24/2016	Uniform cleaning/mat rental/mop heads/May 2016
Aramark	60-50-6200	$ 82.56	109538	6/24/2016	Uniform cleaning/mat rental/mop heads/May 2016
Aramark	63-56-6200	$ 55.04	109538	6/24/2016	Uniform cleaning/mat rental/mop heads/May 2016
		$ 495.33	**109538 Total**		
AT&T MOBILITY	10-02-6420	$ 33.96	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-03-6420	$ 40.75	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-06-6420	$ 81.48	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-07-6420	$ 22.26	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-14-6420	$ 51.58	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-21-6420	$ 582.38	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-22-6420	$ 58.42	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-33-6420	$ 43.57	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-44-6420	$ 59.59	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	10-45-6420	$ 67.91	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	22-20-6420	$ 5.83	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	60-50-6420	$ 329.14	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	63-56-6420	$ 264.77	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
AT&T MOBILITY	69-47-6420	$ 21.05	109539	6/24/2016	Cell phone usage 5-6-16 to 6-05-16
		$ 1,662.69	**109539 Total**		
AT&T	10-07-6665	$ 17.79	109540	6/24/2016	Landline phones 5-13-16 to 6-12-16
AT&T	10-14-6420	$ 55.48	109540	6/24/2016	Landline phones 5-13-16 to 6-12-16
AT&T	10-14-6420	$ 6.63	109540	6/24/2016	Analog line @ city hall for fire alarm 5-13-16 to 6-12-16
AT&T	10-21-6420	$ 19.83	109540	6/24/2016	Landline phones 5-13-16 to 6-12-16
AT&T	10-21-6420	$ 1,220.05	109540	6/24/2016	Circuit line to Stan Cnty/old dispatch 9-20-15 to 12-31-15
AT&T	60-50-6420	$ 19.36	109540	6/24/2016	Landline phones 5-13-16 to 6-12-16
AT&T	60-50-6420	$ 6.62	109540	6/24/2016	Analog line @ city hall for fire alarm 5-13-16 to 6-12-16
AT&T	63-56-6420	$ 54.25	109540	6/24/2016	Landline phones 5-13-16 to 6-12-16

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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
AT&T	63-56-6420	$ 6.62	109540	6/24/2016	Analog line @ city hall for fire alarm 5-13-16 to 6-12-16
		$ 1,406.63	**109540 Total**		
B G AUTO	63-56-6530	$ 4.52	109541	6/24/2016	Performance tool extension bar
		$ 4.52	**109541 Total**		
Brazil Tim	60-50-7505	$ 8,720.00	109542	6/24/2016	Construction of 48' by 22' canopy @ WWTP
		$ 8,720.00	**109542 Total**		
Brent Souza Custom Big Bales	60-50-6230	$ 736.00	109543	6/24/2016	Big baling @ WWTP/Oats
		$ 736.00	**109543 Total**		
BUSINESS CARD	10-03-6265	$ 59.95	109544	6/24/2016	VIMEO Plus
BUSINESS CARD	10-07-7105	$ 36.68	109544	6/24/2016	Square Trade 3-year TV protection plan
BUSINESS CARD	10-07-7105	$ 705.67	109544	6/24/2016	2 TV stands/2TV's for teen center
BUSINESS CARD	10-14-6200	$ 26.67	109544	6/24/2016	Satellite internet emergency backup connection
BUSINESS CARD	10-21-6200	$ 10.00	109544	6/24/2016	ScheduleBase 5-19-16 to 6-19-16
BUSINESS CARD	10-21-6530	$ 12.00	109544	6/24/2016	Car wash
BUSINESS CARD	10-21-6635	$ 331.00	109544	6/24/2016	2016-2017 Annual CPCA Membership dues
BUSINESS CARD	10-21-6690	$ 26.97	109544	6/24/2016	Meals/PD
BUSINESS CARD	10-22-6300	$ 51.57	109544	6/24/2016	Lunch for firemen T St fire
BUSINESS CARD	10-22-6300	$ 30.00	109544	6/24/2016	Sewed patches on fire shirts
BUSINESS CARD	10-22-6300	$ 90.72	109544	6/24/2016	Gloves/fanny pack/fire dept
BUSINESS CARD	10-22-6690	$ 134.60	109544	6/24/2016	Meals for river fire assisted WSFPD
BUSINESS CARD	10-22-6690	$ 29.95	109544	6/24/2016	Pre-paid VISA-incentive program
BUSINESS CARD	10-22-6690	$ 20.00	109544	6/24/2016	Gift certificates-incentive program/fire dept
BUSINESS CARD	10-33-6690	$ 1.00	109544	6/24/2016	Parking/STANCOG
BUSINESS CARD	10-45-6722	$ 15.46	109544	6/24/2016	Bulk propane/Movie Night
BUSINESS CARD	10-45-6722	$ 307.74	109544	6/24/2016	Charbroil gas grill
BUSINESS CARD	10-45-6722	$ 80.36	109544	6/24/2016	Supplies for summer programs
BUSINESS CARD	10-45-6722	$ 498.90	109544	6/24/2016	Supplies for summer programs
BUSINESS CARD	10-45-6724	$ 4.00	109544	6/24/2016	Supplies for Movie Night snack bar
BUSINESS CARD	10-45-6738	$ 165.62	109544	6/24/2016	Supplies for teen center snack bar
BUSINESS CARD	10-45-6739	$ 308.43	109544	6/24/2016	Food supplies for teen center snack bar
BUSINESS CARD	10-45-6740	$ 11.95	109544	6/24/2016	Cleaning supplies for teen center
BUSINESS CARD	60-50-6200	$ 26.66	109544	6/24/2016	Satellite internet emergency backup connection
BUSINESS CARD	63-56-6200	$ 26.66	109544	6/24/2016	Satellite internet emergency backup connection
BUSINESS CARD	63-56-6300	$ 27.00	109544	6/24/2016	In-car bluetooth receiver
		$ 3,039.56	**109544 Total**		
Canon Solutions America, Inc.	10-21-6200	$ 102.69	109545	6/24/2016	Copier maintenance and copy charges/5-1-16 to 5-31-16/PD
		$ 102.69	**109545 Total**		
Candea Nicholas	10-01-6690	$ 146.45	109546	6/24/2016	Mileage reimbursement for Stancog meetings/Candea

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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
		$ 146.45	**109546 Total**		
CDW GOVERNMENT, INC	60-50-6200	$ 48.02	109547	6/24/2016	Trendnet 5 pt POE switch/WWTP
		$ 48.02	**109547 Total**		
Cemex, Inc.	10-33-6300	$ 484.18	109548	6/24/2016	3 tons concrete delivered to 739 Gibralter
		$ 484.18	**109548 Total**		
CENTRAL SANITARY SUPPLY	10-07-6300	$ 67.29	109549	6/24/2016	
CENTRAL SANITARY SUPPLY	10-07-6665	$ 33.64	109549	6/24/2016	
CENTRAL SANITARY SUPPLY	10-21-6300	$ 67.30	109549	6/24/2016	
CENTRAL SANITARY SUPPLY	10-22-6300	$ 33.65	109549	6/24/2016	
CENTRAL SANITARY SUPPLY	10-44-6300	$ 33.64	109549	6/24/2016	
CENTRAL SANITARY SUPPLY	10-44-6660	$ 269.17	109549	6/24/2016	
CENTRAL SANITARY SUPPLY	10-44-6670	$ 134.58	109549	6/24/2016	
CENTRAL SANITARY SUPPLY	10-46-6300	$ 33.65	109549	6/24/2016	
		$ 672.92	**109549 Total**		
Chevron & Texaco Business Card Services	10-07-6500	$ 27.19	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
Chevron & Texaco Business Card Services	10-21-6500	$ 2,809.77	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
Chevron & Texaco Business Card Services	10-22-6500	$ 624.55	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
Chevron & Texaco Business Card Services	10-33-6500	$ 128.92	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
Chevron & Texaco Business Card Services	10-44-6500	$ 159.19	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
Chevron & Texaco Business Card Services	60-50-6500	$ 155.92	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
Chevron & Texaco Business Card Services	63-56-6500	$ 660.11	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
Chevron & Texaco Business Card Services	69-47-6500	$ 100.48	109550	6/24/2016	Gas and diesel charges 5-15-16 to 6-14-16
		$ 4,666.13	**109550 Total**		
City of Oakdale	10-21-6615	$ 15,500.00	109551	6/24/2016	Dispatch contract service 4-16-16 to 5-15-16/PD
		$ 15,500.00	**109551 Total**		
COMCAST CABLE	10-21-6200	$ 145.99	109552	6/24/2016	Internet service for dispatch services @ PD 6-06-16 to 07-05-16
		$ 145.99	**109552 Total**		
E&M ELECTRIC, INC.	69-47-6200	$ 8,346.38	109553	6/24/2016	Replacement of pole #631 damaged in accident
		$ 8,346.38	**109553 Total**		
ES West Coast, LLC	10-07-6200	$ 659.35	109554	6/24/2016	Annual maintenance on generator @ PD
ES West Coast, LLC	63-56-6200	$ 666.61	109554	6/24/2016	Annual maintenance on generator @ well 1R
ES West Coast, LLC	63-56-6225	$ 1,127.06	109554	6/24/2016	Removed and replaced block heater @ well 1R
		$ 2,453.02	**109554 Total**		
ENTENMANN-ROVIN CO.	10-22-6300	$ 350.94	109555	6/24/2016	3 Newman Fire Dept badges
		$ 350.94	**109555 Total**		
ENVIRONMENTAL TECHNIQUES	60-50-6300	$ 3,540.00	109556	6/24/2016	60 ProOxidizer for WWTP
		$ 3,540.00	**109556 Total**		
FERGUSON ENTERPRISES, INC 1423	63-56-6300	$ 246.78	109557	6/24/2016	20 meter couplings

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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
FERGUSON ENTERPRISES, INC 1423	63-56-6300	$ 411.53	109557	6/24/2016	Pressure valve for backflow preventer @ Densmore Park
		$ 658.31	**109557 Total**		
FGL ENVIRONMENTAL, INC	60-50-6200	$ 275.00	109558	6/24/2016	Inorganic & support Analysis @ WWTP 4-27-16
FGL ENVIRONMENTAL, INC	60-50-6200	$ 275.00	109558	6/24/2016	Inorganic & support Analysis @ WWTP 4-27-16
FGL ENVIRONMENTAL, INC	60-50-6200	$ 2,152.00	109558	6/24/2016	Bacti& inorganic analysis & sup @ WWTP 4-27-16
		$ 2,702.00	**109558 Total**		
Gouveia Engineering, Inc	10-31-6200	$ 2,623.75	109559	6/24/2016	CNG Fast fill fuel station/punch list items
Gouveia Engineering, Inc	10-31-6200	$ 1,704.94	109559	6/24/2016	Inyo & Canal School intersection improvement/May 2016
Gouveia Engineering, Inc	10-31-6200	$ 798.00	109559	6/24/2016	Meeting with PW Director, Supervisor, Planner-CDBG/May 2016
Gouveia Engineering, Inc	10-31-6200	$ 2,517.50	109559	6/24/2016	Draft technical specs for street sweeper/May 2016
Gouveia Engineering, Inc	17-44-7521	$ 275.63	109559	6/24/2016	Engineering services for Skate Park
Gouveia Engineering, Inc	18-32-7739	$ 2,322.50	109559	6/24/2016	Hwy 33 & Inyo intersection/May 2016
Gouveia Engineering, Inc	60-50-7306	$ 1,355.82	109559	6/24/2016	Design work M St water & sewerline replacement/May 2016
Gouveia Engineering, Inc	64-56-7523	$ 1,355.81	109559	6/24/2016	Design work M St water & sewerline replacement/May 2016
Gouveia Engineering, Inc	64-56-7523	$ 729.00	109559	6/24/2016	Urban Water Management Plan/May 2016
		$ 13,682.95	**109559 Total**		
Guerrero's Tire and Auto Repair, LLC	10-44-6530	$ 10.00	109560	6/24/2016	New tire valve on mower #2
		$ 10.00	**109560 Total**		
Harris Photography	10-01-6300	$ 100.00	109561	6/24/2016	City Council photos
		$ 100.00	**109561 Total**		
HOUSE STEPHANIE	10-45-6724	$ 131.14	109562	6/24/2016	Reimbursement for Movie Night snack bar supplies
		$ 131.14	**109562 Total**		
IEH-JL Analytical	60-50-6200	$ 72.00	109563	6/24/2016	Plant influent/BOD/SS samples on 6-1-16
IEH-JL Analytical	60-50-6200	$ 72.00	109563	6/24/2016	Plant influent/BOD/SS samples on 5-25-16
		$ 144.00	**109563 Total**		
IMAGE UNIFORMS	10-21-6300	$ 68.87	109564	6/24/2016	1 Shirt
		$ 68.87	**109564 Total**		
Independent Stationers	10-14-6300	$ 9.47	109565	6/24/2016	Pencils/legal paper/colored paper
Independent Stationers	60-50-6300	$ 9.47	109565	6/24/2016	Pencils/legal paper/colored paper
Independent Stationers	63-56-6300	$ 9.48	109565	6/24/2016	Pencils/legal paper/colored paper
		$ 28.42	**109565 Total**		
J&E Janitorial and Handyman	10-07-6200	$ 200.00	109566	6/24/2016	Cleaned bathrooms & cleaned & buffed floors @ City Hall
		$ 200.00	**109566 Total**		
MID VALLEY IT, INC	10-14-6200	$ 827.60	109567	6/24/2016	IT CONTRACT/FIN
MID VALLEY IT, INC	10-21-6200	$ 1,655.20	109567	6/24/2016	IT CONTRACT/PD/July 2016
MID VALLEY IT, INC	60-50-6200	$ 827.60	109567	6/24/2016	IT CONTRACT/SEWR
MID VALLEY IT, INC	63-56-6200	$ 827.60	109567	6/24/2016	IT CONTRACT/WATR
		$ 4,138.00	**109567 Total**		

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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
NEWMAN MINI MART	10-21-6500	$ 29.92	109568	6/24/2016	10.1 gallons unleaded gas/PD
		$ 29.92	**109568 Total**		
NEWMAN SMOG AND LUBE	10-21-6530	$ 270.50	109569	6/24/2016	Replaced faulty coolant overflow bottle/2013 Charger
NEWMAN SMOG AND LUBE	10-21-6530	$ 88.00	109569	6/24/2016	Tire mounts and balance 4 new tires/2011 Chevy Tahoe
		$ 358.50	**109569 Total**		
NFPA	10-22-6300	$ 18.93	109570	6/24/2016	Cooking Fire Safety Brochures
		$ 18.93	**109570 Total**		
Nino's Auto Repair	60-50-6530	$ 127.78	109571	6/24/2016	Replaced alternator in 2002 Chevy
Nino's Auto Repair	69-47-6530	$ 127.78	109571	6/24/2016	Replaced alternator in 2002 Chevy
		$ 255.56	**109571 Total**		
NORMAC, INC.	69-47-6300	$ 262.12	109572	6/24/2016	Siphon pump hose/sprinklers/solenoid
		$ 262.12	**109572 Total**		
O'Dell Engineering	17-44-7521	$ 882.00	109573	6/24/2016	Professional service/Skate Plaza 5-2-16 to 6-5-16
		$ 882.00	**109573 Total**		
P G & E	10-07-6410	$ 416.13	109574	6/24/2016	Gas and electric @ 938 Fresno St 5-5-16 to 6-5-16
P G & E	10-21-6510	$ 12.32	109574	6/24/2016	Natural gas pumped @ CNG fueling station
P G & E	10-33-6510	$ 36.97	109574	6/24/2016	Natural gas pumped @ CNG fueling station
P G & E	10-44-6510	$ 24.64	109574	6/24/2016	Natural gas pumped @ CNG fueling station
P G & E	60-50-6410	$ 416.13	109574	6/24/2016	Gas and electric @ 938 Fresno St 5-5-16 to 6-5-16
P G & E	60-50-6510	$ 12.32	109574	6/24/2016	Natural gas pumped @ CNG fueling station
P G & E	63-56-6410	$ 416.14	109574	6/24/2016	Gas and electric @ 938 Fresno St 5-5-16 to 6-5-16
P G & E	63-56-6510	$ 12.32	109574	6/24/2016	Natural gas pumped @ CNG fueling station
		$ 1,346.97	**109574 Total**		
PROFORCE LAW ENFORCEMENT	10-21-7105	$ 2,191.72	109575	6/24/2016	2 SIG Sauer rifles
		$ 2,191.72	**109575 Total**		
Ramirez Leslie	10-00-2841	$ 80.00	109576	6/24/2016	Refund of Sherman Park Deposit/Ramirez
		$ 80.00	**109576 Total**		
Ready Refresh by Nestle	10-14-6300	$ 25.88	109577	6/24/2016	Bottled water delivered/May 2016
Ready Refresh by Nestle	10-21-6300	$ (5.00)	109577	6/24/2016	Bottled water delivered/May 2016
Ready Refresh by Nestle	10-45-6300	$ 8.60	109577	6/24/2016	Bottled water delivered/May 2016
Ready Refresh by Nestle	60-50-6300	$ 25.88	109577	6/24/2016	Bottled water delivered/May 2016
Ready Refresh by Nestle	60-50-6300	$ 19.40	109577	6/24/2016	Bottled water delivered/May 2016
Ready Refresh by Nestle	60-50-6300	$ 49.41	109577	6/24/2016	Bottled water delivered/May 2016
Ready Refresh by Nestle	63-56-6300	$ 25.89	109577	6/24/2016	Bottled water delivered/May 2016
Ready Refresh by Nestle	63-56-6300	$ 19.40	109577	6/24/2016	Bottled water delivered/May 2016
		$ 169.46	**109577 Total**		
SAFE-T-LITE	24-32-7727	$ 257.09	109578	6/24/2016	Hand cement edger/edger groover/step stools
		$ 257.09	**109578 Total**		

AP Check Register
June 24, 2016 FY 15-16

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
SJVAPCD	10-21-6200	$ 84.00	109579	6/24/2016	2016-2017 Annual permit to operate generator @ PD
SJVAPCD	62-60-6200	$ 502.00	109579	6/24/2016	2016-2017 Annual permit to operate generator @ Inyo & Canal Lift
SJVAPCD	63-56-6675	$ 252.00	109579	6/24/2016	2016-2017 Annual permit to operate generator @ well#6
		$ 838.00	**109579 Total**		
San Diego Police Equipment, Inc	10-21-7105	$ 2,739.10	109580	6/24/2016	American Eagle ammunition/PD
		$ 2,739.10	**109580 Total**		
Simon Danielle	10-00-2840	$ 300.00	109581	6/24/2016	Refund of Memorial Bldg deposit/D. Simon
		$ 300.00	**109581 Total**		
SOLECON, INC	10-07-6200	$ 382.56	109582	6/24/2016	Replaced thermostat @ School house
		$ 382.56	**109582 Total**		
State of Calif Dept of Justice	10-00-2014	$ 365.00	109583	6/24/2016	DOJ fees and livescan fees payable
State of Calif Dept of Justice	10-21-6200	$ 128.00	109583	6/24/2016	DOJ fees for animal shelter volunteers
		$ 493.00	**109583 Total**		
Stanislaus Council of Governments	24-32-7767	$ 6,000.00	109584	6/24/2016	South County Corridor Feasibility study fee
		$ 6,000.00	**109584 Total**		
Stanislaus County Auditor-Controller	10-21-6510	$ 3.18	109585	6/24/2016	CNG fuel pumped @ Morgan station
Stanislaus County Auditor-Controller	10-22-6615	$ 493.89	109585	6/24/2016	Annual fee for emergency services FY15-16/Fire Dept
Stanislaus County Auditor-Controller	10-22-6615	$ 4,500.00	109585	6/24/2016	SR911 April-June fire dispatch FY15-16/Fire Dept
		$ 4,997.07	**109585 Total**		
STAPLES ADVANTAGE	10-07-6300	$ 101.02	109586	6/24/2016	Disinfectant wipes/Glade plugin's
STAPLES ADVANTAGE	10-14-6300	$ 55.53	109586	6/24/2016	Colored paper/steno books/Dab-n-Seal/correction tape
STAPLES ADVANTAGE	10-21-6300	$ 213.42	109586	6/24/2016	Copy paper/tape/batteries/memobooks/PD
STAPLES ADVANTAGE	60-50-6300	$ 55.53	109586	6/24/2016	Colored paper/steno books/Dab-n-Seal/correction tape
STAPLES ADVANTAGE	63-56-6300	$ 55.54	109586	6/24/2016	Colored paper/steno books/Dab-n-Seal/correction tape
		$ 481.04	**109586 Total**		
STANTEC CONSULTING SERVICE, Inc	60-50-6200	$ 5,930.00	109587	6/24/2016	Newman water and wastewater On-call 2015-2016
		$ 5,930.00	**109587 Total**		
Sun Valley Portables	10-44-6200	$ 155.76	109588	6/24/2016	Portable restroom rental-service
		$ 155.76	**109588 Total**		
Ten-Four Communications, Inc	10-22-6300	$ 242.16	109589	6/24/2016	Minitor nylon carry case/Fire Dept
		$ 242.16	**109589 Total**		
T.H.E. OFFICE CITY	10-14-6300	$ 3.29	109590	6/24/2016	Wide rule letter size pad
T.H.E. OFFICE CITY	10-14-6300	$ 23.80	109590	6/24/2016	Legal pads/colored paper/cash register paper
T.H.E. OFFICE CITY	60-50-6300	$ 3.29	109590	6/24/2016	Wide rule letter size pad
T.H.E. OFFICE CITY	60-50-6300	$ 23.80	109590	6/24/2016	Legal pads/colored paper/cash register paper
T.H.E. OFFICE CITY	63-56-6300	$ 3.30	109590	6/24/2016	Wide rule letter size pad
T.H.E. OFFICE CITY	63-56-6300	$ 23.81	109590	6/24/2016	Legal pads/colored paper/cash register paper
		$ 81.29	**109590 Total**		

AP Check Register
June 24, 2016 FY 15-16

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
CARD JAMES	63-00-2010	$ 10.96	109591	6/24/2016	Refund Check
		$ 10.96	**109591 Total**		
ANDERSON ROSS	63-00-2010	$ 193.59	109592	6/24/2016	Refund Check
		$ 193.59	**109592 Total**		
ESTATE OF JUDITH CROSS	63-00-2010	$ 77.34	109593	6/24/2016	Refund Check
		$ 77.34	**109593 Total**		
UNIVAR USA, INC	63-56-6300	$ 721.40	109594	6/24/2016	250 gallons sodium hypochlorite delivered well #8
UNIVAR USA, INC	63-56-6300	$ 268.78	109594	6/24/2016	104 gallons sodium hypochlorite delivered @ well #6
		$ 990.18	**109594 Total**		
USA BLUEBOOK	60-50-6300	$ 346.02	109595	6/24/2016	10 paper blower filter elements/staff gauge
		$ 346.02	**109595 Total**		
UNITED STATES POSTMASTER	10-21-6330	$ 94.00	109596	6/24/2016	2 rolls postage stamps/PD
		$ 94.00	**109596 Total**		
YANCEY LUMBER COMPANY	10-21-6307	$ 101.16	109597	6/24/2016	2 bags Dog food
YANCEY LUMBER COMPANY	10-21-6308	$ 59.06	109597	6/24/2016	Broom/mop/bags/combination lock
YANCEY LUMBER COMPANY	10-33-6300	$ 147.45	109597	6/24/2016	Leverset/misc pvc/Teflon tape/storeroom leverset/hose barb
YANCEY LUMBER COMPANY	10-46-6300	$ 7.07	109597	6/24/2016	Lawn & garden plug/cup hooks
YANCEY LUMBER COMPANY	24-32-7727	$ 17.38	109597	6/24/2016	Level/lumber
YANCEY LUMBER COMPANY	63-56-6300	$ 53.31	109597	6/24/2016	Plugs/spray paint/bug fogger/lumber
YANCEY LUMBER COMPANY	69-47-6300	$ 8.03	109597	6/24/2016	Graffiti remover
		$ 393.46	**109597 Total**		
ZAM COMM	10-21-6200	$ 417.36	109598	6/24/2016	Service call to pull OSP cable to existing camera @ PD
ZAM COMM	60-50-7505	$ 495.62	109598	6/24/2016	Service call to install OSP cable City Hall to corp yard
		$ 912.98	**109598 Total**		
		$ 116,464.23	**Grand Total**		

Manual Check Register
June 24, 2016

Vendor No	Vendor	Fund-Dept-Acct		Amount	Check Number	Check Date	Description
FLO04	F. Loduca Co	17-44-7521	$	18,900.00	109599	6/24/2016	Newman Skate Plaza progress payment #1
			$	**18,900.00**	**109599 Total**		
			$	**18,900.00**	**Grand Total**		

MINUTES
NEWMAN CITY COUNCIL
SPECIAL MEETING JUNE 14, 2016
CITY COUNCIL CHAMBERS, 5:30 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Martina 5:34 P.M.

2. **Roll Call - PRESENT:** Graham, Mayor Pro Tem Candea, Day And Mayor Martina.
   ABSENT: Davis.

3. **Items from the Public - Non-Agenda Items –** None.

4. **Workshop - Review 2016/2017 Fiscal Year Budget.**

Finance Director Humphries Reviewed Budget Highlights And Noted Changes In This Year's Budget From The Previous Year's Budget. Humphries Reviewed Each Of The Department's Budgets As Well As Special Revenue, Enterprise And Capital Project Funds.

Council Member Day Asked If The City Was Adequately Staffed For The Year Ahead.

City Manager Holland Stated That He Was Comfortable With The Current Staffing Levels.

Council Member Graham Noted That City Staff Was Doing A Good Job By Maintaining A 61% Reserve And Mentioned That Newman's Reserves Were Far Better Than Many Other Cities.

Holland Noted That The City Needs Those Reserves In Case Of An Emergency.

Council Member Day Stated That The Budget Packet Was Well Organized And Thanked Staff.

Mayor Martina Remarked That The Budget Looked Great And That It Was Easy To Follow.

City Manager Holland Noted That The Budget Approval Was On The Agenda For The Following Regular City Council Meeting At 7:00 P.M. And Pointed Out That It Was In The City Council's Purview To Either Approve Or Postpone The Budget Adoption.

5. **Adjournment.**

ACTION: On Motion By Graham Seconded By Candea, The Meeting Was Adjourned At 6:23 P.M. By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING JUNE 14, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Martina 7:00 P.M.

2. **Pledge Of Allegiance.**

3. **Invocation** – Council Member Day.

4. **Roll Call - PRESENT**: Graham, Mayor Pro Tem Candea, Day And Mayor Martina.
   ABSENT: Davis.

5. **Declaration Of Conflicts Of Interest** - None.

6. **Ceremonial Matters**

   a. Proclamation – Disability Awareness Month.

Mayor Martina Presented A Proclamation Declaring The Month Of June As Disability Awareness Month In The City Of Newman.

Carolyn Teixeira Gomes, Director of Development For The Society For Disabilities In Modesto, Accepted The Proclamation. Gomes Thanked The Mayor And City Council On Behalf Of The Society For Disabilities And Discussed Some Of the Programs Offered By Her Agency.

7. **Items from the Public - Non-Agenda Items**

Joanne Lamas, Field Representative For Senator Cannella, Introduced Herself And Noted That The Senator Has Mobile District Office Hours In Newman On The Second Friday Of Every Month At 9:00 A.M. Lamas Concluded By Mentioning That She Had Plenty Of Business Cards For Those Who Were Interested And That She Would Be Staying After The Meeting To Talk To Citizens.

8. **Consent Calendar**

   a. Waive All Readings Of Ordinances And Resolutions Except By Title.
   b. Approval Of Warrants.
   c. Approval Of Minutes Of The May 24, 2016 Meeting.
   d. Approval Of The HOME Sub-Recipient Agreement For Fiscal Year 2016-2017.
   e. Adopt Resolution No. 2016-35, A Resolution Requesting That The Board Of Supervisors Of Stanislaus County Consolidate The November 8, 2016 City Of Newman Municipal Election With The Presidential General Election To Be Held On The Same Date.
   f. Approve Request For Subsidy From County Of Stanislaus Board Of Supervisors For Fire Dispatch Services For Year 2016-2017.
   g. Adopt Resolution No. 2016-36, Authorizing The City Manager, Or His Designee To Apply For Funding From The California Beverage Container Grant Payment Program And To Execute All Necessary Documents.
   h. Approve Letter Of Support For Countywide Marijuana Measure.
   i. Adopt Resolution No. 2016-37, Approving The Fiscal Year 2016-2017 CDBG Subrecipient Agreement With Stanislaus County.

City Manager Holland Recommended That Item 8.h. Be Pulled From The Consent Calendar Because The Stanislaus County Board Of Supervisors Had Decided Not To Move Forward With The Proposed Countywide Marijuana Measure.

Mayor Martina And The Rest of The City Council Agreed.

ACTION: On A Motion By Graham Seconded By Candea, The Consent Calendar Minus Item 8.h. Was Approved By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

9. Public Hearings

a. Adopt Resolution No. 2016-38, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Martina Opened The Public Hearing At 7:12 P.M.

There Being No Public Comment, Martina Closed The Public Hearing At 7:12 P.M.

ACTION: On Motion By Graham Seconded By Day, Resolution No. 2016-38, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

b. Adopt Resolution No. 2016-39, A Resolution Of The City Council Of The City Of Newman, California, Establishing The Formation Of A Community Facilities District - City Of Newman Community Facilities District No. 2016-1 (Community Pool)**.**

Mayor Martina Opened The Public Hearing At 7:41 P.M.

City Manager Holland Reviewed A Presentation Regarding The Proposed Community Pool And Community Facilities District.

Byron Hisey, 548 Real Court, Began By Stating That He's Not Against The Pool But That He Wanted To Stand Up For Senior Citizens. Hisey Was Concerned That The Vote Will Only Impact Property Owners. He Requested Clarification About How A Senior Would Be Defined And Mentioned That The City Was Proposing To Increase Taxes On Those With Fixed Incomes. He Stated That A Low Income Discount Isn't Fair. Hisey Concluded By Remarking That The City Should Focus On The Flood District And Ways To Eliminate Flood Insurance Requirements In Newman.

Laroy McDonald, 224 Northampton Way, Stated That The City Owes It To Local Youth To Build A Pool And That There's Nothing For Them To Do. He Acknowledged That The Amount May Impact A Senior But That The Proposed Discount Should Make A Difference And That We Owe It To The Youth Regardless.

Jennifer Henderson, 308 Northampton Way, Informed That She Grew Up Playing Water Polo And Swimming On Competitive Swim Teams And That It Helped Shape Her Into Who She Is Today. She Acknowledged The Concern About The Lack Of Seniors Using The Pool But Replied That As A Lifeguard And Swim Instructor, She Taught All Ages – Including Seniors. Henderson Declared That She Is In Support Of The Pool. She Acknowledged That Times Are Tough And That Everyone Pays Taxes For Some Things They May Not Use But That We're A Community And That It Takes A Village.

Carlos Correia, 2140 Denali Park Court, Echoed Others' Comments. Correia Mentioned That He Works With Children Via Pop-Warner And Little League And Stated That A Pool Would Bring Something Different That Would Engage Them. He Discussed That Costs Could Be Argued For Both Sides But That It Can Cause Us To Lose Track Of Why We Are Pursuing The Pool Project. Correia Stated That Were Doing This For The Next Generation And That Something Needs To Be Started Now. He Complimented The Project And How It Was Proposed.

Troy Willis, 769 Orestimba Peak Drive, Informed That He Came To Newman Last Year And That His Original Community Focus Was Growth. Willis Explained That His Opinion Has Changed Since And Is Now About Keeping People Here. He Expressed Support Of The Pool Despite Buying A Pool Of His Own And Declared That We Need To Support The Community. Willis Stated That The Project Has More Positives Than Negatives. He Concluded By Recognizing The Seniors' Position But Stated That Taxes Are A Part Of What We Need To Do.

Alex Durbala, 749 Black Mountain Lane, Read A Statement Outlining Numerous Reasons And Benefits For The City To Have A Pool, Including: Summer Job Creation For Teens, An Opportunity For A Recreational And High School Swim Teams, A Place For Low Impact Exercises, Promoting Health And Wellness, A Place To Take Swim Lessons (And Prevent Drownings), Supervised Safe Activities And Reduced Juvenile Delinquency. Durbala Expressed That The Project Would Benefit Those Without And With Pools And Reiterated The Community's Support Per Last Year's Poll.

Eric Romero, 2017 Carlsbad Caverns Court, Conveyed That He Thinks That We Need A Pool And That It Would Give Kids Something Else To Do. Romero Stated That He Likes To Skate But Would Also Like To Swim. He Asserted His Project Support And Indicated That He Would Like To Work There. Romero Recalled How He Enjoyed Swimming As A Child.

Claudia Diaz, 1177 Walnut Creek Drive, Recalled How She'd Take Her Older Children To The Plunge. Diaz Mentioned That They Have Since Grown And Now She Has Two Little Girls Who Have Nowhere To Go Unless She Drives Them To A Pool Out Of Town. She Mentioned How She'd Love To See A Pool Back In Newman. Diaz Acknowledged That A Lot Of People Struggle, Not Just Seniors, But That Many People Easily Spend $20 And That She'd Rather Put That Towards Something That Would Benefit Her Daughters. She Mentioned That There's Not A Lot To Do In Newman And That The Pool Could Be Something She Shares With Her Girls, Enjoy With Her Friends And Have A Good Time. Diaz Expressed That She Hopes It Gets On The Ballot And That It Passes. Diaz Admitted That It's Hard But That It Can Benefit The Whole Community. She Hoped That Everything Gets Taken Into Consideration And That The Measure Passes.

Michael Oliveira, 1045 Lucile Avenue, Mentioned That The Proposal Is A Capital Project And That He Looked At Costs. Oliveira Estimated The Total Cost At $15 Million, He Questioned Where The Extra Money Would Go. He Inquired That The Senior Adjustment Will Affect The Funding. Oliveira Stated That The Rate Of Growth May Increase The Funding, Totaling Over $15 Million. He Asserted That The Proposal Would Raise People's Rents And That He Doesn't Think The City Is Ready For A Pool And Is Against It . Oliveira Claimed That The Measure Is Not Well Thought Out And Implored People To Join Him In Opposing The Pool.

Dave Romano, Pinehurst And Sandpoint Properties, Introduced Himself As A Representative Of The Majority Property Owner In The Northwest Master Plan Area. Romano Communicated That Although The Master Plan Area Isn't A Part Of The City Yet, That It Was Their Plan To Participate In The Capital Expenditure And Ongoing Maintenance Of The Project And Believes That It's A Benefit To The Community. He Concluded By Stating That Should The Citizens Want The Measure To Pass, That They Want To Participate And Referenced A Support Letter He Gave To The City Manager.

Bobby Williams, 683 Hagerman Peak Drive, Expressed That He Was Originally Was Against The Pool But After Hearing The People Speak, Had Changed His Mind. Williams Recalled That He Always Had A Pool To Go To As A Child And That It Kept Kids Out Of Trouble. He Mentioned That It Gets Hot In Newman In The Summer. Williams Accounted That The Cost Breaks Down To About $12 A Month And Despite Being A Senior, It's Not A Large Sacrifice. He Acknowledged The Total Costs But Understood That There Were Costs Associated With The Project And That The Community Needs To Take The First Step.

David Carey, 1301 Blue Teal Way, Thanked The City Manager For Providing Him With The Information He Requested. Carey Stated That He Learned The Facts Behind The Measure And Has A Number Of Concerns And Objections With The Proposal. He Mentioned That The City Should Have A Pool But That He Was Concerned About How We Go About It. Carey Acknowledged The City Council's Motivation And Work Over The Years But Would Like To See It Reviewed For Some Additional Time. He Disagreed That There's Nothing For Children To Do In The Community And That We Need To Look More Deeply And Listed Various Local Amenities And Activities. Carey Stated That People Should Not Say That Children Have Nothing To Do And Implored That Existing Programs Need To Be Promoted. He Stated That The Lack Of Children's Activities Is Not A Reason To Get Into Trouble. Carey Expressed Concerns About The Lack Of Information Regarding The Measure, Name Changes And The Community Committee. He Questioned Mayor Martina's And Council Member Day's Appointment Processes And Stated That There Should Have Been An Election For Said Appointments. Carey Claimed That The Appointments Were Biased And Therefore The Approval Of Resolutions 2016-25 And 2016-26 Would Have Been Nullified If Said Appointees Would Not Have Voted. He Stated That The Boundaries Of The CFD Were Flawed And Should Mirror Those Of The School District. Carey Claimed That The Benefactors Of The Project Should Only Be Newman Residents And Referenced A Palo Alto Park Project Where Only Residents Can Use It. He Stated That The School Would Be A Significant User. Carey Asked Again For The City To Do More Research And Find A More Cost Effective Solution. He Concluded By Stating That He Would Like To See The Spray Pad In The City Plaza And That It Would Better Serve Poorer Neighborhoods.

Toni Butero, 1422 Via Fraga, Gustine, Began By Stating That She Was A Longtime Newman Resident, Former Employee Of The Plunge And Also Swam For The Stingrays. Butero Stated That A Pool Is More Than A Hangout. She Clarified That When Teenagers State There's Nothing To Do, It Means There's Nothing They Want To Do. Butero Asserted That A Pool Is An Equalizer For Everyone In Town, Not Everyone Can Afford Their Own Pool But They Can Afford Going To One For The Day. She Said That A Pool Is A Safe Place Where A Community Becomes A Community And That The Project Isn't Just About Memories, It Has To Be Something That Is Responsible And A "Plus" For The Community. Butero Discussed How The Community Committee Wanted To Bring A Myriad Of Things But It Couldn't And That The First Step Is A Pool Which Was Promised 10 Years Ago.

City Manager Holland Clarified That The Definition Of A Senior Is Age 65 Or Older And That Low Income Is 80% Or Less Of Area Median Income Levels (As Determined By The State). Holland Stated That The Measure Would Have Accountability Reports To Monitor Funds. He Discussed The Community Committee Meetings And How They Were Always Posted And Attended By The Local Newspaper. Holland Expressed That The Desired Schedule Would Be March Through October, Allowing A Break For The Holidays And Reopening In March. He Followed By Stating That If The School Utilized The Pool For A Swim Team That It Made Sense To Keep It Open For Programming As Well. Holland Mentioned That He Didn't Go Into A Detailed List Of Programs But Summarized Various Programs Such As Lap Swim, Night Swim, The Westside Sting Rays, High School Swim And Diving Teams, Party Rentals, Scuba Lessons/Recertification's, Family Night, Etcetera. He Reiterated A Schedule Of March Through October Until The School District Wants To Reestablish A Swim Team.

There Being No Further Public Comment, Martina Closed The Public Hearing At 8:42 P.M.

ACTION: On Motion By Candea Seconded By Day, Resolution No. 2016-39, A Resolution Of The City Council Of The City Of Newman, California, Establishing The Formation Of A Community Facilities District - City Of Newman Community Facilities District No. 2016-1 (Community Pool), Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

c. Adopt Resolution No. 2016-40, A Resolution Of The City Council Of The City Of Newman, California Determining Necessity To Incur Bonded Indebtedness City Of Newman Community Facilities District No. 2016-1 (Community Pool).

Mayor Martina Opened The Public Hearing At 8:44 P.M.

Angel Steinbeck, 1145 Wisteria Way, Stated That She Envisioned That The Pool Would Be Similar To The Plaza In The Sense That It Would Bring People Together. Steinbeck Mentioned That She Already Had A Pool But Noted A Community Pool Would Be A Nice Addition To The City. She Expressed Concern About The $6.5 Million Cost And Asked If The City Could Just Build A Pool Again (As A Means Of Saving Money).

City Manager Holland, Pointed Out That Project Cost Was Actually $5.1 Million And The Spray Pad Was A Value For A Lesser Cost; Making It An Amenity For All Ages.

Angel Steinbeck, 1145 Wisteria Way, Stated That She Was Supportive Of The Community Pool But Would Like To See The Cost Reduced.

Mayor Martina Thanked The Community For Their Input.

There Being No Further Public Comment, Martina Closed The Public Hearing At 8:49 P.M.

ACTION: On Motion By Day Seconded By Candea, Resolution No. 2016-40, A Resolution Of The City Council Of The City Of Newman, California Determining Necessity To Incur Bonded Indebtedness City Of Newman Community Facilities District No. 2016-1 (Community Pool), Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

d. First Reading And Introduction Of Ordinance No. 2016- , An Ordinance Approving The Third Amendment To The Sherman Development Agreement.

Mayor Martina Opened The Public Hearing At 8:53 P.M.

There Being No Public Comment, Martina Closed The Public Hearing At 8:53 P.M.

ACTION: On Motion By Graham Seconded By Candea, Ordinance No. 2016- , An Ordinance Of The City Council Of The City Of Newman Approving A Third Amendment To The Sherman Ranch Development Agreement Was Introduced By Council Member Graham And Had Its First Reading By Title Only, By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

10. Regular Business

a. Report On 2016 Fall Festival.

ACTION: On Motion By Graham Seconded By Candea, The City Council Approved The 2016 Fall Festival As Submitted By Staff And Authorized That Any Costs Be Invoiced To The Fall Festival Committee, By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

b. Approve Fiscal Year 2016-2017 Annual Budget As Presented In The Preliminary Budget Document

I. . Adopt Resolution No. 2016-41, A Resolution Adopting The Budget For Fiscal Year 2016-2017.

ACTION: On Motion By Graham Seconded By Day, Resolution No. 2016-41, A Resolution Adopting The Budget For Fiscal Year 2015-2016, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

II. Adopt Resolution No. 2016-42, A Resolution Establishing The Appropriations Limit For Fiscal Year 2016-2017.

ACTION: On Motion By Day Seconded By Candea, Resolution No. 2014-42, A Resolution Establishing The Appropriations Limit For Fiscal Year 2015-2016, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

c. Adopt Resolution No. 2016-43, A Resolution Of The City Council Of The City Of Newman, California Calling A Special Election To Be Held On November 8, 2016, With The Presidential General Election To Be Held On The Same Date Pursuant To §10403 Of The Elections Code - City Of Newman Community Facilities District No. 2016-1 (Community Pool).

Council Member Day Clarified That Regardless Of The City Council's Actions Regarding The Proposed Community Facilities District, Ultimately, The Voters Must Approve It As They Have The Final Says As To Whether The Community Facilities District/Tax Is Created.

ACTION: On Motion By Graham Seconded By Candea, Resolution No. 2016-43, A Resolution Of The City Council Of The City Of Newman, California Calling A Special Election To Be Held On November 8, 2016, With The Presidential General Election To Be Held On The Same Date Pursuant To §10403 Of The Elections Code - City Of Newman Community Facilities District No. 2016-1 (Community Pool), Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

d. Adopt Resolution No. 2016-44, Approving The Stanislaus County Transportation Expenditure Plan.

Rosa De León Park, Executive Director Of StanCOG, Stated That Everyone Had Been Working Very Hard On The Proposed Measure For The Last Two Years. De León Park Noted That Community Input Was The Basis For The Expenditure Plan And That Funds Would Be Distributed By Sales Tax And Not Population.

ACTION: On Motion By Candea Seconded By Day, Resolution No. 2016-44, A Resolution Approving The Stanislaus County Transportation Expenditure Plan, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

11. Items From District Five Stanislaus County Supervisor – None.

12. Items From The City Manager And Staff.

City Manager Holland Thanked The Public For Providing Their Input.

13. Items From City Council Members.

Council Member Graham Thanked The Public For Their Input And Stated That Even Though He Had His Own Pool That He Would Be Supporting The Community Facilities District Because The Pool Is A Good Investment For The Community.

Council Member Candea Thanked The Public For Voicing Their Opinions And Participating In The Council Meeting.

Council Member Day Thanked Everyone For Attending The Council Meeting.

Mayor Martina Noted That It Was Good To Have So Many People Attend The Council Meeting And Thanked Them For Their Comments.

14. Adjournment.

ACTION: On Motion By Graham Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 9:16 P.M.

Agenda Item: 8.d.

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of June 28, 2016

ADOPT RESOLUTION NO. 2016- , ACCEPTING THE CNG FAST FILL FUELING STATION PROJECT AS COMPLETE AND AUTHORIZING ROBERT MARTINA AS MAYOR, AND MIKE MAIER AS CITY CLERK TO RECORD A NOTICE OF COMPLETION

RECOMMENDATION:
It is recommended that the Newman City Council adopt Resolution No. 2016- , accepting the CNG Fast Fill Fueling Station Project as complete and authorizing Robert Martina as Mayor, and Mike Maier as City Clerk to record a Notice of Completion.

BACKGROUND:
CMAQ improvement funding program was implemented to support surface transportation projects that contribute air quality improvements. The proposed CNG Fast Fill Fueling Station Project was eligible for CMAQ funds from the applicable regional air quality plan.

The CNG Fast Fill Station Project includes improvement of the existing CNG slow fill station, installation of new CNG fast fill station, new chain link fences, new concrete pavement, and an automated gate to the yard at the Water Tower.

ANALYSIS:
On October 28, 2014, City Council awarded a contract to Marko Construction Group, Inc. for the CNG Fast Fill Station Project CML-5172(022), and the project was completed on June 2, 2016. A final inspection of the project was performed by the Public Works Department and the City Engineer, and the Project has been determined to be implemented in accordance with the approved plans and specifications.

FISCAL IMPACT:

Original Project Bid:	$433,902.65
Contract Change Order #1:	$0 (Project Time Extension)
Contract Change Order #2:	$2,946.88
Contract Change Order #3:	$21,160.00
Contract Change Order #4:	$1,474.77
Contract Change Order #5:	$0 (Project Completion Date)
Total Project Cost:	$459,484.30

14/15 CMAQ Fund:	$500,000.00
14/15 Local Match:	$0
Total Funding:	$500,000.00

CONCLUSION:
The CNG Fast Fill Fueling Station Project constructed by Marko Construction Group Inc., has been completed in compliance with the plans and specifications with a final implementation cost of $459,484.30. Therefore, staff recommends that the City Council adopt Resolution No. 2016- , accepting said project as complete and authorizing Robert Martina as Mayor, and Mike Maier as City Clerk to record a notice of completion for the Project.

ATTACHMENTS:
1. Change Orders (#1, #2, #3, #4 and #5)
2. Resolution No. 2016-

Respectfully Submitted,

Koosun Kim
Director of Public Works

REVIEWED/CONCUR:

Michael E. Holland
City Manager

CHANGE ORDER

Project:	CNG Fast Fill Fueling Station CML-5172(022)	**Change Order No.**	1
Owner:	City of Newman	**Date of Issuance**	04/15/2015
Contractor:	Marko Construction Group, Inc.	**Agreement Date:**	11/10/2014

The following changes are hereby made to the Contract Documents upon execution of this Change Order:

1. Add an additional 103 working days to the Contract Time.
2. Add an additional 4 working days to Contract Time.

Justification: *(attach documents supporting change):*

1. The additional time is requested due to the submittal approval process of substitute CNG Equipment, procurement, fabrication, and lead time.
2. The additional days are needed due to poor weather conditions.

CHANGE IN CONTRACT PRICE: The Contract Price is hereby ~~[increased] [decreased]~~ in accordance with the agreed amounts:

1.- 2. Change Order for contract time only.	$	0.00
Total this Change Order:	$	0.00
Original Contract Price:	$	433,902.65
~~[Increase] [Decrease]~~ from previously approved Change Orders No.	$	0.00
Contract Price Incorporating this Change Order	$	433,902.65

CHANGE IN CONTRACT TIME:

Original Contract Time:	75 Working Days
[Increase] ~~[Decrease]~~ of this Change Order	99 Working Days
~~[Increase] [Decrease]~~ from previously approved Change Orders No.	0 Working Days
[Increased] ~~[Decreased]~~ Non-Working Days Caused by Weather	4 Working Days
Contract times with all approved Change Orders:	178 Working Days
Date of Completion of All Work:	08/21/2015

Recommended By: *Gouveia Engineering, Inc.*

Engineer (Authorized Signature)

Accepted By: *Marko Construction Group, Inc.*

Contractor (Authorized Signature)

Approved By: *Michael E. Holland*
City Manager

Owner (Authorized Signature)

MARKO
CONSTRUCTION GROUP, INC.

General Engineering & Building Contractor

CNG FAST FUELING STATION FEDERAL PROJECT NO. CML-5172(022)

DATE: April 1, 2015

To: GOUVEIA ENGINEERING INC.
456 SIXTH STREET
GUSTINE, CA 95322
Phone (209) 854-3300
Fax (209) 854-3600

Attn: Noe Martinez, PE

Re: Request time extension for CNG FAST FUELING STATION CITY OF NEWMAN, CA.

This letter is to request time extension for reference project. The reason for time extension request is submittal approval process of substitution CNG Equipment, procurement, fabrication and lead time.

Approval on Bauer compressor date February 5, 2015, Approval gas dryer March 16, 2015 and Approval on Load dome Priority panel March 16, 2015. Marko Construction Group Inc. has secured a deposit for CNG equipment to supplier Revolution CNG and Equipment has been ordered. The anticipated date of arrival is mid, May 2015, and will commence decommission of existing CNG equipment.

Additional time extension requested April 3, 2015 – August 21, 2015, please find attached schedule.

Please feel free to call if have any questions.

Sincerely,

Frank Diaz

MARKO
CONSTRUCTION GROUP, INC.

General Engineering & Building Contractor

September 1, 2015

Gouveia Engineering
456 6th Street
Gustine, Ca. 95322
Attn: Danny Reed

RE: Project: Newman CNG – ***Time Extension***

Dear Reed;

The purpose of this letter is to formally request a time extension for the contract performance period for the subject project. We have had delivery issues with some pieces of CNG equipment ordered by Revolution CNG that have affected the critical path of the project. We were not able to complete the project as expected by 8/25/15. However we expect to be substantially complete with the project by 9/11/15. We are requesting the contract be amended to reflect this as the completion date.

Please consider this request and contact me if you have any questions.

Thank you,

Jason Tenty
Vice President

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CHANGE ORDER

Project:	CNG Fast Fill Fueling Station CML-5172(022)	**Change Order No.**	2
Owner:	City of Newman	**Date of Issuance**	09/01/2015
Contractor:	Marko Construction Group, Inc.	**Agreement Date:**	11/10/2014

The following changes are hereby made to the Contract Documents upon execution of this Change Order:

1. Additional equipment required to reconfigure priority panel.
2. Add an additional 14 working days to Contract Time.

Justification: *(attach documents supporting change):*

1. The additional equipment is necessary to incorporate a PLC controlled time fill circuit in the priority panel.
2. The additional time is requested due to delivery issues with Revolution CNG.

CHANGE IN CONTRACT PRICE: The Contract Price is hereby [increased] ~~[decreased]~~ in accordance with the agreed amounts:

1. Lump Sum	$	2,946.88
Total this Change Order:	$	2,946.88
Original Contract Price:	$	433,902.65
~~[Increase]~~ ~~[Decrease]~~ from previously approved Change Orders No.	$	0.00
Contract Price Incorporating this Change Order	$	436,849.53

CHANGE IN CONTRACT TIME:

Original Contract Time:	75 Working Days
[Increase] ~~[Decrease]~~ of this Change Order	14 Working Days
[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1	103 Working Days
~~[Increased]~~ ~~[Decreased]~~ Non-Working Days Caused by Weather	0 Working Days
Contract times with all approved Change Orders:	192 Working Days
Date of Completion of All Work:	09/11/2015

Recommended By: *Gouveia Engineering, Inc.*

Engineer (Authorized Signature)

Accepted By: *Marko Construction Group, Inc.*

Contractor (Authorized Signature)

Approved By: *Michael E. Holland City Manager*

Owner (Authorized Signature)

MARKO
CONSTRUCTION GROUP, INC.

General Engineering & Building Contractor

CHANGE ORDER REQUEST

To:

Gouveia Engineering, Inc.
456 Sixth Street
Gustine, CA 95322

Project Information:

CNG Fast Fill Fueling Station
City of Newman
Newman, CA

Gouveia Representative Signature and Date | **Marko Signature and Date**

Date	Contractor	Project No.	COR No.	Submitted By.
7/21/2015	MARKO Construction	PWM046	01	Jason Tenty
	Agency	**Contract No.**	**Agency CCD No.**	**Agency P.O.C**
	Gouveia Engineering	CML-5172(022)		Danny Reed

We hereby request a change order to our contract for the following work description:

		Amount
Added CNG Equipment	$	2,500.00

Sub-Total	$	2,500.00
Overhead and Profit	$	**375.00**
Sub-Total	$	2,875.00
2.5% Bond Premium	$	**71.88**
Total Change Order Request	$	**2,946.88**

Original Contract Amount	$	433,902.65
Previously Approved Change Order(s)	$	-
Contract Amount Prior To This Change Order	$	433,902.65
Contract Amount Will Be Increased By This Change Order Request	$	**2,946.88**
ew Contract Amount Including This Change Order	$	436,849.53

Contract Time Will be Change By	0
The Substantial Completion Date Of This Change Order Is Now	TBD

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Phone 559.222.7888 | Fax 559.222.0888 | www.MarkoSolutions.com

CHANGE ORDER

Project:	CNG Fast Fill Fueling Station CML-5172(022)	**Change Order No.**	3
Owner:	City of Newman	**Date of Issuance**	09/10/2015
Contractor:	Marko Construction Group, Inc.	**Agreement Date:**	11/10/2014

The following changes are hereby made to the Contract Documents upon execution of this Change Order:

1. Fine grade existing materials on approximately 2,800 SF , place and finish 5" concrete, and install #4 rebar, 24" on center.

Justification: *(attach documents supporting change):*

1. Requested by the City.

SEP 18 2015

CHANGE IN CONTRACT PRICE: The Contract Price is hereby [increased] ~~[decreased]~~ in accordance with the agreed amounts:

1. Lump Sum	$	21,160.00
Total this Change Order:	$	21,160.00
Original Contract Price:	$	433,902.65
[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 2	$	2,946.88
Contract Price Incorporating this Change Order	$	458,009.53

CHANGE IN CONTRACT TIME:

Original Contract Time:	75 Working Days
~~[Increase]~~ ~~[Decrease]~~ of this Change Order	0 Working Days
[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1 & No. 2	117Working Days
~~[Increased]~~ ~~[Decreased]~~ Non-Working Days Caused by Weather	0 Working Days
Contract times with all approved Change Orders:	192 Working Days
Date of Completion of All Work:	09/11/2015

Recommended By: *Gouveia Engineering, Inc.*

Engineer (Authorized Signature)

Accepted By: *Marko Construction Group, Inc.*

Contractor (Authorized Signature)

Approved By: *Michael E. Holland City Manager*

Owner (Authorized Signature)

MARKO
CONSTRUCTION GROUP, INC.

General Engineering & Building Contractor

CHANGE ORDER REQUEST

To:

Gouveia Engineering, Inc.
456 Sixth Street
Gustine, CA 95322

Project Information:

CNG Fast Fill Fueling Station
City of Newman
Newman, CA

Gouveia Representative Signature and Date | **Marko Signature and Date**

Date	Contractor	Project No.	COR No.	Submitted By.
9/10/2015	MARKO Construction	PWM046	03	Jason Tenty

Agency	Contract No.	Agency CCD No.	Agency P.O.C
Gouveia Engineering	CML-5172(022)		Danny Reed

We hereby request a change order to our contract for the following work description:

		Amount
Concrete Paving		
1. Fine grade existing material on approx. 2,800 SF. (All material to remain on-site)	$	21,160.00
(Elevations of new grades to be agreed upon on-site)		
2. Place and finish 5" concrete on approx. 2,800 SF		
Install #4 rebar, 24" on center, both ways on approx. 2,800 SF.		
***Bond and Mark-up included in price above**		

Sub-Total	$	21,160.00
Overhead and Profit		**N/A**
Sub-Total	$	21,160.00
2.5% Bond Premium		**N/A**
Total Change Order Request	**$**	**21,160.00**

Original Contract Amount	$	433,902.65
Previously Submitted Change Order(s)	$	30,548.84
Contract Amount Prior To This Change Order	$	464,451.49
Contract Amount Will Be Increased By This Change Order Request	$	**21,160.00**
ew Contract Amount Including This Change Order	$	485,611.49

Contract Time Will be Change By	0
The Substantial Completion Date Of This Change Order Is Now	TBD

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CHANGE ORDER

Project:	CNG Fast Fill Fueling Station CML-5172(022)	**Change Order No.**	4
Owner:	City of Newman	**Date of Issuance**	10/27/2015
Contractor:	Marko Construction Group, Inc.	**Agreement Date:**	11/10/2014

The following changes are hereby made to the Contract Documents upon execution of this Change Order:

1. Gas piping tie-in from end of PG&E new meter to existing gas riser, test and make operational.

Justification: *(attach documents supporting change):*

1. Requested by the City, due to meter location change by PG&E.

CHANGE IN CONTRACT PRICE: The Contract Price is hereby [increased] ~~[decreased]~~ in accordance with the agreed amounts:

1. Lump Sum	$	1,474.77
Total this Change Order:	$	1,474.77
Original Contract Price:	$	433,902.65
[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 2 & No. 3	$	24,106.88
Contract Price Incorporating this Change Order	$	459,484.30

CHANGE IN CONTRACT TIME:

Original Contract Time:	75 Working Days
~~[Increase]~~ ~~[Decrease]~~ of this Change Order	0 Working Days
[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1 & No. 2	117Working Days
~~[Increased]~~ ~~[Decreased]~~ Non-Working Days Caused by Weather	0 Working Days
Contract times with all approved Change Orders:	192 Working Days
Date of Completion of All Work:	09/11/2015

Recommended By: *Gouveia Engineering, Inc.*

Engineer (Authorized Signature)

Accepted By: *Marko Construction Group, Inc.*

Contractor (Authorized Signature)

Approved By: *Michael E. Holland City Manager*

Owner (Authorized Signature)

MARKO
CONSTRUCTION GROUP, INC.

General Engineering & Building Contractor

CHANGE ORDER REQUEST

To:

Gouveia Engineering, Inc.
456 Sixth Street
Gustine, CA 95322

Project Information:

CNG Fast Fill Fueling Station
City of Newman
Newman, CA

Gouveia Representative Signature and Date | **Marko Signature and Date**

Date	Contractor	Project No.	COR No.	Submitted By.
10/21/2015	MARKO Construction	PWM046	04	Jason Tenty

Agency	Contract No.	Agency CCD No.	Agency P.O.C
Gouveia Engineering	CML-5172(022)		Danny Reed

We hereby request a change order to our contract for the following work description:

		Amount
Gas Piping Tie-in		
Plumbing Contractor Business License (Time and Expense)	$	110.00
Plumbing materials and aquisition	$	226.00
Labor - Plumber @ $95.00 / HR	$	665.00
Equipment Cost (Truck, Threader)	$	97.00
Marko Field Supervision	$	210.00
*****All subcontractor prices include subcontractor overhead and profit*****		

Sub-Total	$	1,308.00
Overhead and Profit	$	**130.80**
Sub-Total	$	1,438.80
2.5% Bond Premium	$	**35.97**
Total Change Order Request	**$**	**1,474.77**

Original Contract Amount	$	433,902.65
Previously Submitted Change Order(s)	$	24,106.88
Contract Amount Prior To This Change Order	$	458,009.53
Contract Amount Will Be Increased By This Change Order Request	$	**1,474.77**
·w Contract Amount Including This Change Order	$	459,484.30

Contract Time Will be Change By	0
The Substantial Completion Date Of This Change Order Is Now	TBD

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BALANCING CHANGE ORDER

Project:	CNG Fast Fill Fueling Station CML-5271(022)	**Change Order No.**	5
Owner:	City of Newman	**Date of Issuance**	06/20/2016
Contractor:	Marko Construction Group, Inc.	**Agreement Date:**	11/10/2014

The following changes are hereby made to the Contract Documents upon execution of this Change Order:

1. Add an additional 170 working days to the Contract Time.
2. Add 2 working days to the Contract Time.

Justification: *(attach documents supporting change):*

1. The additional time was necessary due to delays from natural gas utility in upsizing supply line, and to correct deficiencies identified in the punch list.
2. The additional time was necessary due to weather conditions.

CHANGE IN CONTRACT PRICE: The Contract Price is hereby ~~[increased] [decreased]~~ in accordance with the agreed amounts:

	$	0.00
Total this Change Order:	$	0.00
Original Contract Price:	$	433,902.65
[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1-4	$	459,484.30
Contract Price Incorporating this Change Order	$	459,484.30

CHANGE IN CONTRACT TIME:

Original Contract Time:	75 Working Days
[Increase] ~~[Decrease]~~ of this Change Order	170 Working Days
[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1-4	117 Working Days
[Increased] ~~[Decreased]~~ Non-Working Days Caused by Weather	2 Working Days
Contract times with all approved Change Orders:	364 Working Days
Date of Completion of All Work:	06/02/2016

Recommended By: *Gouveia Engineering, Inc.*

Engineer (Authorized Signature)

Accepted By: *Marko Construction Group, Inc.*

Contractor (Authorized Signature)

Approved By: *Michael E. Holland*
City Manager

Owner (Authorized Signature)

RESOLUTION NO. 2016-

ACCEPTING THE CNG FAST FILL FUELING STATION PROJECT AS COMPLETE AND AUTHORIZING ROBERT MARTINA AS MAYOR, AND MIKE MAIER AS CITY CLERK TO RECORD A NOTICE OF COMPLETION

WHEREAS, on the 28th day of October, 2014, agreements were entered into between the City Of Newman, herein after referred to as "CITY" and Marko Construction Group, Inc., herein after referred to as "CONTRACTOR" for the making of certain improvements in the City of Newman, County of Stanislaus, State of California, known as the CNG Fast Fill Fueling Station Project (CML-5172(022)); and

WHEREAS, the improvement security referred to in said agreement was duly executed and filed by Contractor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman as follows:

1. That the improvements referred to in said agreement and other matters referred to therein be, and the same hereby are, approved and accepted.

2. That Robert Martina, as Mayor and Mike Maier as City Clerk, are hereby authorized and directed to execute and record a Notice of Completion of said improvements.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June, 2016 by Council Member _____, who moved its adoption which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Bob Martina, Mayor

ATTEST:

_____
Mike Maier, City Clerk

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Newman, a Municipal Corporation of the County of Stanislaus, State of California, entered into an Agreement dated October 28, 2014 with Marko Construction Group, Inc., 3675 East Jensen Avenue, Fresno, California 93725 for the CNG Fast Fill Fueling Station Project CML-5172(022) in the City of Newman.

The above improvement project was completed by the Contractor, Marko Construction Group, Inc. on June 2, 2016 and accepted by the City Council of the City of Newman at their regular meeting held on the 28th day of June, 2016.

DATED:

CITY OF NEWMAN

By _____
Bob Martina, Mayor

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS)

I Robert Martina being the first duly sworn, deposes and says:

That he is the Mayor of the City of Newman, a Municipal Corporation, that contracted for the performance of the project mentioned in the foregoing Notice: that he has read the same and knows the contents thereof, and that the facts stated therein are true.

_____
Bob Martina, Mayor

Subscribed and sworn to before me
this_____day of_____2016.

_____
Notary Public

Agenda Item: 8.e.

City of Newman
City Manager's Office
Memorandum

Date: June 23, 2016
To: City Council
From: Michael E. Holland

Subject: Item No. 8.e. Request from City of Gustine for donation to fireworks show.

The City has received a request from Gustine's Mayor Dennis Brazil for a donation to help fund the annual 4th of July fireworks show. Based on information received from Gustine City Manager Sean Scully, the Gustine community spends approximately $20,000 to provide a fireworks show to residents on the Westside. Staff recommends the City accommodate Mayor Brazil's request and make a $500 donation towards the fireworks show.

Agenda Item: 9.a.
City Council Meeting
of June 28, 2016

Honorable Mayor and Members
of the Newman City Council

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2016- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, June 27, 2016. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

This staff report is submitted for City Council consideration and possible future action.

ATTACHMENTS:

1. Resolution No. 2016- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

Respectfully submitted,

Randy Richardson
Chief of Police

REVIEWED/CONCUR:

Michael Holland
City Manager

RESOLUTION NO. 2016-

A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER ORDINANCE NO. 95-4

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on June 28, 2016, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June, 2016 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

City of Newman
Abatement list

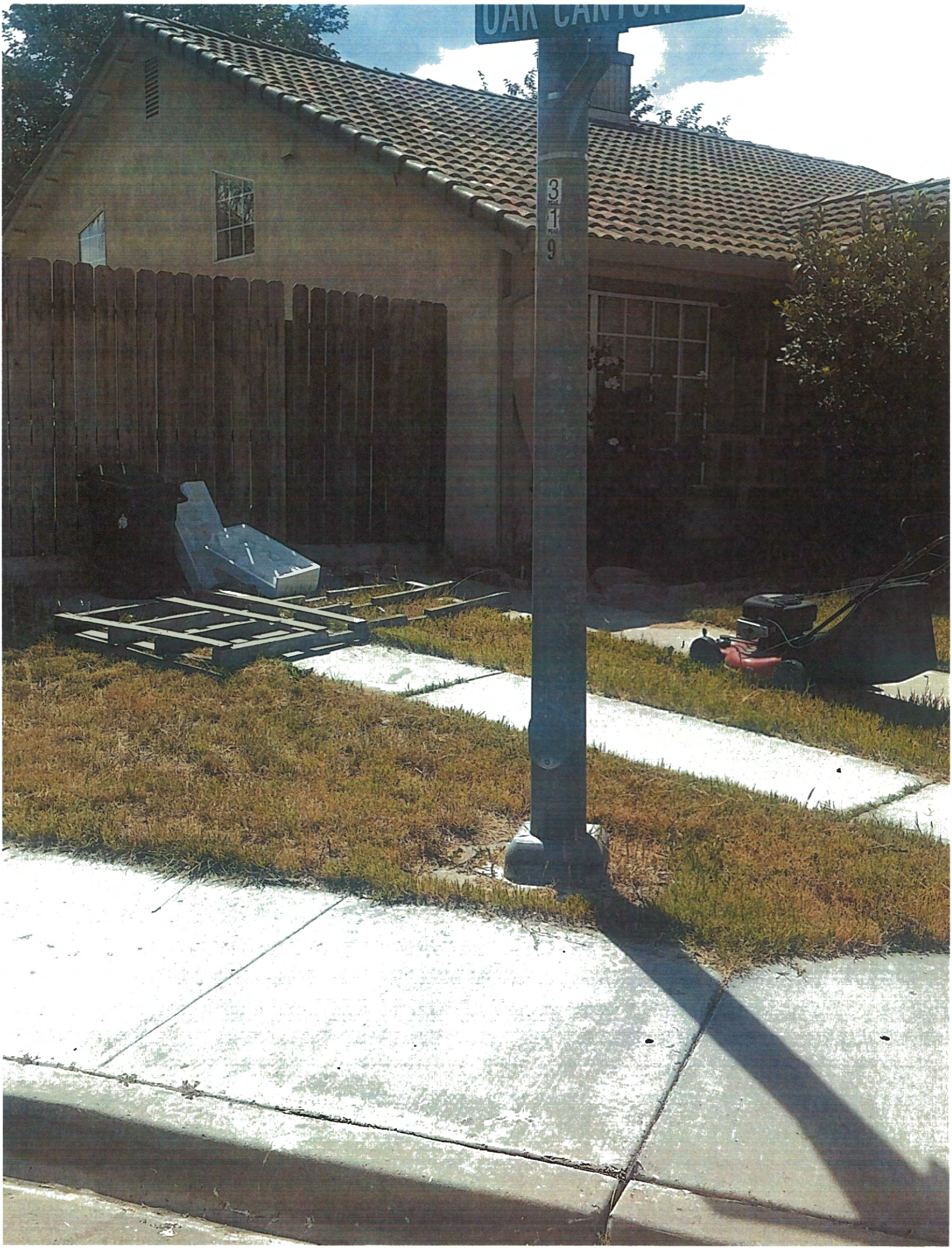
1. **2224 Sunny Creek Dr.**
   Construction debris and miscellaneous items on driveway and side yard

2. **907 Fig Ln.**
   Tall weeds throughout property

3. **2115 Prince St.**
   Tall weeds and overgrown shrubs on property

4. **1456 L St.**
   Tall weeds up against neighboring fences and over grown shrubs

5. **537 Bonanza Dr.**
   Overgrown tree limbs and berries falling on ground attracting roaches


OAK CANYON
3
1
9

907

210

C2232

279
289
295
289

Agenda Item: 9.b.

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of June 28, 2016

ADOPT A RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2016/17

RECOMMENDATION:

1. The City Council hold a Public Hearing, and
2. The City Council adopt Resolution No. 2016- , confirming the assessment and ordering the levy for the Lighting and Landscape Maintenance District for Fiscal Year 2016/17.

BACKGROUND:

Under the Landscape and Lighting Act of 1972, NBS prepared the 2016/17 Annual Report describing the general nature, location and extent of improvements to be maintained, and provided an estimate of the costs of the maintenance, operations, and servicing of the improvements for the Lighting and Landscape Maintenance District (District). Improvements provided within the District include, but are not limited to, the weekly operation, maintenance, and servicing of all public landscaping improvements consisting of trimming and pruning, weed abatement, sidewalks, plant materials, pathways, irrigation systems, lighting systems, and graffiti removal within the public right-of-way.

ANALYSIS:

On April 12, 2016 the City Council adopted a resolution initiating proceedings for the levy and collection of assessments, and on May 24, 2016, the City Council adopted two resolutions approving the Annual Report, and establishing the intention of the City Council to conduct a Public Hearing concerning the levy and collection of assessments for the District for Fiscal Year 2016/17. The last step in the process is for City Council to conduct a Public Hearing concerning the levy of assessments and to confirm the assessment and order the levy for the District.

FISCAL IMPACT:

Approval will allow the City to collect revenues to pay for the improvements and services identified in the report.

CONCLUSION:

Pursuant to the Landscape and Lighting Act of 1972, City Council previous actions initiated the proceedings for the levy and collection of assessments, approved the Annual Report, and established the intention for the levy and collection of assessments for Lighting and Landscape Maintenance District for Fiscal Year 2016/17. The last step is to adopt a resolution confirming the assessment and ordering the levy for the District. Therefore, staff recommends City Council adopt Resolution No. 2016- , confirming the assessment and ordering the levy for the Lighting and Landscape Maintenance District for Fiscal Year 2016/17.

ATTACHMENTS:

1. Resolution No. 2016- , confirming the assessment and ordering the levy for the Lighting and Landscape Maintenance District for Fiscal Year 2016/17

Respectfully Submitted,

Koosun Kim
Director of Public Works

REVIEWED/CONCUR:

Michael E. Holland
City Manager

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA, CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2016/17

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the City's Lighting and Landscape Maintenance District ("District"); and

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and to prepare and file an Annual Report; and

WHEREAS, the Council has, by previously resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, notice of such Public Hearing was duly given in accordance with Section 22626 of the Act; and

WHEREAS, the Council has conducted such Public Hearing and considered all objections to the assessment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman DOES HEREBY RESOLVE as follows:

1. Confirmation of Assessment and Diagram: The Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the Clerk.
2. Levy of Assessment: Pursuant to Section 22631 of the Act, the adoption of this resolution shall constitute the levy of an assessment for fiscal year commencing July 1, 2016 and ending June 30, 2017.
3. Ordering of the Levy: The Council hereby orders NBS to prepare and submit the levy of assessments to Stanislaus County for placement on the Fiscal Year 2016/17 secured property tax roll.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June 2016 by Council Member _____, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Bob Martina, Mayor

ATTEST:

_____
Mike Maier, City Clerk

Agenda Item: 9.c.

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of June 28, 2016

ADOPT RESOLUTION NO. 2016- , APPROVING AND ADOPTING THE 2015 URBAN WATER MANAGEMENT PLAN

RECOMMENDATION:
It is recommended that the City Council:

1. Conduct a public hearing for the 2015 Urban Water Management Plan.
2. Adopt Resolution No. 2016- , approving and adopting the 2015 Urban Water Management Plan.

BACKGROUND:
Per the Urban Water Management Plan (UWMP) Act, every urban water supplier that either provides over 3,000 acre-feet of water annually or serves 3,000 or more connections is required to assess the reliability of its water sources over a 20-year planning horizon. The purpose of this assessment is to ensure that water suppliers have adequate water supplies for existing and future water demands. The UWMP is also one of the requirements to be eligible for the future water grant and loan opportunities through Proposition 1 and other funding programs.

ANALYSIS:
As required by the UWMP Act, the City has developed the 2015 UWMP to assure that the City has adequately planned to provide sufficient supplies of water for its users for the foreseeable future.

The City's 2015 UWMP evaluates the following through the year 2020.

- Water supply and supply reliability
- Water demand
- Water Shortage Contingency Plan (drought stage and actions)
- Water conservation programs

The City of Newman is prepared to implement the water conservation program in phases depending on the severity of the water shortage and/or drought. The program was implemented successfully during the drought years between 2014 and 2016.

As required by the Act, the City Council must hold a public hearing and adopt the 2015 UWMP by June 30, 2016 and submit the adopted UWMP to DWR by July 1, 2016.

FISCAL IMPACT:
There is no fiscal impact.

CONCLUSION:
Copies of the Draft 2015 UWMP have been available at the City Hall and on the City's website. By conducting the public hearing, and approving the attached resolution, which will approve and adopt the 2015 UWMP, the City will be in full compliance with the State of California Urban Water Management Act. Therefore, staff recommends City Council hold a public hearing, and adopt Resolution 2016- , approving and adopting the 2015 UWMP.

ATTACHMENTS:

1. The 2015 UWMP for the City of Newman.
2. Resolution No. 2016- , approving and adopting the 2015 UWMP.

Respectfully Submitted,

Koosun Kim
Director of Public Works

REVIEWED/CONCUR:

Michael E. Holland
City Manager

CITY OF NEWMAN

2015 URBAN WATER MANAGEMENT PLAN

April 2016

Prepared by:

GOUVEIA ENGINEERING, INC.

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ABBREVIATIONS

AF	Acre-Feet
CASGEM	California Statewide Groundwater Elevation Monitoring
City	City of Newman
CWC	California Water Code
DWR	Department of Water Resources
GAL	Gallons
GPM	Gallons per Minute
CCF	hundred cubic feet
MG	Million Gallons
MGD	Million Gallons per Day
MG/L	Milligrams per liter
PWS	Public Water System
UWMP	Urban Water Management Plan
UWMPA	Urban Water Management Plan Act

CHAPTER 1 INTRODUCTION AND OVERVIEW

1.1. Background and Purpose

The California Water Code requires all urban water suppliers within the state to prepare and adopt Urban Water Management Plans (UWMP) for submission to the California Department of Water Resources (DWR). The UWMPs must be updated every five years and satisfy the requirements of the Urban Water Management Planning Act of 1983 including amendments that have been made to the Act. The UWMPA requires urban water suppliers servicing 3,000 or more connections, or supplying more than 3,000 acre feet (AF) of water annually, to prepare an UWMP.

The purpose of the UWMP is to maintain efficient use of urban water supplies, continue to promote conservation programs and policies, ensure that sufficient water supplies are available for future beneficial use, and provide a mechanism for response during water drought conditions. This report, which was prepared in compliance with the California Water Code, and as set forth in the guidelines and format established by the DWR, is the City of Newman's (City) 2015 UWMP.

1.2. Urban Water Management Planning ant the California Water Code

Water planning is an essential function of water suppliers, but is critical as California grapples with ongoing drought and expected long-term climate changes. Prior to the adoption of the Urban Water Management Planning Act (UWMPA), there were no specific requirements that water agencies conduct long-term resource planning. While many water agencies had conducted long-term water supply and resource planning prior to the Act, those who had not were left vulnerable to supply disruptions during dry periods or catastrophic events.

1.2.1. Urban Water Management Planning Act of 1983

In 1983, State Assembly Bill (AB) 797 modified the California Water Code Division 6, by creating the UWMPA. Several amendments to the original UWMPA, which were introduced since 1983, have increased the data requirements and planning elements to be included in this 2015 UWMP.

Initial amendments to the UWMPA required that total projected water use be compared to water supply sources over the next 20 years, in 5-year increments. Recent DWR guidelines also suggest projecting through a 25-year planning horizon to maintain a 20-year timeframe until the next UWMP update has been completed and for use in developing Water Supply Assessments.

Other amendments require that UWMPs include provisions for recycled water use, demand management measures, and a water shortage contingency plan. Recycled water was added in the reporting requirements for water usage and figures prominently in the requirements for evaluation of alternative water supplies, when future projections predict the need for additional water supplies. Each urban water purveyor must coordinate the preparation of the water shortage contingency plan with other urban water purveyors in the area, to the extent practicable. Each water supplier must also

describe their water demand management measures that are being implemented, or scheduled for implementation.

In addition to the UWMPA and its amendments, there are several other regulations that are related to the content of the UWMP. In summary, the key relevant regulations are:

- AB 1420: Requires implementation of demand management measures (DMMs)/best management practices (BMPs) and meeting the 20 percent reduction by 2020 targets (mandated by SBx7-7) to qualify for water management grants or loans.
- AB 1465: Requires water suppliers to describe opportunities related to recycled water use and stormwater recapture to offset potable water use.
- Amendments Senate Bill (SB) 610 (Costa, 2001), and SB 221 (Daucher, 2001), which became effective beginning January 1, 2002, require counties and cities to consider information relating to the availability of water to supply new large developments by mandating the preparation of further water supply planning (Daucher) and Water Supply Assessments (Costa).
- SB 1087: Requires water suppliers to report single family residential (SFR) and multifamily residential (MFR) projected water use for planned lower income units separately.
- Amendment SB 318 (Alpert, 2004) requires the UWMP to describe the opportunities for development of desalinated water, including but not limited to, ocean water, brackish water, and groundwater, as long-term supply.
- AB 105 (Wiggins, 2004) requires urban water suppliers to submit their UWMPs to the California State Library.
- SBx7-7: Requires development and use of new methodologies for reporting population growth estimates, base per capita use, and water conservation. This water bill also extended the 2010 UWMP adoption deadline for retail agencies to July 1, 2011.

The UWMPA is included for reference in Appendix A.

1.2.2. Applicable changes to the Water Code since 2010

Table 1-1 provides a summary of the changes to the California Water Code (CWC) since 2010:

Table 1-1 Changes to the CWC since 2010

Topic	CWC Section	Legislative Bill	Summary
Demand Management Measures	10631 (f)(1) and (2)	AB 2067 Weber 2014	Requires water suppliers to provide narratives describing their water demand management measures, as provided. Requires retail water suppliers to address the nature and extent of each water demand management measure implemented over the past 5 years and describe the water demand management measures that the supplier plans to implement to achieve its water use targets.

Table 1-1 Changes to the CWC since 2010

Topic	CWC Section	Legislative Bill	Summary
Submittal Date	10621 (d)	AB 2067 Weber 2014	Requires each urban water supplier to submit its 2015 plan to the Department of Water Resources by July 1, 2016.
Submittal Format	10644 (a) (2)	SB 1420 Wolk 2014	Requires the plan, or amendments to the plan, to be submitted electronically to the department.
Standardized Forms	10644 (a) (2)	SB 1420 Wolk 2014	Requires the plan, or amendments to the plan, to include any standardized forms, tables, or displays specified by the department.
Water Loss	10631 (e) (1) (J) and (e) (3) (A) and (B)	SB 1420 Wolk 2014	Requires a plan to quantify and report on distribution system water loss.

1.2.3. Water Conservation Act of 2009 (SB X7-7)

The Water Conservation Act of 2009 required retail urban water suppliers to report in their UWMPs their Base Daily per Capita Water Use (Baseline GPCD), 2015 Interim Urban Water Use Target, 2020 Urban Water Use Target, and Compliance Daily per Capita Water Use. These terms are defined in Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use, DWR 2011 (Methodologies) consistent with SB X7-7 requirements.

Beginning in 2016, retail water suppliers are required to comply with the water conservation requirements in SB X7-7 in order to be eligible for State water grants or loans. The complete text of the Water Conservation Act is in Appendix B. Retail water agencies are required to set targets and track progress toward decreasing daily per capita urban water use in their service area, which will assist the State in meeting its 20 percent reduction goal by 2020.

1.3. Urban Water Management Plan in Relation to Other Planning Efforts

Urban suppliers provide information on water management specific to their service areas. However, water management does not happen in isolation; there are other planning processes that integrate with the UWMP to accomplish urban planning. Some of these plans include city and county General Plans, Water Master Plans, Recycled Water Master Plans, integrated resource plans, Integrated Regional Water Management Plans, Groundwater Management Plans, and others.

This 2015 UWMP relies on planning documents prepared by Stanislaus County, the City's 2030 General Plan, the 2016 Housing element and the City's 2008 Water Master Plan.

1.4. UWMP Organization

This 2015 UWMP has been organized following the DWR's recommended outline. The following is a description of the Chapters and a brief description of the content in each Chapter:

- **Chapter 1 - Introduction and Overview:** This introductory chapter provides a discussion on the importance and extent of the City's water management planning efforts.
- **Chapter 2 - Plan Preparation:** This chapter provides information on the process followed for developing the UWMP, including efforts in coordination and outreach.
- **Chapter 3 - System Description:** This chapter includes maps of the service area, a description of the service area and climate, the Public Water System, and the City's organizational structure and history.
- **Chapter 4 - System Water Use:** This chapter describes and quantifies the current and projected water uses within the City's service area.
- **Chapter 5 - Baselines and Targets:** This chapter describes the method used for calculating the baseline and target water consumption. This chapter also demonstrates that the City has achieved the 2015 interim water use target, and the City's plans for achieving the 2020 water use target.
- **Chapter 6 - System Supplies:** This chapter describes and quantifies the current and projected sources of water available to the agency. This chapter also includes a description and quantification of potential recycled water uses and supply availability.
- **Chapter 7 - Water Supply Reliability:** This chapter describes the reliability of the City's water supply and project the reliability out 20 years. This description is provided for normal, single dry years and multiple dry years.
- **Chapter 8 - Water Shortage Contingency Planning:** This chapter provides the City's staged plan for dealing with water shortages, including a catastrophic supply interruption.
- **Chapter 9 - Demand Management Measures:** This chapter communicates the City's efforts to promote conservation and to reduce demand and specifically addresses several demand management measures.
- **Chapter 10 - Plan Adoption, Submittal, and Implementation:** This chapter describes the steps taken to adopt and submit the UWMP and to make it publicly available. This chapter also includes a discussion of the City's plan to implement the UWMP.

CHAPTER 2 PLAN PREPARATION

2.1. Introduction

This chapter provides the basis for preparing the 2015 UWMP and describes the various levels of regional coordination that the City has employed. It also describes the reporting period and the units of measure used by the City to report water volumes throughout the 2015 UWMP.

Finally this chapter also provides a description of the coordination and outreach efforts followed in the preparation of the 2015 UWMP. Coordination and outreach are key elements to developing a useful and accurate UWMP.

2.2. Basis for Preparing a Plan

CWC 10617

> *"Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems…*

CWC 10620 (b)

> *Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.*

CWC 10621

> *(a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero, except as provided in section (d).*
>
> *(d) Each urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.*

The City of Newman (City) supplies water for municipal purposes to its estimated 2015 population of 10,753 and a total of 3,321 customer connections. Thus, the City is classified as an "urban water supplier" as defined in Section 10617 of the CWC. In accordance with the CWC, as an urban water supplier the City is required to update its urban water management plan every five years. The City was not an urban water supplier in 2005 or 2010 and was not required to submit an UWMP. The City became an urban water supplier in 2015 and this UWMP is the first UWMP that is being submitted to the Department of Water Resources (DWR).

2.2.1. Public Water Systems

CWC 10644

(a)(2) The plan, or amendments to the plan, submitted to the department … shall include any standardized forms, tables, or displays specified by the department.

CWC 10608.52

(a) The department, in consultation with the board, the California Bay-Delta Authority or its successor agency, the State Department of Public Health, and the Public Utilities Commission, shall develop a single standardized water use reporting form to meet the water use information needs of each agency, including the needs of urban water suppliers that elect to determine and report progress toward achieving targets on a regional basis as provided in subdivision (a) of Section 10608.28.

(b) At a minimum, the form shall be developed to accommodate information sufficient to assess an urban water supplier's compliance with conservation targets pursuant to Section 10608.24… The form shall accommodate reporting by urban water suppliers on an individual or regional basis as provided in subdivision (a) of Section 10608.28.

California Health and Safety Code 116275 (h)

"Public Water System" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

The City of Newman is a public water system (PWS#5010013) and is regulated by the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW). The SWCRB-DDW requires reporting on public water systems.

The City files electronic Annual Reports to the Drinking Water Program (eARDWP) to the Board, which include annual reports of water usage and other information. The information provided in this UWMP is consistent with the data reported in the eARDWP.

2.2.2. Agencies Serving Multiple Service Areas/Public Water Systems

The City of Newman serves only one PWS. Information about that PWS is shown below in Table 2-1.

Table 2-1 Retail Only: Public Water Systems (Standard Table 2-1)

Public Water System Number	Public Water System Name	Number of Municipal Connections 2015	Volume of Water Supplied in 2015 (MG)
CA5010013	City of Newman	3,321	618.453

2.3. Individual or Regional Planning and Compliance

Before developing this 2015 UWMP, the City considered becoming involved in regional planning processes. While regional reporting is an option in the future, the City of Newman has chosen Individual Reporting for the 2015 UWMP.

The City is a member of the Westside Integrated Regional Water Management Plan (IRWMP). As a member of IRWMP the City anticipates a much greater coordination with all water suppliers and users in the near future. In addition the City is participating with the Delta-Mendota Water Authority in the formation of a Sustainable Groundwater Management Agency.

The City has developed this 2015 UWMP covering only its agency service area and addressing all requirements of the Water Code. Table 2-2 shows that the City has developed an individual UWMP.

Table 2-2 Plan Identification (Standard Table 2-2)		
☒	Individual UWMP	
☐	Regional UWMP (RUWMP)	
	Select One:	
	☐	RUWMP includes a Regional Alliance
	☐	RUWMP does not include a Regional Alliance

2.4. Fiscal or Calendar Year and Units of Measure

CWC 1608.20

(a)(1) Urban retail water suppliers…may determine the targets on a fiscal year or calendar year basis.

2.4.1. Fiscal or Calendar Year

Water suppliers may report on either a fiscal or calendar year basis. DWR prefers that agencies report on a calendar year basis in order to ensure UWMP data is consistent with data submitted to other reports to the State.

The City of Newman is reporting on a calendar year basis. All data included in this 2015 UWMP is consistent with the calendar year basis.

2.4.2. Reporting Complete 2015 Data

2015 UWMPs are required to include the water use and planning data for the entire calendar year of 2015, if an agency is reporting on a calendar year basis. This 2015 UWMP contains information for the entire 2015 year.

2.4.3. Units of Measure

Water agencies use various units of measure when reporting water volumes, such as acre-feet (AF), million gallons (MG), or hundred cubic feet (CCF). Agencies may report volumes of water in any of these units, but must maintain consistency throughout the UWMP.

The City of Newman reports water volumes in million gallons (MG). For consistency, this 2015 UWMP also uses MG as the reporting units. Table 2-3 shows the type of agency, type of reporting year, and the units of measurement used throughout the 2015 UWMP.

Table 2-3 Agency Identification (Standard Table 2-3)	
Type of Agency	
☐	Agency is a wholesaler
☒	Agency is a retailer
Fiscal or Calendar Year	
☒	UWMP Tables Are in Calendar Years
☐	UWMP Tables Are in Fiscal Years
If Using Fiscal Years Provide Month and Day that the Fiscal Year Begins (dd/mm)	
NA	
Units of Measure Used in UWMP	
Unit	Million Gallons (MG)
NOTES:	

2.5. Coordination and Outreach

CWC 10631

(j) An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

2.5.1. Wholesale and Retail Coordination

When a water supplier relies upon a wholesale agency for a water supply, both suppliers are required to provide each other with information regarding projected water supply and demand. The projections should be consistent with each agency's supply and demand projections.

The City of Newman does not receive water from any wholesale agency. Standard Table 2-4 is included below indicating that the information requested does not apply to the City of Newman.

Table 2-4 Water Supplier Information Exchange (Standard Table 2-4)
The retail supplier has informed the following wholesale supplier(s) of projected water use in accordance with CWC 10631.
Wholesale Water Supplier Name *(Add additional rows as needed)*
Not Applicable
NOTES:

2.5.2. Coordination with Other Agencies and the Community

CWC 10620

(d)(2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.

CWC 10642

Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan...

In the preparation of this 2015 UWMP the City has coordinated with other appropriate agencies in the area, to the extent practicable. The following is a list of agencies and organizations that the City has contacted in the preparation of this 2015 UWMP:

- Central California Irrigation District
- Merced Irrigation District
- City of Gustine
- City of Patterson
- City of Turlock
- Stanislaus County
- Merced County

Copies of the letters sent to each of those agencies are included in Appendix C.

2.5.3. Notice to Cities and Counties

CWC 10621 (b)

Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days before the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.

Agencies must notify cities and counties within which they serve water that the UWMP is being updated and reviewed. Since all water supplied by the City of Newman is within city boundaries, no additional cities or counties were notified of the 2015 UWMP or invited to participate in the process.

CHAPTER 3 SYSTEM DESCRIPTION

3.1. General Description

CWC Section 10631 (a)

Describe the service area of the supplier…

The City of Newman is located in Stanislaus County, approximately 25 miles south of Modesto, 100 miles south of Sacramento and 100 miles southeast of San Francisco. Incorporation of the City occurred in 1908. The City is a public agency that provides water service to all residential, commercial, and industrial customers and for fire protection uses.

Newman has a generally flat topography and lies within the San Joaquin Valley, which is about 225 miles long and averages 50 miles wide. About 50 miles east of Newman, the terrain slopes upward with the foothills of the Sierra Nevada mountain range; 10 miles west of the City are the foothills of the Coastal Mountain Range.

According to the US Census, there were 7,093 people living in Newman in 2000, and 10,224 in 2010. Those population estimates represent a 50 percent increase from 2000, or approximately 5 percent per year. This increase in population is primarily a reflection of the regional growth pressures that are affecting the Central Valley as people living in more expensive regions look for affordable housing in the Valley.

The City adopted the Newman 2030 General Plan (General Plan) in April 2007. The General Plan assesses delineated land use areas referred to as the Sphere of Influence (SOI), which is larger than the proposed City limits. The SOI includes land over which the City does not have complete jurisdiction; however the City has the option to annex the land and develop it in the future. The City and their planners decided to divide the SOI into two areas, the Primary and Secondary SOI. The Primary SOI depicts areas that originally were anticipated to be developed within ten years after the adoption of the General Plan. The Secondary SOI includes lands that were anticipated to be developed through 2030. As a result of the recent slowdown in the economy and development throughout the Central Valley, it is now anticipated that full build-out of both the Primary and Secondary SOIs may take longer than predicted in the General Plan.

The SOI area encompasses approximately 5.9 square miles (3,750 acres). The SOI is recognized as the ultimate City growth boundary over the life of the City's current General Plan. This 2015 Urban Water Management Plan assumes that the SOI describes the future water system service area.

The land uses in the 2030 General Plan include residential (low density, medium density, high density, central, and planned mixed), Commercial (community, service, and downtown), business park, industrial (light and heavy), public and recreational. Residential is the predominant land use in Newman. About 74.4 percent of the total area within the City limits is designated as residential. The second largest land use is public land. Table 3-1 provides the land use acreages for the most current estimate (2008 Water

Master Plan), and the projected land use acreages at build-out of the City limits and build-out of the primary and secondary SOIs. Table 3-1 utilizes the land uses in the UWMP Guidelines.

Table 3-1 Land Uses

Land Use	Most Current Estimate	City Limits Build-out	Primary SOI Build-out	Secondary SOI Build-out
Single Family Residential	641.9	713.1	1,379.5	2,497.3
Multi-family Residential	26.8	32.4	32.4	32.4
Commercial	37.3	72.0	186.3	186.3
Institutional/Governmental	101.7	111.7	111.7	158.5
Industrial	68.4	109.0	132.0	790.0
Landscape	22.3	25.3	34.7	34.7
Total acreage	**898.4**	**1,063.4**	**1,876.5**	**3,699.1**

For purposes of this 2015 UWMP, the boundary of the secondary SOI is assumed to be adequate through 2040 due to the recent slowdown in development.

3.2. Service Area Maps

A Service Area Map is includes in Appendix D of this 2015 UWMP. The service area map contains the City Limits, the boundary of the primary and secondary SOI, the potable water service area boundary (same ad Public water system boundary), the location of the water supply wells, and the layout of the distribution system (with pipe sizes).

3.3. Service Area Climate

CWC Section 10631 (a)

Describe the service area of the supplier, including… climate…

The climate of Newman is dry and mild in winter and hot in the summer. Nearly nine-tenths of the annual precipitation falls during the period of November through April. Rainfall during the summer is rare and very light. Snow is also a rare occurrence. Newman enjoys a very high percentage of sunshine, receiving more than 80 percent of the possible amount during all but the four months of November, December, January, and February. Reduction of sunshine during these months is caused by fog and short periods of stormy weather.

Due to clear skies during the summer and the protection of the San Joaquin Valley from marine effects, the normal daily maximum temperature reaches the high 90s during the latter part of July. The daily maximum temperature during the warmest month has ranged from 76°F to 115°F. Relative humidity readings of 15 percent are common on summer afternoons, and readings as low as 8 percent have been recorded. In contrast to this, humidity readings average 90 percent during the morning hours of December and January.

Winter temperatures are usually mild with infrequent cold spells dropping the readings below freezing. Heavy frost occurs almost every year, and the first frost usually occurs during the last week of November. The last frost in spring is usually in early March; however, one year in five will have the last frost after the first of April.

Winds flow with the major axis of the San Joaquin Valley, generally from the northwest. This feature is especially beneficial since during the warmest months, the northwest winds increase during the evenings. These refreshing breezes and the normally large temperature variation of about 35 degrees between the highest and lowest readings generally result in comfortable evening and night temperatures.

Average monthly and annual climate data for Newman is presented below.

Table 3-2 Climate Data

Month	Avg. Precipitation (in)	Avg. Max Temp (°F)	Avg. Min Temp (°F)	Monthly ET_o (in)
January	2.36	55.9	36.2	1.55
February	2.00	62.6	39.5	2.24
March	1.60	69.0	42.1	3.72
April	0.77	76.0	45.1	5.10
May	0.33	84.4	49.9	6.82
June	0.06	92.0	55.3	7.80
July	0.01	97.3	59.3	8.68
August	0.02	95.1	58.0	7.75
September	0.19	90.5	54.9	5.70
October	0.48	80.7	48.8	4.03
November	1.10	67.2	40.3	2.10
December	1.78	56.5	35.7	1.55
Annual Total/Average	**10.69**	**77.3**	**47.1**	**57.0**

3.4. Service Area Population

CWC Section 10631 (a)

Describe the service area of the supplier, including current and projected population . . . The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

Newman has historically experienced steady population growth and future projections anticipate further growth. The persistent increase in population is primarily a reflection of the regional growth pressures that are affecting the Central Valley as people living in more expensive regions look for affordable housing in the Valley. Anticipating increased demand from population growth and new enterprise are important aspects of the City's UWMP. The City's UWMP anticipates the effects of increased demand on water resources arising from sustained population growth.

The 2010 U.S. Census Bureau population estimate for the City of Newman was 10,224, up from 7,093 at the 2000 US Census, and up from 4,151 at the 1990 Census. The average annual growth rate since 1990 has been approximately 4.6 percent.

The California Department of Finance (DOF) estimates the 2015 population of Newman to be 10,753. According to StanCOG's "2040 Regional Demographic Forecast," Newman's population is expected to grow at a 2.2 percent annual average growth rate through 2040. Table 3-3 (Standard Table 3-1) contains the projected population for the next twenty-five years, in 5-year increments, assuming a 2.2 percent annual average growth rate.

Table 3-3 Population - Current and Projected (Standard Table 3-1)

Population Served	2015	2020	2025	2030	2035	2040
	10,753	11,989	13,367	14,904	16,617	18,527

CHAPTER 4 SYSTEM WATER USE

4.1. Introduction

This chapter provides a description and quantifies the City's current water use and water use projections through the year 2035. The data provided in this section allows the City to accurately analyze the use of the water resources and conduct good resource planning. The future demand estimates allows the City to manage the water supply and appropriately plan their infrastructure investments. The terms "water use" and "water demand" will be used interchangeably.

4.2. Recycled versus Potable and Raw Water Demand

The City's water supply is exclusively groundwater. Recycled water is used at the City's WWTP reclamation areas to grow pasture. Tables 4-1, 4-3, and 4-4 contain the current and project raw water demands.

4.3. Water Use by Sector

CWC 10631(e)

(1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

(D) Industrial.

(E) Institutional and governmental.

(F) Landscape.

(G) Sales to other agencies.

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

This 2015 UWMP includes past, current, and projected water use in five-year increments. The City will determine the reliability of their projected water supply based upon that information. This 2015 UWMP also identifies the water use by sector. The City breaks down the metered water deliveries into single

family residential, multi-family residential, commercial, industrial and landscape irrigation. The institutional/governmental water use is included in the commercial category. Tables 4-1 and 4-2 contain the actual and projected water demands respectively.

Table 4-1 Retail: Demands for Potable and Raw Water – Actual (Standard Table 4-1)

Use Type	2015 Actual		
	Additional Description	Level of Treatment When Delivered	Volume (MG)
Single Family	3,089 Connections	Drinking Water	364
Multi-Family	67 Connections	Drinking Water	25
Commercial	123 Connections	Drinking Water	71
Industrial	22 Connections	Drinking Water	93
Landscape	42 acres of parks	Drinking Water	44
Losses	Un accounted Water	Drinking Water	22
		TOTAL	619

Table 4-2 lists the projected number of connections by user type. The number of connections where projected using a 2.2 percent growth rate consistent with the population growth.

Table 4-2 Projected Number of connections by user type

Use Type	2015	2020	2025	2030	2035	2040
Single Family	3,089	3,444	3,840	4,281	4,773	5,322
Multi-Family	67	75	84	94	105	117
Commercial	123	137	153	171	191	213
Industrial	22	25	28	31	35	39
Landscape	17	17	20	20	20	20
Total	3,301	3,681	4,105	4,577	5,104	5,691

Table 4-3 lists the projected water demands through years 2040. The projected water demands were obtained by multiplying the number of projected connections by the user's average annual consumption. Landscape areas (i.e. parks) assume 42 acres of parks currently existing and an ultimate area of 51 acres in 2030 as listed in the General Plan. Landscape water demands were calculated using 80 percent of the total park area and assuming a 4 acre-ft per acre per year.

Losses in the distribution system are hard to predict. On one hand losses will increase as the distribution system deteriorates over time and residential water fixtures age. However, the City is planning an Automated Meter Read project and is seeking financing to address leaks in the system. Therefore, the volume of unaccounted water (losses) is assumed to remain constant through year 2040.

Table 4-3 Retail: Demands for Potable and Raw Water - Projected (Standard Table 4-2)						
Use Type	Additional Description	Projected Water Use				
		2020	2025	2030	2035	2040
Single Family		406	452	504	562	627
Multi-Family		28	32	35	39	44
Commercial		79	88	98	110	122
Industrial		105	118	131	147	164
Landscape		44	44	53	53	53
Losses		22	22	22	22	22
	TOTAL	662	734	822	912	1,011
NOTES:						

Table 4-4 lists provides a summary of the City's potable water demand projections. Note that recycled water demands are

Table 4-4 Retail: Total Water Demands (Standard Table 4-3)						
	2015	2020	2025	2030	2035	2040
Potable and Raw Water *From Standard Tables 4-1 and 4-2*	619	662	734	822	912	1,011
Recycled Water Demand *From Standard Table 6-4*	403	449	501	558	622	694
TOTAL WATER DEMAND	1,021	1,111	1,234	1,380	1,535	1,705

4.4. Distribution System Losses

CWC 10631(e)(1) and (2)

Quantify, to the extent records are available, past and current water use over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:(J) Distribution system water loss

CWC 10631 (e)(3)

(A) For the 2015 urban water management plan update, the distribution system water loss shall be quantified for the most recent 12-month period available. For all subsequent updates, the distribution system water loss shall be quantified for each of the five years preceding the plan update.

(B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.

Water distribution system losses is a crucial part of water demand management. Distribution system loss is the volume of water that is produced and distributed but not sold or metered to customers. Leakage is usually the largest component of distribution loss. In addition to leakage, the following are other sources of water loss:

- Slow meters
- Theft
- Fire Protection
- Unmetered construction water used for flushing pipelines and dust control
- Unmetered water used for flushing dead ends within the system to maintain water quality
- Irrigation of parks and landscape districts which are not metered

Figure 4-1 shows a comparison of metered water vs produced water since 2005.

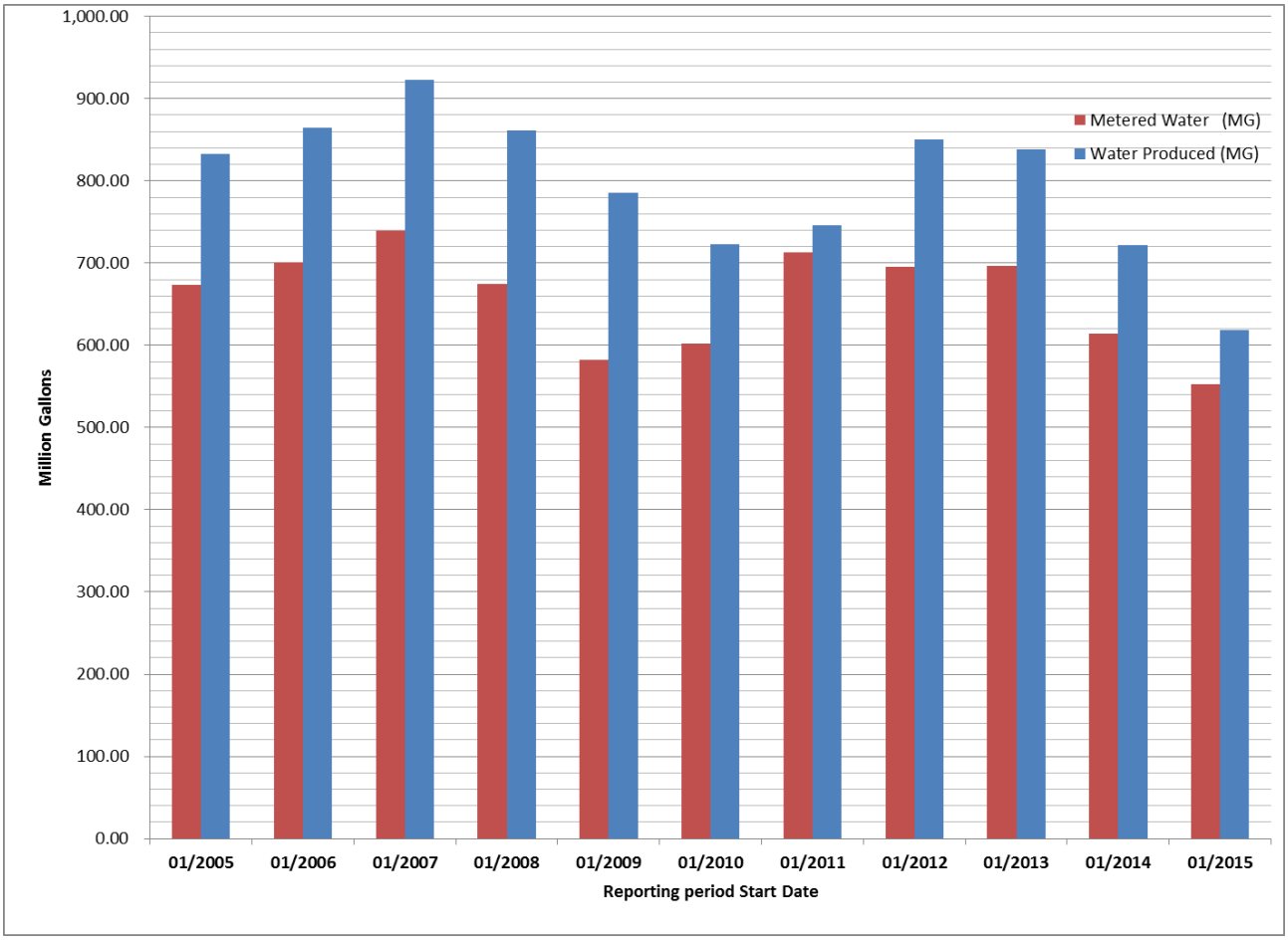


Figure 4-1 Water Production vs Metered Water

Table 4-5 contains the 12 month water loss audit reporting since 2005.

Table 4-5 12 Month Water Loss Audit Reporting (Standard Table 4-4)	
Reporting Period Start Date (mm/yyyy)	Volume of Water Loss (MG)
01/2005	159
01/2006	164
01/2007	183
01/2008	186
01/2009	203
01/2010	121
01/2011	34
01/2012	155
01/2013	150
01/2014	108
01/2015	66

The unaccounted for water averaged 17 percent of the total produced water since 2005. Most of the volume of unaccounted water goes to the irrigation of 17 City parks with varying sizes and landscape districts (i.e. green belts) surrounding new subdivisions. As shown in Table 4-1, the estimated volume of water applied to parks and landscape areas in 2015 was 44 MG. The City is installing water meters in all the remaining unmetered connections.

4.5. Future Water Savings

CWC 10631 (e)(4)

(A) If available and applicable to an urban water supplier, water use projections may display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following: (i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections. (ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

The water use projections are calculated using 2015 consumption data as the baseline. The 2015 consumption is considered include a lot of the water conservation measures that the City implemented due to the drought conditions. Additional water savings will be realized in the future by reducing leaks in

the system and replacing old water fixtures. However, those future water savings have not been included in water use projections. The City recently adopted a water conservation ordinance that amends the City's municipal code adding a section on water conservation. It is still unclear how much savings the new ordinance will deliver in future years.

4.6. Water Use for Lower Income Households

CWC 10631.1(a)

> *The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.*

California Health and Safety Code 50079.5 (a)

> *"Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families… In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually.*

Urban water suppliers are required to identify water demand required for lower income housing in its water use projections. Newman's share of regional housing needs originates with the California Department of Housing and Community Development (HCD). HCD first estimates a statewide need for housing, which is broken down into regions, each of which then has an assigned share of estimated housing needs. The Stanislaus County Council of Governments (StanCOG) is the local agency mandated by California Government Code §65554(a) to distribute the "Fair Share Allocation" of the regional housing need to each jurisdiction in Stanislaus County. The "Fair Share Allocation" of housing is a specific number of residential units, in different price ranges, assigned to each local jurisdiction including Newman. The City of Newman 2016 Housing Element estimates that approximately 39.3 percent of the total housing needs are for low income households. The needs allocation is further classified as low income, very low income and extremely low income. The extremely low income families require rental assistance and these units are assumed to be multi-family residential (MFR) units. The low income and very low income are assumed to be single-family residential (SFR) units. Based on the projected low income housing residential unit needs, Table 4-6 lists the projected number of housing units through 2040.

Table 4-6 Projected Number of additional low income housing units

Use Type	Income[1]	StanCOG Allocation	2015-20	2020-25	2025-30	2030-35	2035-40
Extremely Low Income	<30%	11.0%	39	44	49	54	60
Very Low Income	30%-50%	12.9%	46	51	57	63	71

Table 4-6 Projected Number of additional low income housing units							
Use Type	Income[1]	StanCOG Allocation	2015-20	2020-25	2025-30	2030-35	2035-40
Low Income	50%-80%	15.3%	54	61	67	75	84
Total		39.2%	139	156	173	192	215
[1]: As a percentage of the State's Median Household Income							

The estimated volume of water needed to meet the new lower income housing units are shown in Table 4-7.

Table 4-7 Projected Water Use needed for additional low income housing units					
Use Type	2015-20	2020-25	2025-30	2030-35	2035-40
Extremely Low Income	14.6	16.5	18.4	20.3	22.5
Very Low Income	5.4	6.0	6.7	7.4	8.4
Low Income	6.4	7.2	7.9	8.8	9.9
Total	26.4	29.7	33.0	36.5	40.8

The projected water demands for lower income housing are included in the projections of water demands shown in Tables 4-3 and 4-4. Demand for existing lower income housing is being met and is included in the volumes shown in Tables 4-3 and 4-4.

Table 4-8 Inclusion in Water Use Projections (Standard Table 4-5)	
Are Future Water Savings Included in Projections?	No
If "Yes" to above, state the section or page number, in the cell to the right, where citations of the codes, ordinances, etc… utilized in demand projections are found.	
Are Lower Income Residential Demands Included In Projections?	Yes

4.7. Climate Change

DWR Guidelines recommend that the 2015 UWMP include a discussion of potential climate change impacts on projected demand. The City of Newman is part of the Westside San Joaquin Integrated Regional Water Management Plan. Appendix E contains the Westside San Joaquin IRWM Climate Change Vulnerability Assessment.

There is mounting scientific evidence that global climate conditions are changing and will continue to change as a result of the continued build-up of greenhouse gases (GHGs) in the Earth's atmosphere. Changes in climate can affect municipal water supplies through modifications in the timing, amount, and form of precipitation, as well as water demands and the quality of surface runoff. These changes can affect all elements of water supply systems, from watersheds to reservoirs, conveyance systems, and treatment plants.

Indications of climate change have been observed over the last several decades throughout California. Statewide average temperatures have increased by about 1.7°F from 1895 to 2011, with the greatest

warming in the Sierra Nevada. Although the State's weather has followed the expected pattern of a largely Mediterranean climate throughout the past century, no consistent trend in the overall amount of precipitation has been detected, except that a larger proportion of total precipitation is falling as rain instead of snow.

The correlation between temperature and water demand is well documented and understood. The City's the largest percentage of the water demand is driven by outdoor irrigation. Higher temperatures will increase evapotranspiration rates and increase demands. Higher temperatures will also extend the duration of the outdoor landscaping growing season increasing the maximum day demands on the spring and fall seasons.

It is evident that climate change adds new uncertainties to the challenges of planning. Changes in weather could significantly affect water supply planning. Since climatic pressures could potentially affect supply reliability, continual attention to this issue will be necessary in the future.

CHAPTER 5 BASELINES AND TARGETS

5.1. Introduction

With the adoption of the Water Conservation Act of 2009, also known as the SB X7-7, (see Appendix B), the State is required to set a goal of reducing urban water use by 20 percent by the year 2020. Each retail urban water supplier must determine baseline water use during their baseline period and also target water use for the years 2015 and 2020 in order to help the State achieve the 20 percent reduction.

In the 2015 UWMP, water agencies must demonstrate compliance with their established water use target for the year 2015. This also demonstrates whether or not the agency is currently on track to achieve its 2020 target. Compliance is verified by DWR's review of the SB X7-7 Verification Form included in Appendix F of this 2015 UWMP.

5.2. Updating Calculations from 2010 UWMP

CWC 10608.20 (g)

An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).

Methodologies DWR 2010, Methodology 2 Service Area Population

Page 27 - Water suppliers may revise population estimates for baseline years between 2000 and 2010 when 2010 census information becomes available. DWR will examine discrepancy between the actual population estimate and DOF's projections for 2010; if significant discrepancies are discovered, DWR may require some or all suppliers to update their baseline population estimates.

This 2015 UWMP is the first document that contains calculations about water use targets and population estimates.

5.2.1. Target Method

CWC 10608.20 (b)

An urban retail water supplier shall adopt one of the following methods for determining its urban water use target pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) For indoor residential water use, 55 gallons per capita daily water use as a

provisional standard. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.

(B) For landscape irrigated through dedicated or residential meters or connections, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.

(C) For commercial, industrial, and institutional uses, a 10-percent reduction in water use from the baseline commercial, industrial, and institutional water use by 2020.

(3) Ninety-five percent of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.

(4) A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:

(A) Consider climatic differences within the state.

(B) Consider population density differences within the state.

(C) Provide flexibility to communities and regions in meeting the targets.

(D) Consider different levels of per capita water use according to plant water needs in different regions.

(E) Consider different levels of commercial, industrial, and institutional water use in different regions of the state.

(F) Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.

Target Method 1 has been selected by the City as the preferred compliance method to determine water use targets. Target Method 1 is calculated as a 20% reduction of the baseline daily water use.

5.2.2. SBX7-7 Verification Form

To satisfy the provisions of SB X7-7, the City must establish a per capita water use target for the year 2020 as well as an interim target. DWR has provided guidelines for determining these targets in its Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use and also in the 2015 UWMP Guidebook. The City's baseline water use is based on the City's historic water use and is determined by procedures identified in the following sections.

All retail agencies, whether updating their baselines and targets from 2010, or calculating these for the first time in 2015 UWMPs, are required to submit the standardized tables in the SB X7-7 Verification Form with their 2015 UWMPs. These standardized tables were not available in 2010 and are required to demonstrate compliance with the Water Conservation Act of 2009.

The tables in the SB X7-7 Verification Form are distinguished from the other standardized tables in this 2015 UWMP by their name, which will state "SB X7-7", followed by the table number.

5.3. Baseline Periods

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan due in 2010. . . the baseline daily per capita water use…along with the bases for determining those estimates, including references to supporting data.

(g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).

The City is responsible for determining both a 10 or 15-year baseline and a 5-year baseline in accordance with DWR's guidelines.

5.3.1. Determination of the 10-15 Year Baseline Period (Baseline)

CWC 10608.12

(b) "Base daily per capita water use" means any of the following:

(1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

The City did not meet at least 10% of its 2008 measured retail water demand through recycled water. Therefore, the baseline must be calculated over a 10-year period. This 2015 UWMP uses the period between January 1st, 2001 and December 31st, 2010 and the baseline period.

5.3.2. Determination of the 5 Year Baseline (Target Confirmation)

CWC 10608.12 (b)

(3) For the purposes of Section 10608.22, the urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010

The UWMPA requires urban water suppliers to calculate water use, in GPCD, for a 5-year baseline period. The 5-year baseline period is used to confirm that the selected 2020 target meets the minimum water use reduction requirements in accordance with CWC 10608.22. The selected 5-year Baseline Period for the 2015 UWMP is January 1st, 2006 through December 31st, 2010.

5.4. Service Area Population

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan…the baseline daily per capita water use, along with the bases for determining those estimates, including references to supporting data.

(f) When calculating per capita values for the purposes of this chapter, an urban retail water supplier shall determine population using federal, state, and local population reports and projections.

CWC 10644 (a)(2)

The plan… shall include any standardized forms, tables, or displays specified by the department.

To obtain an accurate estimate of the annual per capita consumption, the 2015 UWMP must estimate population of the area actually served. The population estimates must include each baseline year in both of the baseline periods and for the 2015 compliance year. The methods available for estimating the City's population are provided in Methodology 2 of the Methodologies document. The following is a description of the methodology used in this 2015 UWMP to estimate the City's population.

5.4.1. Population Methodology

Agencies whose service area boundaries correspond by 95 percent or more with the boundaries of a city during the baseline period and the compliance year 2015 will be able to obtain population estimates from tables prepared by the Department of Finance (DOF).

The City's service area boundaries correspond with the boundaries of the City during the baseline and compliance years. Department of Finance population tables have been used to estimate the service area population. The service area population for each of the baseline years is shown in Table 5-1.

Table 5-1 Service Area Population (SB X7-7

Year		Population
10 to 15 Year Baseline Population		
Year 1	2001	7,443
Year 2	2002	7,445
Year 3	2003	7,602
Year 4	2004	8,099
Year 5	2005	8,798
Year 6	2006	9,704
Year 7	2007	9,799
Year 8	2008	10,029
Year 9	2009	10,183
Year 10	2010	10,208
5 Year Baseline Population		
Year 1	2006	9,704
Year 2	2007	9,799
Year 3	2008	10,029
Year 4	2009	10,183
Year 5	2010	10,208
2015 Compliance Year Population		
2015		10,753

5.5. Gross Water Use

CWC 10608.12 (g)

"Gross Water Use" means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:

(1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier

(2) The net volume of water that the urban retail water supplier places into long term storage

(3) The volume of water the urban retail water supplier conveys for use by another urban water supplier

(4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.

California Code of Regulations Title 23 Division 2 Chapter 5.1 Article

Section 596 (a) An urban retail water supplier that has a substantial percentage of industrial water use in its service area is eligible to exclude the process water use of existing industrial water customers from the calculation of its gross water use to avoid a disproportionate burden on another customer sector

Gross water use is a measure of water that enters the City's distribution system over a 12-month period with certain allowable exclusions. These exclusions are:

- Recycled water delivered within the service area
- Indirect recycled water
- Water placed into long term storage
- Water conveyed to another urban supplier
- Water delivered for agricultural use
- Process water

Gross water use is accurately measured at the point that water enters the distribution system. Measuring at this point ensures that all the water, including losses and other non-revenue water (i.e., firefighting, line flushing, etc…) is accounted for. Gross water use is calculated for each baseline year and the 2015 Compliance Year. Gross Water Use is shown in Table 5-2.

Table 5-2 Annual Gross Water Use (SB X7-7 Table 4)

	Baseline Year	Volume into Distribution System (MG)	Deductions					Annual Gross Water Use
			Exported Water	Change in Dist. System Storage	Indirect Recycled Water	Water Delivered for Agricultural Use	Process Water -	
10 to 15 Year Baseline - Gross Water Use								
Year 1	2001	644	0	0	0	0	0	644
Year 2	2002	664	0	0	0	0	0	664
Year 3	2003	698	0	0	0	0	0	698
Year 4	2004	755	0	0	0	0	0	755
Year 5	2005	833	0	0	0	0	0	833
Year 6	2006	865	0	0	0	0	0	865
Year 7	2007	922	0	0	0	0	0	922
Year 8	2008	861	0	0	0	0	0	861
Year 9	2009	786	0	0	0	0	0	786
Year 10	2010	723	0	0	0	0	0	723
10 - year baseline average gross water use								**775**
5 Year Baseline - Gross Water Use								
Year 1	2006	865	0	0	0	0	0	865
Year 2	2007	922	0	0	0	0	0	922
Year 3	2008	861	0	0	0	0	0	861
Year 4	2009	786	0	0	0	0	0	786
Year 5	2010	723	0	0	0	0	0	723
5-year baseline average gross water use								**831**
2015 Compliance Year - Gross Water Use								
2015		619	0	0	0	0	0	619

5.6. Baseline Daily per Capita Water Use

The final step in baseline calculations is to determine the water used per person per day GPCD in each of the baseline years. This is done for each baseline year by dividing the gross water use by the service area population. Each baseline year is shown in Table 5-3.

Table 5-3 Gallons Per Capita Per Day GPCD (SB X7-7 Table 5)				
Baseline Year		**Service Area Population**	**Annual Gross Water Use (MG)**	**Daily Per Capita Water Use GPCD**
10 to 15 Year Baseline				
Year 1	2001	7,443	644	237
Year 2	2002	7,445	664	244
Year 3	2003	7,602	698	252
Year 4	2004	8,099	755	255
Year 5	2005	8,798	833	259
Year 6	2006	9,704	865	244
Year 7	2007	9,799	922	258
Year 8	2008	10,029	861	235
Year 9	2009	10,183	786	211
Year 10	2010	10,208	723	194
10 Year Average Baseline				**239**
5 Year Baseline				
Year 1	2006	9,704	865	244
Year 2	2007	9,799	922	258
Year 3	2008	10,029	861	235
Year 4	2009	10,183	786	211
Year 5	2010	10,208	723	194
5 Year Average Baseline				**229**
2015 Compliance Year				
2015		10,753	619	158

Table 5-4 provides a summary of the calculated baselines and 2015 consumption based on the data provides in Table 5-3.

Table 5-4 Summary of baselines and current consumption (SB X7-7 Table 6)	
10 Year Baseline GPCD	239
5 Year Baseline GPCD	229
2015 Compliance Year GPCD	158
NOTES:	

5.7. 2015 and 2020 Targets

CWC 10608.20(e)

An urban retail water supplier shall include in its urban water management plan due in 2010. . . urban water use target, interim urban water use target, along with the bases for determining those estimates, including references to supporting data (10608.20(e)).

CWC 10608.20

(g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan…

The UWMPA requires urban water suppliers to determine the 2020 Urban Water Use Target. Four target methods have been developed, and identify the specific steps water suppliers shall follow to establish these targets. These methods are as follows:

- Target Method 1: 80% of 10- to 15- Year Baseline
- Target Method 2: Performance Standards
- Target Method 3: 95% of Hydrologic Regional Target
- Target Method 4: Savings by Water Sector

Once the 2015 plan is submitted, the Target Method may not be changed in any amendments to the 2015 Plan or in the 2020 Plan.

5.7.1. Target Method

The City's 2015 UWMP will be utilizing Target Method 1. The 2020 Urban Water Use Target is calculated as 80 percent of the base daily per capita water use. This 20 percent reduction of the 10 Year Baseline was determined to be 119 GPCD as shown Table 5-4.

Table 5-5 Target Method 1 20% Reduction (SB X7-7 Table 7-A)

10 Year Baseline	2020 Target GPCD
239	191

5.7.2. Target Confirmation – Use of 5 Year Baseline

CWC 10608.22

Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (b) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.

The 2020 water use target must reduce the City's 2020 water use by a minimum of 5% from the 5-year baseline. Table 5-5 shows that the Confirmed 2020 water use target is below that minimum at 191 GPCD.

Table 5-6 Confirm Minimum Reduction for 2020 Target (SB X7-7 Table 7-F)

5 Year Baseline GPCD	Maximum 2020 Target*	Calculated 2020 Target	Confirmed 2020 Target
229	217	191	191

** Maximum 2020 Target is 95% of the 5 Year Baseline GPCD*

5.7.3. 2015 Interim Urban Water Use Target

The 2015 Interim Target is the value halfway between the 10-year Baseline and the Confirmed 2020 Target. The City's 2015 Interim Target of 215 GPCD is shown in Table 5-6 below.

Table 5-7 2015 Interim Target GPCD (SB X7-7

Confirmed 2020 Target	10 year Baseline GPCD	2015 Interim Target GPCD
191	239	215

NOTES:

5.7.4. Baselines and Targets Summary

A summary of baselines and targets is shown in Table 5-7 below.

Table 5-8 Baselines and Targets Summary (Standard Table 5-1)					
Baseline Period	Start Year	End Year	Average Baseline *	2015 Interim Target *	Confirmed 2020 Target*
10 year	2001	2010	239	215	191
5 Year	2006	2010	229		
*All values are in Gallons per Capita per Day GPCD					

5.8. 2015 Compliance Daily per Capita Water Use

CWC 10608.12 (e)

"Compliance daily per-capita water use" means the gross water use during the final year of the reporting period…

CWC 10608.24 (a)

Each urban retail water supplier shall meet its interim urban water use target by December 31, 2015.

CWC 10608.20(e)

An urban retail water supplier shall include in its urban water management plan due in 2010…compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.

Water suppliers must calculate their actual 2015 water use for the calendar year to determine whether or not they have met their per capita 2015 and asses their progress towards meeting their 2020 target water use.

5.8.1. Meeting the 2015 Target

In 2015 the City's daily per capita water use was determined to be 155 GPCD, which is less than the 2015 Interim Target of 215 GPCD and Confirmed 2020 Target of 191 GPCD. Therefore, the City has met their 2015 per capita water use and is already on track to meet the Confirmed 2020 Target. This confirmation can be seen in Table 5-7 in the following section.

5.8.2. Adjustments to Gross Water Use

CWC 10608.24 (d)

When determining compliance daily per capita water use, an urban retail water supplier may consider the following factors:

Differences in evapotranspiration and rainfall in the baseline period compared to the compliance reporting period.

Substantial changes to commercial or industrial water use resulting from increased business output and economic development that have occurred during the reporting period.

Substantial changes to institutional water use resulting from fire suppression services or other extraordinary events, or from new or expanded operations, that have occurred during the reporting period.

If the urban retail water supplier elects to adjust its estimate of compliance daily per capita water use due to one or more of the factors described in paragraph (1), it shall provide the basis for, and data supporting, the adjustment in the report required by Section 10608.40.

Methodology Document, Methodology 4

This section discusses adjustments to compliance-year because of changes in distribution area caused by mergers, annexation, and other scenarios that occur between the baseline and compliance years.

For this 2015 UWMP the City of Newman has achieved their targeted reduction. As shown in Table 5-6 in Section 5.7.4, the City is already in compliance with their 2020 Confirmed Target of 191 GPCD.

Table 5-9 2015 Compliance (Standard Table 5-2)

Actual 2015	2015 Interim Target	**Optional Adjustments to 2015**					2015 GPCD	Did Supplier Achieve Targeted Reduction for 2015? Y/N
		Extraordinary Events	Economic Adjustment	Weather Normalization	TOTAL Adjustments	Adjusted 2015		
155	215	0	0	0	0	155	155	Yes
**All values are in Gallons per Capita per Day GPCD*								

CHAPTER 6 SYSTEM SUPPLIES

6.1. Purchased Water

The City of Newman does not purchase water from any other urban water suppliers or other entities.

6.2. Groundwater

The City obtains its entire water supply from the underlying groundwater basin. There are three active domestic water supply wells and one standby well in service. The well capacities range from 1000 to 2,500 gallons per minute (gpm). With all of the wells operating the total capacity is 6,800 gpm, which exceeds the current maximum day demand.

The following is a description of each of the groundwater wells:

Well No. 1R (Active)

Well No. 1R was drilled in 1994, using the reverse rotary construction method, to a depth of 645 feet. Sixteen inch diameter well casing was completed at a depth of 635 feet and protrudes from the surface approximately 18 inches. The 16-inch diameter well casing is screened between 340 and 620 feet below the ground surface. Well No. 1R was constructed with a cement annular seal that extends to a depth of 50 feet and the well is gravel packed. The well is equipped with a 150-hp oil-lubricated, variable frequency drive deep well turbine pump with an actual capacity of approximately 1800 gpm. Well No. 1R is equipped with an emergency generator.

Well No. 5 (Standby)

Well No. 5 was drilled in 1969, using the rotary construction method, to a depth of 465 feet. Fourteen inch diameter well casing was completed at a depth of 450 feet and protrudes from the surface approximately 24 inches. The 16-inch diameter well casing is screened between 162 and 450 feet below the ground surface. Well No. 5 was constructed with a cement annular seal that extends to a depth of 50 feet and the well is gravel packed. The well is equipped with a 60-hp oil-lubricated, deep well turbine pump with an actual capacity of approximately 1000 gpm.

Well No. 6 (Active)

Well No. 6 was drilled in 1990, using the reverse rotary construction method, to a depth of 510 feet. Sixteen inch diameter well casing was completed at a depth of 500 feet and protrudes from the surface approximately 18 inches. The 16-inch .diameter well casing is screened between 350 and 500 feet below the ground surface. Well No. 06 was constructed with a cement annular seal that extends to a depth of 50 feet and the well is gravel packed. The well is equipped with a 100-hp water-lubricated, variable frequency drive deep well turbine pump with an actual capacity of approximately 1500 gpm. Well No. 6 is equipped with an emergency generator.

Well No. 8 (Active)

Well No. 8 was drilled in 2004, using the reverse rotary construction method, to a depth of 498 feet. Sixteen inch diameter well casing was completed at a depth of 485 feet and protrudes from the surface approximately 18 inches. The 16-inch diameter well casing is screened between 180 and 480 feet below the ground surface. Well No. 08 was constructed with a cement annular seal that extends to a depth of 100 feet and the well is gravel packed. The well is equipped with a 300-hp water-lubricated, variable frequency drive deep well turbine pump with an actual capacity of approximately 2500 gpm. Well No. 8 is equipped with an emergency generator.

Currently, Well No. 8 has a capacity of approximately 2,500 gpm and is the largest producing well. With Well No. 8 out of service, the system capacity would be reduced to 4,300 gpm (6.2 MGD). The City's MDD is based on 2012 data and is approximately 3,864 gpm. The PHD (calculated as 1.5 times the MDD) is 5,796 gpm. If Well No. 8 were out of service during the maximum day demand period, the PHD would exceed the total production and it is possible that the system would have difficulty keeping up with pressure if demands were not reduced.

The water supply meets the primary maximum contaminant levels associated with health and safety. Nitrate and chromium 6 are the primary concerns. Three of the current active wells have had samples with nitrate concentrations above 50 percent of the MCL at which point the SWRCB-DDW requires a water utility to monitor nitrate quarterly.

Chromium 6 is also present in all of the City's groundwater wells. Well No. 5 has chromium 6 concentration that are almost double of the MCL and it was placed in standby. The other three wells have chromium 6 concentrations that have either exceeded the MCL in the past or just below the MCL. Chromium 6 is currently the largest threat to the City's water supply.

Salt concentrations measured as electrical conductivity (EC) and total dissolved solids (TDS) are also high in the City's water supply. All the current active wells are above the SWRCB-DDW recommended concentration for both TDS and EC, and in at least one well (Well 1R), samples have regularly been above the upper contaminant level. Source water salinity is further increased through its domestic, commercial and industrial usage hence causing the problems at the wastewater treatment facility.

Salinity in water can only be reduced through desalination treatment such as reverse osmosis (RO) or electrodialysis reversal (EDR), both of which result in major capital and annual operational costs. Currently the City does not have any programs in place that will address the elevated salinity concentration of water pumped from its domestic wells.

6.2.1. Basin Description

CWC 10631 (b)

If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(2) A description of any groundwater basin or basins from which the urban water supplier

pumps groundwater.

Newman is located in the San Joaquin River Hydrologic Region (groundwater basin) and extracts its groundwater from the Delta-Mendota Subbasin. DWR Bulletin 118 – Update 2003, "California's Groundwater" contains a detailed description of the Delta-Mendota Subbasin and its characteristics and conditions. A copy of this description is included in Appendix G.

The San Joaquin River Groundwater Basin is not adjudicated. Therefore, there are no limitations placed on groundwater pumpage volumes but the groundwater must be beneficially used. While portions of the San Joaquin River Groundwater Basin has been in a state of overdraft for many years, Delta-Mendota Subbasin water levels have remained relatively stable and actually rose during the 1970 to 2000 period (DWR Bulletin 118). The California Water Plan Update – Bulletin 160-98 estimated the average overdraft in the San Joaquin River Groundwater Basin to be 239,000 AF in 1995. However, the Delta-Mendota Subbasin average water level increased by 2.2 feet from 1970 to 2000. The period from 1970 to 1985 showed a general increase, topping out at 7.5 feet above the 1970 water level. The 9-year period from 1985 to 1994 saw general declines in water levels, dropping back down to the 1970 groundwater level in 1994. Groundwater levels rose in 1995 to about 2.2 feet above the 1970 groundwater level. Water levels fluctuated around this value until 2000. Subbasin water levels have shown the ability to recover from periods of reduced rainfall and reduced surface water deliveries.

6.2.2. Groundwater Management

CWC 10631 (b)

If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

A copy of any groundwater management plan adopted by the urban water supplier… or any other specific authorization for groundwater management.

…For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.

The City relies 100% on local groundwater for its water supplies. The City monitors the levels, quantities, and quality of its portable supply wells and makes all of the information available to the Community, agencies, and stakeholders, including the State of California. The City is within a high priority groundwater basins that is not currently monitored under the California Statewide Groundwater Elevation Monitoring (CASGEM) program. Currently, there are no indications that an effort to monitor the Delta Mendota groundwater subbasin under CASGEM has been started. In the future, if and when an effort to monitor the subbasins under CASGEM is initiated, the City would modify existing monitoring efforts to comply with the updated CASGEM monitoring efforts.

The City of Newman has not prepared a Groundwater Management Plan. However, the City works closely with the other local water suppliers to monitor and manage groundwater in the area. Newman and the Central California Irrigation District ("CCID") jointly determined that, as of August 1992, the groundwater inflow into the Newman urban area could be increased from 2,500 AFA, as existed at the time, to at least 5,000 to 7,500 AFA with no adverse migration of poor quality groundwater into an expanded urban area. (Newman General Plan EIR, p[V-2] (October 20, 1992.)

6.2.3. Overdraft Conditions

CWC 10631(b)(2).

For basins that have not been adjudicated, (provide) information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

The 2003 update to the DWR Bulletin 118 identifies groundwater overdraft as the condition of a groundwater basin or subbasin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years, during which the water supply conditions approximate average conditions. Conditions of critical overdraft result from undesirable impacts which can include seawater intrusion, land subsidence, groundwater depletion, and/or chronic lowering of groundwater levels. All basins designated as high or medium priority and subject to critical conditions of overdraft are required to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020.

In Chapter 6 of Bulletin 118 the DWR's does not identify the Delta Mendota as critically overdrafted subbasins. However, on August 19, 2015, the DWR presented a draft list to the California Water Commission which identified the Delta Mendota subbasin as a critically overdrafted groundwater subbasin. This list of critically overdraft basins was made final in January 2016.

As the City grows, further reliance on groundwater for the primary water supply could result in an overdraft of the subbasin. Further evaluation of the aquifer should be made to confirm long-term yields.

6.2.4. Historical Pumping

CWC 10631 (b)

If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

3) (Provide a) detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and

analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

Table 6-1 below shows historic groundwater pumping over the last five years. It is apparent that the City's groundwater basins are a limited resource and are already subjected to overdraft. According to the City's Water Master Plan, it is a long-term goal to add surface water to its water supply.

Table 6-1 Groundwater Volume Pumped						
☐	Supplier does not pump groundwater. The supplier will not complete the table below.					
Groundwater Type	Location or Basin Name	2011	2012	2013	2014	2015
Alluvial Basin	Well 1R 1125 Fresno St.	1.3	8.9	0.8	0.3	0.6
Alluvial Basin	Well 5 876 N St.	84.2	177.0	104.2	95.4	88.5
Alluvial Basin	Well 6 1002 T St.	412.3	152.1	162.2	110.4	48.3
Alluvial Basin	Well 8 1051 Barrington Ave	248.3	512.5	571.0	515.6	481
	TOTAL	746	851	838	722	619

With the addition of a surface water supply, groundwater pumping can be reduced over time allowing for enhanced groundwater recharge and conjunctive use opportunities.

6.2.5. Groundwater Banking

The City does not have any plans to practice groundwater banking.

6.3. Surface Water

The City of Newman does not currently use self-supplied surface water as part it its water supply. The City's water master plan recommends to incorporate surface water to meet further water supply demands. However, the cost of such conversion makes the project unfeasible at this time.

6.4. Stormwater

The City of Newman has acquired and is proposing to develop 103 acres to implement the Low Impact Development (LID) by receiving, treating and storing urban water runoff such as nuisance water from park/open spaces, parking areas and landscaped areas. The City is planning to develop 78 acres for water treatment, implementing LID applications such as vegetated swales, constructed wetlands, and bio-retention basins. The remaining 25 acres are planned to be used for the storage of the treated water, which can be used to irrigate city land, maximize groundwater recharge and implement water conservation by reusing the treated water. The LID project consists of five components, including; reduce discharge of sediment/pollutants; improve the quality of urban water runoff; re-use treated water for irrigation; provide an attractive and highly utilized recreational park for bicyclists and pedestrians; and implement the public outreach/education programs for LID and Water Conservation. The LID Project will allow the City to achieve a long-term water quality improvement as well as reuse water more efficiently.

The key benefits of the proposed LID project are summarized as follows:

- Reducing discharge of sediment and pollutants in untreated stormwater runoff and irrigation tale water into the San Joaquin River System, in turn improving the quality of water discharged;
- Reducing the amount of stormwater discharged into the San Joaquin River System;
- Reducing selenium and salinity loading in Newman Wasteway and San Joaquin River;
- Improving quality of municipal drainage discharge water;
- Regulating discharge into the Newman Wasteway;
- Preserving open space and improving flood protection;
- Reusing treated water for irrigation of City property or sale to other users; and
- Providing recreational enhancements for bike, pedestrian and other recreational uses.

6.5. Wastewater and Recycled Water

6.5.1. Recycled Water Coordination

CWC 10633

The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.

Wide-scale systematic direct use of recycled water in the City is technically feasible yet economically unsupportable. The current WWTP is located near the northeast limit of the City and no recycled water distribution infrastructure exists between the City and the WWTP. To develop distribution piping from the WWTP to areas throughout the City is presently cost prohibitive. Additionally, there are no large-scale users that would benefit in proportion to the cost of installing separate distribution systems.

6.5.2. Wastewater Collection, Treatment, and Disposal

CWC 10633 (a)

(Describe) the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

CWC 10633 (b)

(Describe) the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

The City collects, treats, and recycles both municipal wastewater generated from a combination of residential, commercial, and industrial sources. Wastewater is collected throughout the City via a network of sanitary sewer collection pipelines. With the aid of 7 sewer lift stations, the influent is gravity fed to the wastewater treatment plant (WWTP) in the northeast part of the City.

Wastewater is collected and treated at the Wastewater Treatment and Disposal Facilities located on 800 acres of city land next to the San Joaquin River, one-mile northeast of town on Hills Ferry Road. The plant produces an undisinfected secondary effluent. The wastewater treatment plant has a permitted capacity of 1.69 MGD. Wastewater flows averaged 1.103 MGD during 2015.

The treatment process consists of a bar-screen, a Parshall flume/ultrasonic flow meter, two aerated lagoons in series and one oxidation pond. Aeration Lagoon #1 is 4 acres and it is equipped with diffused aeration. Air is supplied by nine 10hp blowers. Wastewater effluent from Aeration Lagoon No. 1 gravity flows into Aeration Lagoon #2. Aeration Lagoon No. 2 is 5 acres and is equipped with three 40hp and two 50hp floating surface aerators. Wastewater effluent from Aeration Lagoon No. 2 gravity flows into an oxidation pond. The oxidation Pond is 50 acre and is equipped with a recirculation system that pumps effluent flows back to Aeration Lagoon No. 2.

Effluent flow from the oxidation pond is pumped to irrigate the 60 acres of solid set sprinklers in the Terraces where pasture is grown for hay. Also from the oxidation pond effluent is transferred to storage reservoirs #1 and #2 totaling 73 acres. Treated wastewater is stored in the reservoirs during the non-irrigation season which generally is from November through April.

During the irrigation season, in addition to the 60 acres of Terraces where pasture is grown for hay, treated wastewater is reused for irrigation of City owned farmland. Currently nearly 200 acres is flood irrigated from the storage reservoirs. The City has purchased an additional 342 acres of adjacent farmland which is being developed for irrigation or being leased.

The total WWTP and effluent reclamation areas occupy a little over 800 acres with 600 acres of that being farmland for the reuse/reclamation component for both present and future use. The primary crop being grown is alfalfa. Alfalfa is grown for five years and then removed. When the alfalfa is removed, corn is grown as a summer crop and oats as a winter crop. Growing corn and oats is done for two years following the removal of alfalfa. After two years the reclamation areas are planted again with alfalfa. All tailwater runoff from the irrigation fields is recovered and reused making the WWTP a full reclamation facility with zero discharge.

Table 6-2 provides a total volume of wastewater collected within the service area in 2015.

Table 6-2 Wastewater Collected Within Service Area in 2015 (Standard Table 6-2)						
☐	There is no wastewater collection system. The supplier will not complete the table below.					
100%	Percentage of 2015 service area covered by wastewater collection system					
100%	Percentage of 2015 service area population covered by wastewater collection system					
Wastewater Collection			**Recipient of Collected Wastewater**			
Name of Wastewater Collection Agency	Wastewater Volume Metered or Estimated?	Volume of Wastewater Collected in 2015	Name of Wastewater Treatment Agency Receiving Collected Wastewater	Treatment Plant Name	Is WWTP Located Within UWMP Area?	Is WWTP Operation Contracted to a Third Party? *(optional)*
City of Newman	Metered	403	City of Newman	City of Newman	Yes	No
Total Wastewater Collected from Service Area in 2015:		403				

Table 6-3 Wastewater Treatment and Discharge Within Service Area in 2015 (Standard Table 6-3)

☐	No wastewater is treated or disposed of within the UWMP service area. The supplier will not complete the table below.									
Wastewater Treatment Plant Name	Discharge Location Name or Identifier	Discharge Location Description	Wastewater Discharge ID Number *(optional)*	Method of Disposal	Does This Plant Treat Wastewater Generated Outside the Service Area?	Treatment Level	2015 volumes			
							Wastewater Treated	Discharged Treated Wastewater	Recycled Within Service Area	Recycled Outside of Service Area
City of Newman	Reclamation Areas	Irrigation		Irrigation	No	Secondary Undisinfected	403	403	403	0
						Total	403	403	403	0

6.5.3. Recycled Water System

CWC 10633(c)

(Describe) the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

The City does not currently treat any wastewater to disinfected tertiary water standards to allow it to be used as a component of its water supply. Most of the effluent from the City's WWTP is reused through the irrigation of approximately 200 acres of pastureland. Future expansion of the WWTP currently includes planned expansion of the effluent reuse area to approximately 400 acres according. Projected volumes are based on an annual growth rate of 2.2% and assume that the City will develop the additional acreage as required for continued effluent disposal through reuse on pastureland. This reuse of effluent also reduces the demand on the other water supplies available to the area (primarily groundwater) and provides additional groundwater recharge through deep percolation of a portion of the applied effluent.

6.5.4. Recycled Water Beneficial Uses

CWC 10633(d)

(Describe and quantify) the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

CWC 10633(e)

(Describe) the projected use of recycled water within the supplier's service area at the end of 5, 10, 15 and 20 years…

Table 6-4 Current and Projected Recycled Water Direct Beneficial Uses Within Service Area (Standard Table 6-4)									
☐	Recycled water is not used and is not planned for use within the service area of the supplier. The supplier will not complete the table below.								
Name of Agency Producing (Treating) the Recycled Water:		City of Newman							
Name of Agency Operating the Recycled Water Distribution System:		City of Newman							
Supplemental Water Added in 2015		145.59							
Source of 2015 Supplemental Water		Irrigation Well							
Beneficial Use Type	General Description of 2015 Uses	Level of Treatment	2015	2020	2025	2030	2035	2040	
Agricultural irrigation	Irrigation	Secondary, Undisinfected	403	449	501	558	622	694	
Landscape irrigation (excludes golf courses)									
Golf course irrigation									
Commercial use									
Industrial use									
Geothermal and other energy production									
Seawater intrusion barrier									
Recreational impoundment									
Wetlands or wildlife habitat									
Groundwater recharge (IPR)									
Surface water augmentation (IPR)									
Direct potable reuse									
Other	-								

6.5.4.1. Planned Versus Actual Use of Recycled Water

CWC 10633(e)

(Describe) the projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

As described in Section 6.5.1., direct use of recycled water in the City is technically feasible yet economically unsupportable. The current WWTP is located near the northeast limit of the City and no recycled water distribution infrastructure exists between the City and the WWTP. To develop distribution piping from the WWTP to areas throughout the City is presently cost prohibitive. Additionally, there are no large-scale users that would benefit in proportion to the cost of installing separate distribution systems.

While the current method of reuse reduces the demand on the groundwater and provides basin recharge, there are more direct ways to obtain water supply benefit through recycling of wastewater. These options include treatment and exchange of recycled water whereby the City would receive good quality surface water and the recycled water would be used more regionally for a broad range of agricultural uses. If the use of surface water becomes financially feasible, the potential for exchange of recycled water for a surface water supply will be investigated.

Treatment for use in landscape and park irrigation within the community is also an option currently not economical since this reuse opportunity is limited and presently the WWTP is not capable of producing recycled water meeting the standards required for urban water uses and no recycled water distribution facilities have been constructed. Potential recycled water program alternatives are expected to be evaluated as part of the proposed WWTP expansion project. In addition, non-potable groundwater can be developed for irrigation use on these areas.

Another option within the City for the use of recycled water is increasing the recycling of industrial wastewater. The potential for increasing recycled industrial wastewater has not been studied, and no estimates of its potential water supply benefit are available. A comparison of past and present uses and their associated volumes are presented in Table 6-5.

Table 6-5 2010 UWMP Recycled Water Use Projection Compared to 2015 Actual (Standard Table 6-5)

☐	Recycled water was not used in 2010 nor projected for use in 2015. The supplier will not complete the table below.

Use Type	2010 Projection for 2015	2015 actual use
Agricultural irrigation	N/A	403
Landscape irrigation (excludes golf courses)		

Golf course irrigation			
Commercial use			
Industrial use			
Geothermal and other energy production			
Seawater intrusion barrier			
Recreational impoundment			
Wetlands or wildlife habitat			
Groundwater recharge (IPR)			
Surface water augmentation (IPR)			
Direct potable reuse			
Other	Required for this use		

6.5.5. Actions to Encourage and Optimize Future Recycled Water Use

CWC 10633(f)

(Describe the) actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre- feet of recycled water used per year.

CWC 10633(g)

(Provide a) plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

The City is not currently planning to change its recycled water use in the near term. Given the current usage of treated wastewater for agricultural purposes (which lessens pumping on the same subbasin from which the City extracts water to meet demands) there is no hydrological benefits to increasing such recycling use. The City will expand the reclamation areas as needed to be able to dispose of 100 percent of the treated effluent.

The City's Public Works Department will encourage industrial and commercial customers to implement recycled water use programs within their sites. The City will assist industrial and commercial customers in designing recycling projects conducive to City operations. As part of the educational efforts of the City, recycling and conservation issues are included in school and public education forums. There have been no studies on the potential volumes that may be recycled as a result of the City policies and education efforts. Actions to encourage recycled water use are summarized in Table 6-6.

Table 6-6 Methods to Expand Future Recycled Water Use (Standard Table 6-6)			
☐	Supplier does not plan to expand recycled water use in the future. Supplier will not complete the table below but will provide narrative explanation.		
	Provide page location of narrative in UWMP		
Name of Action	Description	Planned Implementation Year	Expected Increase in Recycled Water Use
Add more Reclamation Area		2020	291 by year 2040

6.6. Desalinated Water Opportunities

CWC 10631(i)

Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

Salinity measured as total dissolved solids (TDS), of the groundwater in many of the aquifer zones beneath and near the City exceeds the Secondary Upper Limit of the Domestic Water Quality Standards. The City's 2008 Master Plan for Water Distribution System (Water Master Plan) assumes that treated surface water will be a source of water in the future. The Water Master Plan recommends treated surface water be used as usable groundwater becomes scarce. This recommendation was made on the basis that the cost of procurement and treatment of surface water was more economical than desalination of groundwater and has less environmental consequences. However, there continue to be advancements in reverse osmosis (RO) membrane technology that continue to reduce the cost of RO treatment. Depending upon the success of procurement of a surface water supply, desalination of the groundwater may become an attractive alternative to meet future water needs provided disposal of the brine can be accomplished economically and without significant adverse environmental impact. Without marked changes in the Subbasin water supply and demand balance, the groundwater supply should be sufficient to meet the City needs through 2040.

The City lies inland and therefore desalination of ocean water is not practical.

6.7. Exchanges or Transfers

CWC 10631(d).

Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

The municipal water well system that supplies the City's water has historically been a consistent, reliable source of water and therefore the City has not had to exchange or transfer water to meet its demands. In the event that untreated groundwater can no longer provide a consistent potable water source, new

wells, well head treatment and a treated surface water supply will be used as needed to avoid a supply shortfall. The purchase and delivery of any surface water supplies to the City may first be used for groundwater recharge or for non-potable uses since the City presently does not have a surface water treatment plant (SWTP). It would not be practical to use surface water on a short-term or emergency basis. These water source options are being evaluated for their use in meeting future water demands, and the City is exploring the procurement of a surface water supply through various arrangements. However, at this time there are no plans for transferring or exchanging water.

6.8. Future Water Projects

CWC 10631(h)

> *…The urban water supplier shall include a detailed description of expected future projects and programs… that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.*

The City of Newman currently relies solely on groundwater for its water supply. The City's water master plan evaluates the feasibility of conjunctive use of groundwater and surface water. The high initial capital costs to add surface water make the project unfeasible at this time. The City intends to meet its projected water demands through the continued use of groundwater alone. In addition to the need for future distribution pipelines, the has identified the need for new wells to meet projected demands and two new 2.0 million gallon storage tanks with booster pumps to meet operational and fire storage requirements.

Significant water use reductions that have occurred the last two years and population growth and development activity in the City has slowed considerably over the last few years so the build out of facilities identified in the Water Master Plan will likely occur over a longer period of time. As of the date of adoption of this Plan, the City is preparing a Planning Application to the Drinking Water State Revolving Fund to construct a new well, a water storage tank and a booster pump station. Table 6-7 list the proposed water supply projects.

Table 6-7 Expected Future Water Supply Projects or Programs (Standard Table 6-7)						
☐	No expected future water supply projects or programs that provide a quantifiable increase to the agency's water supply. Supplier will not complete the table below.					
☐	Some or all of the supplier's future water supply projects or programs are not compatible with this table and are described in a narrative format.					
	Provide page location of narrative in the UWMP					
Name of Future Projects or Programs	Joint Project with other agencies?		Description (if needed)	Planned Implementation Year	Planned for Use in Year Type	Expected Increase in Water Supply to Agency
	Y/N	If, Yes provide Agency Name				
New Well, Water Storage and Booster Pump Station	No			2018	Average Year	893

6.9. Summary of Existing and Planned Sources

CWC 10631

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision 10631(a).

(4) (Provide a) detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

Water pumped form the City's underlying aquifer has historically been the only source of potable water supply. The well network has been expanded over the years with a total of eight wells having been drilled and placed into service, although not all of the wells have been in service simultaneously. Water supply for the City is supplied from three active wells, Wells 1R, 6, and 8, and one standby well, Well 5. The four wells have a design capacity of 9.8 MGD.

The existing distribution system consists of approximately 28 miles of asbestos-cement, steel and PVC mains. Pipeline diameters range from ¾ to 12 inches. The majority of pipe material is PVC. The City facilities also include a 100,000 gallon elevated bolted steel storage tank located within the Well 1R site at the Public Works Building. The tank is relatively small and stabilizes system pressure and provides some emergency storage, but is not large enough to provide significant storage during supply outages.

According to their Water Master Plan, the City may need to make major change in their future water supply by eventually converting from groundwater to surface water. However, conversion to surface

water will not occur for some time, and interim capacity will be necessary in the form of wells. The number of wells will vary depending on the size of the surface water treatment plant capacity and timing of the project, but the City estimates that these wells will need to produce a minimum of 1,700 gallons per minute (gpm).

The City lies within the Central California Irrigation District (CCID) boundaries. CCID has substantial water rights and access to surface water within the Delta Mendota Canal and the California Aqueduct, however, accessing water from the Aqueduct will require additional agreements involving the DWR. The City has approached CCID about the possibility of purchasing untreated surface water, which would then be treated at a City owned facility and used for municipal and industrial uses within the City. The high capital cost of adding surface water makes that project unfeasible at this time.

Table 6-8 Water Supplies — Actual (Standard Table 6-8)

Water Supply	Additional Detail on Water Supply	2015		
		Actual Volume	Water Quality	Total Right or Safe Yield
Groundwater	New Well	893	Drinking water	2,996
	Total	893		2,996

Table 6-9 Water Supplies — Projected (Standard Table 6-9)

Water Supply	Additional Detail on Water Supply	Projected Water Supply									
		2020		2025		2030		2035		2040	
		Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield
Groundwater		662	3,889	734	3,889	822	3,889	912	3,889	1,011	3,889
Total		662	3,889	734	3,889	822	3,889	912	3,889	1,011	3,889

6.10. Climate Change Impacts to Supply

The climatic conditions of the central San Joaquin Valley demand careful water management practices because of the typically low amount of rainfall and short rainy season and because of the high temperatures that frequently occur in the summer months. The average annual precipitation for the Newman area is 10.24 inches. The rainy season runs from November through April, but 80 percent of the rainfall occurs between the beginning of November and the end of March. Drought conditions are not uncommon and can last for multiple years. Summer water consumption varies directly with daily temperature maximums and the Newman region experiences on average over 100 days a year with maximum daily temperatures over 90 degrees.

The City overlies the Delta-Mendota groundwater subbasins within the San Joaquin Groundwater Basin. Much of the recharge on this basin occurs from the San Joaquin River and surface water in canals. Drought periods will reduce the availability of surface water and will limit the amount of recharge. The reduced recharge in combination with increased pumping will cause groundwater levels to decline. In addition to dropping groundwater levels, the Delta-Mendota Subbasin has high concentrations of total dissolved solids (TDS). Reduced streamflows in the River could allow for further migration of salinity in the groundwater basin. Additionally, climate change impacts may cause increased evapotranspiration and a longer growing season, further exacerbating groundwater overdraft and high salinity levels.

CHAPTER 7 WATER SUPPLY RELIABILITY ASSESSMENT

7.1. Introduction

The Urban Water Management Planning Act (UWMPA) requires that the Urban Water Management Plan (UWMP) address the reliability of the agency's water supplies. This includes supplies that are vulnerable to seasonal or climatic variations. The UWMPA also requires that the UWMP include information on the quality of water supplies and how this affects management strategies and supply reliability. In addition, an analysis must be included to address supply availability in a single dry year and in multiple dry years. The relevant sections of the UWMPA are presented below.

7.2. Constraints on Water Sources

CWC 10631(c)(2)

> *For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.*

CWC 10634

> *The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability*

There are a variety of factors that can impact water supply reliability. These factors include water quality, legal constraints, and climatic issues. A brief discussion on each of these factors is provided below.

7.2.1. Water Quality

The primary factor affecting the reliability of the City's supply is the limited quantity of groundwater meeting drinking water standards as opposed to a limit in the availability of groundwater. One of the City wells has chromium 6 concentrations exceeding the maximum contaminant level (MCL) of 10 micrograms per liter and has been placed on standby status. Also, many of the balance of City wells are near the chromium 6 MCL. This may require exploring for new well locations where the chromium levels are below the MCL. There are other groundwater constituents such as nitrates and salinity that have the potential to reduce the desirability and affordability of using groundwater. The progressive degradation of local underlying groundwater may force the City into exploring surface water supply alternatives and/or groundwater wells further away from the City.

7.2.2. Climatic Changes

The climatic conditions of the central San Joaquin Valley demand careful water management practices because of the typically low amount of rainfall and short rainy season and because of the high temperatures that frequently occur in the summer months. The average annual precipitation for the Newman area is 9.24 inches. The rainy season runs from November through April, but 80 percent of the rainfall occurs between the beginning of November and the end of March. Drought conditions are not uncommon and can last for multiple years. Summer water consumption varies directly with daily temperature maximums and the Newman region experiences on average over 100 days a year with maximum daily temperatures over 90 degrees.

The reliability and vulnerability of the City's water supply to seasonal or climactic changes can be easily qualified, but reliability and vulnerability are difficult to quantify. Because the City relies entirely on groundwater using multiple extraction wells, the intermittent overdraft will obviously be more severe during drought periods. To date, water levels in the Subbasin have shown the ability to recover from reduced rainfall (drought) and reduced surface water deliveries. As growth in the area continues and increased demands are placed on the groundwater resources of the area, a condition of sustained overdraft may be reached but this condition is not expected to occur for many years. Recharge, conservation, and seeking new primary and backup water sources, such as surface water, will all reduce vulnerability and increase reliability.

7.2.3. Legal Constraints

Legal factors, such as pumping limitations in adjudicated groundwater basins and surface water contracts, are capable of affecting the reliability of a water distribution system. As noted in Chapter 6, however, the Delta-Mendota Sub basin (the City's sole source of supply) is not an adjudicated groundwater basin. Therefore, adjudication-related legal limitations are unlikely to affect the amount of groundwater that the City can extract from this sub basin.

The Sustainable Groundwater Management Act, signed by the Governor in September 2014 provides for regulation of critically over-drafted groundwater basins by Groundwater Sustainability Agencies (GSA's) or by the State if a local GSA is not established. The City is planning to join the San Joaquin River Exchange Contractors Water Authority in their Groundwater Sustainability Agency (GSA). It is unclear what, if any, effect the regulations under this Act will have in the City's water supply. Such an impact is very likely to be a "regulatory shortage" more than a "water molecule shortage," but the effects would be the same.

Similarly, in response to the current multi-year drought the Governor by Executive Order caused California water suppliers to reduce water consumption by 25%. Further regulatory enforcement of this Executive Order may prove to be another example of a regulatory shortage that is legal in nature.

7.3. Reliability by Type of Year

CWC Section 10631

(c)(1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

(A) an average water year,

(B) a single dry water year,

(C) multiple dry water years.

Based on the resiliency of the groundwater basin and as long as potable groundwater can be extracted by the City wells, which are individual sources in certain respects, it is not anticipated that a single or multiple dry year period will reduce the availability of water supply to the City, as shown in Table 7-1. The reliability of water service is subject to proper operation and maintenance of the City's water distribution system and its ability to deliver the water. The City's water distribution system historically has provided a very reliable level of service. A looped distribution system with isolation valves limits and minimizes service disruption. The frequency of system outages is very small due to an ambitious maintenance and replacement program. City Improvement Standards are in place and meet or exceed American Water Works Standards.

As the system is expanded the Water Master Plan is followed. As a result, system reliability does not diminish as it is expanded into new service areas. Funds to maintain and expand the system to meet the continued growth in water demand are collected through water rates and development fees.

Table 7-1 Basis of Water Year Data (Standard Table 7-1)

Year Type	Base Year	Available Supplies if Year Type Repeats	
		Volume Available	% of Average Supply
Average Year	2015		100%
Single-Dry Year	2015		100%
Multiple-Dry Years 1st Year	2015		100%
Multiple-Dry Years 2nd Year	2015		100%
Multiple-Dry Years 3rd Year	2015		100%

7.4. Supply and Demand Assessment

CWC 10635 (a)

Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next

20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional or local agency population projections within the service area of the urban water supplier.

7.4.1. Normal Year

The reliability of the City's water supply and lack of vulnerability to seasonal or climatic shortage is discussed in Chapter 6. As previously stated, based on the resiliency of the groundwater basin and as long as potable groundwater can be extracted by the City wells, which are individual sources in certain respects, it is not anticipated that a single or multiple dry year period will reduce the availability of water supply to the City.

Groundwater has and will continue to provide drought protection for the City. However, the City has engaged in extensive emergency planning in preparation for potential service interruptions and a Water Shortage Contingency Plan is presented in Chapter 8.

Comparisons of projected supply and demand for normal year through 2040, in five-year increments are presented in Table 7-2.

Table 7-2 Normal Year Supply and Demand Comparison (Standard Table 7-2)

	2020	2025	2030	2035	2040
Supply totals	1,111	1,234	1,380	1,535	1,705
Demand totals	1,111	1,234	1,380	1,535	1,705
Difference	0	0	0	0	0

7.4.2. Single Dry Year

Dry year effects are simulated through a methodology which assumes that dry year demand will decrease by approximately 10 percent below normal year demands as a consequence of mandatory water use restrictions. Projected supplies were compared to the decreased demands for dry years and are presented in Table 7-3.

Table 7-3 Single Dry Year Supply and Demand Comparison (Standard Table 7-3)

	2020	2025	2030	2035	2040
Supply totals	1,000	1,111	1,242	1,381	1,534
Demand totals	1,000	1,111	1,242	1,381	1,534
Difference	0	0	0	0	0

7.4.3. Multiple Dry year

Table 7-4 shows water supply and demands during multiple dry year events over the planning period. The City assumes, conservatively, that surface water supplies from the TID will be reduced by 25%

during the second and third dry years. To offset reduced surface water supplies and to meet water demands during this period, the City will increase groundwater production. It is anticipated that groundwater levels will increase significantly in the years 2020-2035 as surface water is added to the City's water supply portfolio and groundwater pumping is reduced. Using its water supplies conjunctively, this "banked" groundwater could be used to offset the reduction in surface water supply.

Table 7-4 Multiple Dry Years Supply and Demand Comparison (Standard Table 7-4)

		2020	2025	2030	2035	2040
First year	Supply totals	1,000	1,111	1,242	1,381	1,534
	Demand totals	1,000	1,111	1,242	1,381	1,534
	Difference	0	0	0	0	0
Second year	Supply totals	889	988	1,104	1,228	1,364
	Demand totals	889	988	1,104	1,228	1,364
	Difference	0	0	0	0	0
Third year	Supply totals	778	864	966	1,074	1,193
	Demand totals	778	864	966	1,074	1,193
	Difference	0	0	0	0	0

As shown in Tables 7-2, 7-3, and 7-4, anticipated supplies groundwater are sufficient to meet all demands through year 2040 even under drought conditions. It is important to consider that the Subbasin has historically been in a state of overdraft. The data in Tables 7-2, 7-3 and Table 7-4 assume that the supply is equal to demand only because there is currently a sufficient volume of water within the subbasin to meet the projected demand. In order to continue to utilize groundwater, it is essential that the City continue its current efforts towards conservation, groundwater recharge, and groundwater management. Reducing per capita water use, groundwater recharge with Central California Irrigation District, water metering, and recycled water are all important components of ensuring future usage of the Delta-Mendota Subbasin. Groundwater banking for drought years is also recommended, so that years with low surface runoff do not further harm the subbasin. The City will need to continually develop additional water management strategies to meet projected demand on a long term basis.

7.5. Regional Supply Reliability

CWC 10620 (f)

An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

The City recognizes the importance of maintaining a high quality, reliable water supply. Although water is a renewable resource, there is a limit on the amount of water that can be sustainably drawn from a

given supply source (e.g., groundwater basins, surface water sources). But because of the City's location in the Central Valley and proximity to other available supply sources, the use of groundwater as a primary water supply source is expected to continue through 2040.

Determining the supply reliability for the City is difficult because of the complex factors that accompany groundwater use in general. The City's wells currently draw water from a non-adjudicated groundwater basin (Delta-Mendota Subbasin) with no limits on pumping and that has been labeled as being in a critical state of overdraft. Therefore, reliability of the groundwater supply will depend on the long-term balance between groundwater extraction and recharge for the Subbasin as a whole.

To minimize its contribution to groundwater depletion, sustainable use of groundwater supply sources is the primary focus of the City's urban water management activities extending into the future. Consequently, a main focus for the City is to maximize the efficient use of water and to promote conservation. This will be accomplished through the implementation of demand management measures (DMMs) that have not been implemented by the City, continued implementation of DMMs that have currently been implemented by the City, and other conservation activities.

Additionally, the City has actively pursued supplemental programs. The programs include:

- Groundwater. The City of Newman has acquired and is proposing to develop 103 acres to implement the Low Impact Development (LID) by receiving, treating and storing urban water runoff such as nuisance water from park/open spaces, parking areas and landscaped areas. The City will develop 78 acres for water treatment, implementing LID applications such as vegetated swales, constructed wetlands, and bioretention basins. The remaining 25 acres will be used for the storage of the treated water, which can be used to irrigate city land, maximize groundwater recharge and implement water conservation by reusing the treated water. The LID project consists of five components, including; reduce discharge of sediment/pollutants; improve the quality of urban water runoff; re-use treated water for irrigation; provide an attractive and highly utilized recreational park for bicyclists and pedestrians; and implement the public outreach/education programs for LID and Water Conservation. The LID Project will allow the City to achieve a long-term water quality improvement as well as reuse water more efficiently. This project is expected to generate approximately 973 ac-ft of water per year.
- Recycled Water. A portion of the City's treated wastewater is applied to farmland. This recycled water stream does not offset municipal use because the City does not have any agricultural customers, but it does offset additional groundwater use by some of the farmers that receive the effluent, who would otherwise use groundwater to irrigate their fields.

CHAPTER 8 WATER SHORTAGE CONTINGENCY PLANNING

8.1. Introduction

CWC 10632

The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier.

(a) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.

(b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.

(c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

(d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.

(e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

(f) Penalties or charges for excessive use, where applicable.

(g) An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

(h) A draft water shortage contingency resolution or ordinance.

(i) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

Water shortage contingency planning is a strategic planning process to prepare for and respond to water shortages. Good planning and preparation can help the City maintain reliable supplies and reduce the impacts of supply interruptions.

This chapter provides a description of the water shortage contingency planning efforts at the City. Guidance is included for reporting the staged response to a water shortage, such as a drought, that occurs over a period of time, as well catastrophic supply interruptions which occur suddenly.

A water shortage contingency plan (WSCP) is a document that can be created separately from the UWMP and amended as needed without amending the corresponding UWMP. However, the most current version of the WSCP must be included as part of the UWMP when the UWMP is submitted to DWR.

8.2. Stages of Action

CWC 10632 (a)

(1) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.

The number of stages of action in a WSCP is at the discretion of the water supplier. Typically, water agencies will include between three and five stages of action in a WSCP. The stages reflect decreasing water supplies with increasing levels of prohibitions and consumption reduction methods. Agencies must include a stage that addresses a reduction of 50 percent in the water supply.

Water agencies relying solely on groundwater, such as the City, are much less likely to experience water shortages than those agencies relying primarily on surface water. However, this reliability is not guaranteed and water supply shortages or interruptions can occur due to extended periods of drought or unexpected well failures, regional power outages, earthquakes, etc.

The City adopted in 2015 Ordinance No. 2015-2 amending Title 11 public ways and property, adding Chapter 11.05 water conservation and education and rescinding Section 11.05.230 irrigation of lawns and landscaping of the Newman City Code. The ordinance implements mandatory prohibitions related to water conservation. The City adopted this ordinance in response to the water supply conditions associated with the most recent drought and to comply with State Emergency Water Conservation Regulations.

Section 11.5A.100 of the amended City Code describes the following five conservation stages:

I. <u>Stage 1 – Mandatory Water Conservation</u>

   Stage 1 calls for a low level of informational outreach and enforcement of the permanent water use ordinances. Customers of the City of Newman are hereby directed to limit the amount of water used on a year round basis. Due to the characteristics of the current City of Newman water system, additional water conservation is needed between March 1st and October 31st each year as established by Section 11.05A.040.

II. <u>Stage 2 – Mandatory Water Conservation: Warning</u>

Upon implementation of this chapter by the City Manager pursuant to Section 11 .5A.080 of this Code, and publication of notice that Stage 2 Mandatory Conservation Compliance Measures are in effect, the following mandatory conservation compliance measures shall apply:

1. Outdoor landscape watering. Outdoor landscape watering shall be limited to three times per week on an odd-even basis in accordance with Section 11.5A.100 B(2). If the address ends in an even number, the water days shall be Tuesday, Thursday and Saturday. If the address ends in an odd number, the watering days will be Wednesday, Friday and Sunday.
2. Outdoor watering is prohibited between the hours of 1 p.m. and 6 p.m.
3. Large commercial landscapes and City parks shall have individual watering schedules approved by the Public Works Department.
4. Residential vehicle washing. Residents shall be allowed to wash their vehicles as established by Section 11 .05A.050 D.

III. Stage 3 – Mandatory Water Conservation: Warning

Upon implementation of this Chapter by the City Manager pursuant to Section 11.5A.080 of this Code, and publication of notice that Stage 3 Mandatory Conservation Compliance Measures are in effect, the following Mandatory Water Conservation Compliance Measures shall apply:

1. Outdoor Landscaping Watering. Outdoor landscape watering shall be limited to two times per week in accordance with Section 11.5A.100 B(2). If the address ends in an even number, the watering days shall be Tuesday and Saturday. If the address ends in an odd number, the watering days shall be Wednesday and Sunday.
2. Large commercial landscapes and City parks shall also be limited to two days per week, as scheduled by the Public Works Department.
3. Residential vehicle washing. Residents shall be allowed to wash their vehicles as established by Section 11.05A.050 D.
4. Further use of decorative fountains or reflection ponds shall be disconnected until further notice.

IV. Stage 4 – Mandatory Water Conservation: Warning

Upon implementation of this Chapter by the City Manager pursuant to Section 11.5A.080 and publication of notice that Stage 4 Mandatory Conservation Compliance Measures are in effect, the following mandatory conservation compliance measures shall apply:

1. Outdoor landscape watering shall be limited to one day per week. If the address ends in an even number, the watering day shall be Saturday. If the address ends in an odd number, the watering day shall be Sunday. Watering hours shall be in accordance with Section 11.05A.100 B(2). No outdoor landscaping watering Monday through Friday.
2. Large commercial landscaping and City parks shall be limited to one (1) day per week, as scheduled by the Public Works Department.

3. Filling newly constructed or drained swimming pools with City water shall be prohibited.
4. Construction water from City fire hydrants shall be banned but treated effluent water from the wastewater treatment plant may be made available for construction water purposes.
5. Further use of decorative fountains or reflection ponds shall be discontinued until further notice.
6. Washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment not occurring upon the immediate premises of commercial car washes and commercial service stations and not in immediate interest of the public health, safety, and welfare shall be prohibited.

V. Stage 5 – Mandatory Water Conservation: Warning

Upon implementation of this Chapter by the City Manager pursuant to Section 11.5A.080 of this Code, and publication of notice that Stage 5 Mandatory Conservation Compliance Measures are in effect, the following mandatory conservation compliance measures shall apply:

1. Outdoor landscape watering shall be prohibited. This includes multi-purpose commercial landscapes and City parks and median strips.
2. Industry and commercial businesses shall be required to curtail consumption in order to maintain adequate supplies of water for health and safety.
3. If there is total well failure, disaster relief from outside the City of Newman shall be required.

Table 8-1 summarizes the Stages of the City's current Water Conservation Plan and the Water supply condition that would determine when a particulate stage must be implemented.

Table 8-1 Stages of Water Shortage Contingency Plan (Standard Table 8-1)

Stage	Complete Both	
	Percent Supply Reduction[1]	Water Supply Condition
1	0	❖ Average (or above average) Precipitation for the last 12-24 months ❖ Total production capacity in operation at 100 percent ❖ Adequate pressures in the system during PHF periods
2	10	❖ Below Average Precipitation for the last 12-24 months ❖ Total production capacity loss of 0-10 percent
3	20	❖ Below Average Precipitation for the last 24-36 months ❖ Total production capacity loss of 10-20 percent
4	30	❖ Below Average Precipitation for the last 36-48 months ❖ Total production capacity loss of 20-30 percent ❖ Low pressure in the Distribution System during PHF periods
5	50	❖ Below Average Precipitation for the last 48-60 months

		❖ Total production capacity loss greater than 30 percent ❖ Low pressure in the Distribution System during PHF periods
[1] One stage in the Water Shortage Contingency Plan must address a water shortage of 50%.		

Each stage includes a water supply reduction, expressed as a percentage of normal water supply. The rationing plan includes voluntary and mandatory conservation measures that are dependent on the cause, severity and anticipated duration of the water supply shortage. A combination of voluntary and mandatory water conservation measures would be used to reduce water usage in the event of water shortages.

8.3. Prohibitions on End Uses

CWC 10632 (a)

(4) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.

(5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

Chapter 11.5A of the City's Municipal Code contains provisions with regards to water conservation including prohibition on end uses during the various stages of water conservation. Table 8-2 lists the restriction on end uses at the various stages of water conservation.

Table 8-2 Restrictions and Prohibitions on End Uses (Standard Table 8-2)

Stage	Restrictions and Prohibitions on End Users	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
1	Landscape - Limit landscape irrigation to specific times	Prohibited from 1 pm to 6 pm	Yes
2	Landscape - Limit landscape irrigation to specific days	Allowed 3 days a week	Yes
2	Landscape - Limit landscape irrigation to specific times	Prohibited from 1 pm to 6 pm	Yes
2	Other - Require automatic shut of hoses	When washing cars	Yes
3	Landscape - Limit landscape irrigation to specific days	Allowed 2 days a week	Yes
3	Water Features - Restrict water use for decorative water features, such as fountains	Prohibited	Yes
4	Landscape - Limit landscape irrigation to specific days	Allowed once per week	Yes

4	Other water feature or swimming pool restriction	No swimming pool filling	Yes
4	Other - Prohibit use of potable water for construction and dust control	Use recycled water	Yes
4	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water		Yes
5	Landscape - Prohibit all landscape irrigation		Yes
5	CII - Other CII restriction or prohibition	curtail consumption as required	Yes

8.3.1. Landscape Irrigation

Section 11.5A.040 of the City's Municipal Code requires all users of water within the City limits of the City of Newman to be subject to the following regulation:

A. *From March 1st to October 31st all outside watering, including lawns and landscaping, shall be prohibited between the hours of 1:00 p.m. and 6:00 p.m. It shall be unlawful for any person, firm or corporation to conduct outside watering during said times, unless approval, for good cause, as been granted by the Public Works Director.*

However, Section 11.5A.050 allows newly planted lawns to be watered daily until the second mowing has been completed upon notification of the Public Works Department.

8.3.2. Commercial, Industrial, Institutional (CII)

Section 11.5A.130 of the City's Municipal Code requires all users to comply with water use restrictions as determined by the State of water conservation. Commercial and Industrial users are subject to outdoor landscaping watering restrictions starting in Stage 2 of the water conservation Plan. Commercial and Industrial water restrictions (other than landscaping use) are imposed in Stage 5 of the water conservation plan.

8.3.3. Water Features and Swimming Pools

The use decorative fountains or reflection ponds is prohibited in Newman starting with Stage 4 of the Water Conservation Plan. Filling newly constructed or drained swimming pools with City water is prohibited at Stage 5 of the Water Conservation Plan.

8.3.4. Defining Water Features

CWC 10632 (b)

Commencing with the urban water management plan update due July 1, 2016, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the 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.

Health and Safety Code Section 115921

As used in this article the following terms have the following meanings:

(a) "Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools.

The City's Municipal Code prohibits the use of any decorative water feature unless they use recirculating water. The City also restricts filling newly constructed or drained pools during the highest water conservation stage.

8.3.5. Other

The following prohibitions are contained in Section 11.5A.050 of the City's Municipal Code:

- The washing down or hosing of recreational vehicles, sidewalks, gutters, outside structures, or other exterior surfaces without prior written consent of the City Manager or his designee. Sweeping or brushing is required unless prior approval for water use is obtained.
- The use of "slip-n-slides" and other recreational activities requiring a constant flow of water are prohibited.
- The washing of vehicles at a residence without a quick-acting automatic positive shut-off valve in proper operating condition limited to one (1) such washing per week per vehicle during designated watering days and times.

8.4. Penalties, Charges, Other Enforcement of Prohibitions

CWC 10632 (a)

(6) Penalties or charges for excessive use, where applicable.

Section 11.5A.150 of the City's Ordinance establishes the following penalties for water violations:

1. A penalty fee in the sum of Twenty-five ($25.00) Dollars shall be assessed to the utility customer's account for a first violation within one (1) year after being served with a Notice of Acts Constituting Water Wasting, pursuant to Section 11.5A.140.
2. A penalty fee in the sum of fifty ($50.00) Dollars shall be assessed to the utility customer's account for a second violation within said one (1) year after being served with a Notice of Acts Constituting Water Wasting, pursuant to Section 11.5A.140.
3. A penalty fee in the sum of One Hundred ($100.00) Dollars shall be assessed to the utility customer's account for a third violation within said one (1) year after being served with a Notice of Intention to Impose a Penalty Fee for Water Wasting, pursuant to Section 11.5A.140.
4. The City may, at its option, discontinue the service after the third violation after giving the customer written notice.

8.5. Consumption Reduction Methods

8.5.1. Categories of Consumption Reduction Methods

Table 8-3 provides a summary of the consumption reduction methods that will be used by the City of Newman. The consumption reduction methods in Table 8-3 come from the 2015 UWMP Guidebook for Urban Water Suppliers.

Table 8-3 Stages of Water Shortage Contingency Plan - Consumption Reduction Methods (Standard Table 8-3)

Stage	Consumption Reduction Methods by Water Supplier	Additional Explanation or Reference
1	Expand Public Information Campaign	
2	Increase Water Waste Patrols	
3	Expand Public Information Campaign	
3	Increase Water Waste Patrols	
3	Reduce System Water Loss	
4	Expand Public Information Campaign	
4	Increase Water Waste Patrols	
4	Reduce System Water Loss	
4	Decrease Line Flushing	
5	Expand Public Information Campaign	
5	Increase Water Waste Patrols	
5	Reduce System Water Loss	
5	Decrease Line Flushing	
5	Implement or Modify Drought Rate Structure or Surcharge	

Examples of specific actions that could fall into each category are discussed next. Where deemed helpful, comments regarding the City's specific implementations are also inserted into the suggested language from the State's publication.

- Expand Public Information Campaign- Begin or enlarge media campaign. Create bill insert with conservation information. Write articles for local newspaper. Conduct water efficiency workshops for different customer sectors.
- Improve Customer Billing- Increase billing frequency. Change format to report consumption in gallons per capita per day. Add information to the bill comparing the customer's use to similar customers.
- Offer Water Use Surveys- Actively reach out to high water users to offer water use surveys. Expand water use survey program to include new sectors.

- Provide Rebates or Giveaways of Plumbing Fixtures and devices- Implement new (toilet, clothes washer, etc....) rebate programs. Implement new (shower head, aerator, etc....) giveaway programs. The City will investigate funding sources and implementation of such programs over its next five year water management planning cycle.
- Provide Rebates for Landscape Irrigation Efficiency - Implement a new landscape efficiency rebate program that provides rebates for landscape conversion, irrigation controllers, sprinkler heads, etc.... Funding for programs of this type has not been available. The City will investigate funding sources and implementation of such programs over its next five year water management planning cycle.
- Decrease Line Flushing - Decrease the length of time for each line flushing. Decrease the frequency of line flushing.
- Reduce System Water Loss- Implement a water audit program and expand the leak repair program to control system losses.
- Increase Water Waste Patrols - Implement a Water Waste Patrol program. Increase staffing for Water Waste Patrol. Increase authority of Water Waste Patrol.
- Implement or Modify Drought Rate Structure or Surcharge -Implement a drought rate structure or modify a drought rate structure with a drought surcharge on all customers.

8.5.2. Rate Structures

"Drought surcharges" are surcharges that are implemented in times of water shortage. A drought surcharge is different from a conservation rate structure, which is in place at all times. Agencies may choose to embed a drought rate structure within their conservation rate structure. The City does not currently have a drought surcharge rate ordinance. Provisions to recover costs directly caused by the drought that were not built into the base City rates. The City intends to cover the costs for any drought related expenses and the shortage in revenues from operational reserves. If the duration of a drought period is such that reserves are exhausted the City may elect to implement a drought surcharge at that time.

It is an important water conservation strategy to set costs that recover the full water program costs. These costs include recharge and actions to sustain the groundwater basin that stores one hundred percent of the City's water supply. When these costs are ignored the price of water does not reflect its true costs. Traditional economic theories teach that any product that is underpriced will be subject to higher consumption demand than would be the case if fairly priced. This same principle seems to also apply to water.

In the City’s most recent rate study costs are shifted gradually from the Base Charge to Use Charges over the Study Period. Under the FY 2015/16 cost structure, 52 percent of the monthly residential charger is fixes while 48 percent is variable based on metered consumption. The City may elect in the future to further reduce the fixed amount in lieu of higher consumption charges. The City’s rates also contain a Tiered structure with higher consumption rates in the upper Tiers which also encourages water conservation.

8.6. Determining Reductions

CWC 10632(a)

(9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

The City will rely on monthly water meter readings to record the production and consumption of water. Once the City implements the AMR project the City will be able to determine the reduction in consumption on a shorter time interval.

8.7. Revenue and Expenditure Impacts

CWC 10632 (a)

(7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

A high proportion of Newman's revenues come from volumetric water rates. Water sales revenues are approximately 45 percent of the total monthly charge in a typical residential service. As a result, Newman's revenues vary depending on the stage of water conservation that they City is in. In dry years, local demands will decrease as a consequence of prohibitions on certain water uses, and Newman may receive lower than anticipated revenues due to reduced sales volumes. In contrast, in wet years, demands increase as prohibitions are lifted, and revenues increase due to higher sales volumes.

Such revenue surpluses and shortages could cause instability in water rates. To mitigate this risk, Newman maintains financial reserves, with a minimum and target balance, to stabilize water rates during times of reduced water sales. The reserves hold revenues collected during times of high water sales and are used to offset the need for revenues during times of low sales.

8.8. Resolution or Ordinance

CWC 10632 (a)(8)

A draft water shortage contingency resolution or ordinance.

The City adopted Ordinance No. 2015-2 in May of 2015. Ordinance 2015-2 includes an amendment to the Title 11 of the City's Municipal Code and adds a chapter (Chapter 11.05A) with regards to water conservation and education. Chapter 11.05A also contains a water conservation plan and outlines the various stages of water conservation. A copy of the Ordinance and Chapter 11.05A are included in Appendix H.

8.9. Catastrophic Supply Interruption

CWC 10632

(a)(3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

This section of the UWMP identifies what actions will be taken by the City if there is a catastrophic reduction in water supplies. Catastrophic supply interruptions differ from the staged drought responses addressed earlier in this chapter in that catastrophic interruptions occur suddenly and can immediately jeopardize a large portion, or all, of the City's water supply.

The City has a Water System Emergency Response Plan, which prepares for an interruption in the drinking water supply and potential consequences to water system integrity and public health. This plan was prepared in 2003. A copy of the City's ERP is included in Appendix I.

The City's use of groundwater as its primary water source creates redundancy to limit dependence of a geographic area on a single water supply source (i.e., areas are served by multiple groundwater wells). In the event of a regional power outage, the groundwater wells would be powered using emergency generators. The City maintains redundant power supplies for each of its well sites through the use of emergency power generators.

In the event of an earthquake, the City may experience a regional power outage and the water distribution system suffer breaks at multiple locations. The City's distribution system contains valves to isolate portions of the distribution system in the event of water main breaks.

The following emergency actions will be implemented by the Public Works Department and Utilities Division:

Table 8-4 - Emergency Actions from Emergency Response Plan

Situation	Steps to be taken
Leak or Service Interruption (Result of earthquake, etc.)	1. Isolate leak. Turn power or flow off, if necessary, to control leak. 2. Repair or isolate break to allow service to the maximum system population possible. Disinfect as per attached AWWA Standards; increase system disinfectant residual as precaution, until normal service is resumed. 3. Do Bacteriological sampling until 3 good consecutive samples are confirmed. 4. Reestablish normal service.
Low Pressure (Result of earthquake, fire,	1. Increase production, if possible, to provide maximum system output. 2. Increase disinfectant residual as precaution to

Table 8-4 - Emergency Actions from Emergency Response Plan	
Situation	**Steps to be taken**
storm, etc.)	potential contamination.
Power outage	1. Generator will automatically go on line to provide continuous water pressure to system. 2. Increase disinfectant residual as precaution to potential contamination.

8.10. Minimum Supply Next Three Years

CWC 10632 (a) (2)

An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.

The City relies solely on groundwater for its source of water supply and is therefore not subject to reduction in its water supply like communities that rely on surface water to meet all or a portion of their water demands.

As discussed in Section 4.02, because of large volumes of available groundwater and the fact that water levels are very stable in the Subbasin and the Newman area it is anticipated that groundwater will be able to meet all the water supply needs of the City for the next 25 years and beyond, even in drought periods such as the severe one year drought experienced in 1977 and the prolonged drought of 1987 to 1992.The City plans to have groundwater be its supply due to its availability even during extended drought periods. However groundwater treatment may eventually be required if not replaced or supplemented by the use of treated surface water.

Table 8-5 Minimum Supply Next Three Years (Standard Table 8-4)			
	2016	2017	2018
Available Water Supply	633	647	661

CHAPTER 9 DEMAND MANAGEMENT MEASURES

9.1. Introduction

Demand management measures (DMMs) are specific actions a water supplier takes to support its water conservation efforts. The goal of this Demand Management Measures (DMM) Chapter is to provide a comprehensive description of the water conservation programs that the City has implemented, is currently implementing, and plans to implement in order to meet its urban water use reduction targets.

The section of the CWC addressing DMMs was significantly modified in 2014, based on recommendations from the Independent Technical Panel (ITP) to the legislature. The ITP was formed by DWR to provide information and recommendations to DWR and the Legislature on new demand management measures, technologies and approaches to water use efficiency.

In its report to the Legislature, the ITP recommended that the UWMP Act should be amended to simplify, clarify, and update the DMM reporting requirements. The ITP recommended, and the legislature enacted, streamlining the retail agency requirements from 14 specific measures to six more general requirements plus an "other" category.

The City realizes the importance of DMMs to ensure a reliable future water supply. The City is committed to implementing water conservation programs to maximize sustainability in meeting future water needs for its customers. Due to the continued effective water conservation measures implemented by the City, the 2015 per capita water use has dropped to roughly 155 gallons per capita per day GPCD from 194 gpcpd in 2010.

A description of the City's DMMs follows.

9.2. Demand Management Measures for Retail Agencies

CWC 10631 (f)

(1) (B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(i) Water waste prevention ordinances.

(ii) Metering.

(iii) Conservation pricing.

(iv) Public education and outreach.

(v) Programs to assess and manage distribution system real loss.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

9.2.1. Water Waste Prevention Ordinance

This DMM consists of adopting and enforcing a water waste ordinance that explicitly states that the waste of water is to be prohibited. The ordinance must prohibit specific actions that waste water, such as excessive runoff from landscape irrigation, or use of a hose outdoors without a shut off nozzle.

The City adopted Ordinance 2015-2 on May 26th, 2015 that amends Title 11 of the Municipal Code. More specifically, Ordinance 2015-2 adds Chapter 11.5A – Water Conservation and Education and rescinds Section 11.05.230 Irrigation of Lawns and Landscaping. Section 11.5A.100 describes water conservation stages. The City is currently in Stage 2 of Water Conservation.

As shown in Table 9-1, the City has recently been more pro-active in response to water wasting. As part of the water conservation efforts the City has expanded its public outreach and education on water conservation and has increased enforcement of water waste prohibitions. The increased vigilance and enforcement by the City has been reflected in the per capita water use associated with residential users. The per capita water use has declined 27% from 216 gpcpd in 2013 to 158 gpcpd in 2015.

9.2.2. Metering

CWC 526

(a) Notwithstanding any other provisions of law, an urban water supplier that, on or after January 1, 2004, receives water from the Federal Central Valley Project under a water service contract or subcontract... shall do both of the following:

(1) On or before January 1, 2013, install water meters on all service connections to residential and nonagricultural commercial buildings... located within its service area.

CWC 527

(a) An urban water supplier that is not subject to Section 526 shall do both the following:

(1) Install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025.

This DMM requires that water meters be installed for all new connections to allow billing by volume of use. This program also applies to retrofitting any existing unmetered connections. Tittle 11, Section 11.05 of City's Municipal Code requires installation of a water meter prior to approval of building permits obtained for construction, renovation, addition or alterations of structures.

Most of the City's connections are metered. The only unmetered connections are those that supply public parks and landscape areas. Existing water meters are manually read. Monthly meter readings are collected by City staff. City is seeking funding to implement an Automatic Meter Reading (AMR) system that will allow meter readings to be collected on real-time. AMR Systems also provide the benefit of leak detection.

9.2.3. Conservation Pricing

A conservation pricing structure is already in place and is not dependent upon a water shortage. The City's rate structure is designed to promote conservation by providing a 3,500 gallon monthly consumption allowance included in the monthly base rate. Water usage above 3,500 gallons per month is billed at a rate of $0.0249 for every gallon. The excess consumption amount is added to the monthly bill.

9.2.4. Public Education and Outreach

The City distributes public information regarding water issues in mass mailings to all water service customers, through the City's Internet website, directly to walk-in customers at City Hall, and at the Public Works Department. Also, when warranted, time-critical public information is dispersed through the local print media, radio station announcements and public events.

Water use regulations and the annual Drinking Water Consumer Confidence Report (water quality report) are mailed each year to all customers. The City takes advantage of these mailings when necessary to provide its customers additional information on water conservation and other demand management measures.

Display cases and bulletin boards at City facilities augment the mailings by providing a permanent posting of the most current City mailings.

The City monthly water bill distributed to all water service customers is another vehicle used by the City for public education purposes. The bill mailing also contains public service announcements that are used to remind citizens of conservation and demand management measures.

9.2.5. Programs to Assess and Manage Distribution System Real Loss

The City recognizes distribution system leakage can be a primary type of loss. While it is essential to control losses, the initial step is to assemble a water audit to identify the nature and volumes of losses and financial impacts that these losses exert.

As described in Section 4.4 of this 2015 UWMP, the City's uncounted water volume for since 2005 has averaged 17 percent of the total produced water. However, the volumes of unaccounted water include irrigation water applied to parks and public landscaping areas that are currently unmetered. The City is currently installing meters in all of the unmetered services.

Once meter data is available from all of the connections the City will complete annual water audits to accurately quantify the volume of water loss. Leak detection programs will be implemented to locate and reduce water loss in the distribution system.

9.2.6. Water Conservation Program Coordination and Staffing Support

The City's Public Works Director is the designated Water Conservation Coordinator. In addition, staff supports the coordinator and the water conservation activities of the City and its customers. The Water Conservation Coordinator's responsibilities include:

- Coordination with internal City departments and the community at large to promote the principles of responsible water resource stewardship.
- Monitoring the practice and application of DMMs.
- Supervising the activities of the Water Patrol.
- Planning and participating in community water conservation education projects.

The Water Conservation Coordinator has authorized use of City funds to support water conservation efforts. The water conservation activities are part of the full-time Public Works Director position, and the City does not track expenditures or time spent associated with water conservation activities separately within the budget for the position.

9.2.7. Other Demand Management Measures

9.2.7.1. Residential Plumbing Retrofit

This program benefits existing customers by reducing their water consumption while minimizing the impact of their lifestyle. State legislation requires the installation of efficient plumbing in new construction, and effective 1994 requires that only Ultra Low Flush Toilets be sold in California.

Several studies suggest that savings resulting from miscellaneous interior retrofit fixtures can range between 25 and 65 gallons per day per housing unit. The studies also suggest that installation of retrofit fixtures in older single-family homes tend to produce more savings, while newer multi-family homes tend to produce less savings per housing unit.

The City will seek funding to offer customers new water savings devices such as faucet aerators, water-saving showerheads and toilet tanks.

9.2.7.2. High-Efficiency Washing Machine Rebate Program

This program generally provides a financial incentive (rebate offer) to qualifying customers who install high efficiency washing machines in their home. Other regional municipalities that performed an economic analysis on this program concluded that it would have a low benefit-to-cost ratio. This program is not currently implemented in the City. However, the City will seek grant funding when available to offer rebate programs to customers.

9.3. Implementation over the Past Five Years

CWC 10631

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) (A) … a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years.

The City following is a description of the water conservation efforts that the City has been implementing over the last five years:

I. Ordinance

In 2014 the City revised its Water Conservation Ordinance to enhance it and the City moved from Stage 2 to Stage 3 in the Water Conservation Stages.

II. Metering

Over the past five years the City completed the metering of all accounts, including adding new meters to 137 City locations in parks and at public facilities. In 2014 the City replaced 19 very large meters on industrial accounts that were older and suspected of reading low.

III. Conservation Pricing

As discussed above and in Chapter 8, the City increased it residential water rates in early 2013. The rate increase also included a change in the rate structure to reduce the revenues from fixed rates and increase the revenues from variable rates. This shift is expected to result in water conservation.

IV. Public Education and Outreach

The programs described above and in Chapter 8 were either expanded or started in the last five years. The City has hired two employees within the last year for water waste enforcement which is included in this program.

V. Water Distribution System Losses

The City's system appears to be suffering from a leakage percentage that is lower than State standards and is generally lower than engineering best practices would suggest. The City will complete the installation of water meters at all connection within the next five years and begin auditing its water production and metered deliveries to ensure that leakage in the distribution system is maintained at low levels or further reduced.

VI. Water Conservation Program Coordination and Staffing Support

The City has enlisted the assistance of all staff in any City department that is in the field for purposes of reporting running water or potential waste. These outside working staff are to report such observations to water department staff.

9.4. Planned Implementation to Meet Water Use Targets

CWC 10631

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) (A) …The narrative shall describe the water demand management measures that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

As discussed just above, the City has implemented, either totally or in part, all of the demand management measures described in California Water Code 10631. The City is on target to meet its target of 191 gpcpd in 2020, having already exceeded its goal at the 2015 midpoint (achieved 155 gpcpd versus the 215 gpcpd 2015 goal). It is very likely that the City will remain in Stage 2 of the Water Conservation Ordinance stages which is very likely to make up much of the 15 gpcpd difference between present consumption and 2020-allowed consumption.

9.5. Members of the California Urban Water Conservation Council

CWC 10631 (i)

For purposes of this part, urban water suppliers that are members of the California Urban Water Conservation Council shall be deemed in compliance with the requirements of subdivision (f) by complying with all the provisions of the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated December 10, 2008, as it may be amended, and by submitting the annual reports required by Section 6.2 of that memorandum.

In 1991 (amended September 16, 1999), an MOU regarding urban water conservation in California was made that formalizes an agreement between the Department of Water Resources (DWR), water utilities, environmental organizations, and other interested groups to implement DMMs and make a cooperative effort to reduce the consumption of California's water resources. This MOU is administered by the California Urban Water Conservation Council (CUWCC). The City is not currently a signatory of the MOU and is therefore not a member of CUWCC. The City may consider becoming a member of the CUWCC in the future.

However, the City realizes the importance of the BMPs to ensure a reliable future water supply. The City is committed to implementing water conservation programs to maximize sustainability in meeting future water needs for its customers. Due to the continued effective water conservation measures implemented by the City, the 2015 per capita water use has dropped to roughly 155 gallons per capita per day (gpcd) from 259 gpcpd in 2005. The City will continue to monitor and adjust as necessary to achieve the target by 2020.

CHAPTER 10 PLAN ADOPTION, SUBMITTAL, AND IMPLEMENTATION

10.1. Inclusion of all 2015 Data

This 2015 UWMP includes the water use and planning data for the entire year of 2015.

10.2. Notice of Public Hearing

Water suppliers must hold a public hearing prior to adopting the 2015 UWMP. The public hearing provides an opportunity for the public to provide input to the plan before it is adopted. The City Council shall consider all public input before the 2015 UWMP is adopted.

10.2.1. Notice to Cities and Counties

CWC 10621 (b)

Every urban water supplier required to prepare a plan shall… at least 60 days prior to the public hearing on the plan … notify any city or county within which the supplier provides waters supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.

CWC 10642

The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area.

The City is the sole water supplier and water management agency for the area. For this reason, the City did not participate in an area, regional, watershed, or basin wide UWMP. While preparing the 2015 UWMP, however, the City coordinated its efforts with relevant agencies to ensure that the data and issues discussed in the plan are presented accurately.

The City provided formal written notification to Stanislaus County that the City's UWMP was being prepared 2015. Copies of the Notification letters are included in Appendix C. Copies of the final UWMP will be provided to Stanislaus County no later than 30 days after its submission to DWR.

10.2.2. Notice to the Public

CWC 10642

Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection …

Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code.

Government Code 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.

Copies of the City's draft UWMP were made available for public review at City Hall and the local public library in the City. The City noticed a public hearing to review and accept comments on the draft plan with more than two weeks in advance of the hearing. The notice of the public hearing was published in the local press and mailed to City Clerk. On June 28, 2016, the City will hold a noticed public hearing to review and accept comments on the draft plan. Notice of the public hearing was published in the local press and a copy of the Notice to the Public is included in Appendix J.

As required by the Act, the 2015 UWMP is being provided by the City to the California Department of Water Resources, the California State Library, and the public within 30 days of the City's adoption.

10.3. Public Hearing and Adoption

CWC 10642

Prior to adopting a plan, the urban water supplier …shall hold a public hearing thereon.

CWC 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. (RETAIL AGENCIES ONLY)

Pursuant to the requirements of the UWMPA, this section summarizes the adoption, submittal, and implementation of the City's 2015 UWMP.

10.3.1. Adoption

CWC 10642

After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

The City prepared the 2015 UWMP during the winter and spring of 2016. The plan was updated after the public hearing and adopted by its City Council on June 28, 2016. A copy of the adopting resolution is provided in Appendix K.

Table 10-1 Notification to Cities and Counties (Standard Table 10-1)		
City Name	60 Day Notice	Notice of Public Hearing
City of Gustine	☒	☒
City of Patterson	☒	☒
City of Turlock	☒	☒
County Name	60 Day Notice	Notice of Public Hearing
Stanislaus County	☒	☒
Merced County	☒	☒

10.4. Plan Submittal

CWC 10621(d)

An urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.

CWC 10644(a)

An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption.

CWC 10635 (b)

The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

10.4.1. Submitting a UWMP to DWR

The City submitted the UWMP to the DWR on _____ using the electronic WUEdata submittal tool developed by DWR. A copy of the completion checklist is included in Appendix L.

10.4.2. Submitting UWMP to the California State Library

Within 30 days of submitting the UWMP to DWR the adopted UWMP was made available for public review during normal business hours at the locations specified for the viewing of the Draft 2015 UWMP and copies of the UWMP were submitted to the California State Library and Stanislaus County.

10.4.3. Submitting UWMP to the Cities and Counties

Within 30 days of submitting the UWMP to DWR the adopted UWMP was submitted to the Stanislaus County, Merced County, City of Gustine, City of Patterson, and City of Turlock.

10.5. Public Availability

CWC 10645

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.

The adopted 2015 UWMP will be made available for public review at the City of Newman City Hall - Department of Public Works. Public may review the 2015 UWMP during regular business hours. In addition, a copy of the 2015 UWMP will also posted on the City's website.

10.6. Amending an Adopted Plan

CWC 10621(c)

The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

CWC 10644(a)

Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

If major changes are made to this 2015 UWMP, the City will hold an additional public hearing and City Council will readopt the plan.

Appendix A

URBAN WATER MANAGEMENT PLAN ACT

California Water Code Division 6, Part 2.6.
Chapter 1. General Declaration and Policy §10610-10610.4
Chapter 2. Definitions §10611-10617
Chapter 3. Urban Water Management Plans
Article 1. General Provisions §10620-10621
Article 2. Contents of Plans §10630-10634
Article 2.5. Water Service Reliability §10635
Article 3. Adoption And Implementation of Plans §10640-10645
Chapter 4. Miscellaneous Provisions §10650-10656

Chapter 1. General Declaration and Policy

SECTION 10610-10610.4

10610. This part shall be known and may be cited as the "Urban Water Management Planning Act."

10610.2. (a) The Legislature finds and declares all of the following:

(1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.

(2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.

(3) A long-term, reliable supply of water is essential to protect the productivity of California's businesses and economic climate.

(4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years.

(5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.

(6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.

(7) Water quality regulations are becoming an increasingly important factor in water agencies' selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.

(8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.

(9) The quality of source supplies can have a significant impact on water management strategies and supply reliability.

(b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

10610.4. The Legislature finds and declares that it is the policy of the state as follows:

(a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

(b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

Chapter 2. Definitions

SECTION 10611-10617

10611. Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.5. “Demand management" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

10612. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10613. "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615. "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses,

reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616. "Public agency" means any board, commission, county, city and county, city, regional agency, district, or other public entity.

10616.5. "Recycled water" means the reclamation and reuse of wastewater for beneficial use.

10617. "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

Chapter 3. Urban Water Management Plans

Article 1. General Provisions

SECTION 10620-10621

10620. (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

(c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.

(d) (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use.

(2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that

share a common source, water management agencies, and relevant public agencies, to the extent practicable.

(e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.

(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

10621. (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero, except as provided in subdivision (d).

(b) Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days before the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.

(c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

(d) Each urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.

Article 2. Contents of Plan

SECTION 10630-10634

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

10631. A plan shall be adopted in accordance with this chapter that shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of

water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) (1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

(A) An average water year.

(B) A single-dry water year.

(C) Multiple-dry water years.

(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

(D) Industrial.

(E) Institutional and governmental.

(F) Landscape.

(G) Sales to other agencies.

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(J) Distribution system water loss.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

(3) (A) For the 2015 urban water management plan update, the distribution system water loss shall be quantified for the most recent 12-month period available. For all subsequent updates, the distribution system water loss shall be quantified for each of the five years preceding the plan update.

(B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.

(4) (A) If available and applicable to an urban water supplier, water use projections may display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following:

(i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections.

(ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) (A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measures that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

(B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(i) Water waste prevention ordinances.

(ii) Metering.

(iii) Conservation pricing.

(iv) Public education and outreach.

(v) Programs to assess and manage distribution system real loss.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

(2) For an urban wholesale water supplier, as defined in Section 10608.12, a narrative description of the items in clauses (ii), (iv), (vi), and (vii) of subparagraph (B) of paragraph (1), and a narrative description of its distribution system asset management and wholesale supplier assistance programs.

(g) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water

use, as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

(h) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

(i) For purposes of this part, urban water suppliers that are members of the California Urban Water Conservation Council shall be deemed in compliance with the requirements of subdivision (f) by complying with all the provisions of the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated December 10, 2008, as it may be amended, and by submitting the annual reports required by Section 6.2 of that memorandum.

(j) An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

10631.1. (a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

(b) It is the intent of the Legislature that the identification of projected water use for single-family and multifamily residential housing for lower income households will assist a supplier in complying with the requirement under Section 65589.7 of the Government Code to grant a priority for the provision of service to housing units affordable to lower income households.

10631.2. (a) In addition to the requirements of Section 10631, an urban water management plan may, but is not required to, include any of the following information:

(1) An estimate of the amount of energy used to extract or divert water supplies.

(2) An estimate of the amount of energy used to convey water supplies to the water treatment plants or distribution systems.

(3) An estimate of the amount of energy used to treat water supplies.

(4) An estimate of the amount of energy used to distribute water supplies through its distribution systems.

(5) An estimate of the amount of energy used for treated water supplies in comparison to the amount used for nontreated water supplies.

(6) An estimate of the amount of energy used to place water into or withdraw from storage.

(7) Any other energy-related information the urban water supplier deems appropriate.

(b) The department shall include in its guidance for the preparation of urban water management plans a methodology for the voluntary calculation or estimation of the energy intensity of urban water systems. The department may consider studies and calculations conducted by the Public Utilities Commission in developing the methodology.

10631.5. (a) (1) Beginning January 1, 2009, the terms of, and eligibility for, a water management grant or loan made to an urban water supplier and awarded or administered by the department, state board, or California Bay-Delta Authority or its successor agency shall be conditioned on the implementation of the water demand management measures described in Section 10631, as determined by the department pursuant to subdivision (b).

(2) For the purposes of this section, water management grants and loans include funding for programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability, and water supply augmentation. This section does not apply to water management projects funded by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(3) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if the urban water supplier has

submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the water demand management measures. The supplier may request grant or loan funds to implement the water demand management measures to the extent the request is consistent with the eligibility requirements applicable to the water management funds.

(4) (A) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if an urban water supplier submits to the department for approval documentation demonstrating that a water demand management measure is not locally cost effective. If the department determines that the documentation submitted by the urban water supplier fails to demonstrate that a water demand management measure is not locally cost effective, the department shall notify the urban water supplier and the agency administering the grant or loan program within 120 days that the documentation does not satisfy the requirements for an exemption, and include in that notification a detailed statement to support the determination.

(B) For purposes of this paragraph, "not locally cost effective" means that the present value of the local benefits of implementing a water demand management measure is less than the present value of the local costs of implementing that measure.

(b) (1) The department, in consultation with the state board and the California Bay-Delta Authority or its successor agency, and after soliciting public comment regarding eligibility requirements, shall develop eligibility requirements to implement the requirement of paragraph (1) of subdivision (a). In establishing these eligibility requirements, the department shall do both of the following:

(A) Consider the conservation measures described in the Memorandum of Understanding Regarding Urban Water Conservation in California, and alternative conservation approaches that provide equal or greater water savings.

(B) Recognize the different legal, technical, fiscal, and practical roles and responsibilities of wholesale water suppliers and retail water suppliers.

(2) (A) For the purposes of this section, the department shall determine whether an urban water supplier is implementing all of the water demand management measures described in Section 10631 based on either, or a combination, of the following:

(i) Compliance on an individual basis.

(ii) Compliance on a regional basis. Regional compliance shall require participation in a regional conservation program consisting of two or more urban water suppliers that achieves the level of conservation or water efficiency savings equivalent to the amount of conservation or savings achieved if each of the participating urban water suppliers implemented the water demand management measures. The urban water supplier administering the regional program shall provide participating urban water suppliers and the department with data to demonstrate that the regional program is consistent with this clause. The department shall review the data to determine whether the urban water suppliers in the regional program are meeting the eligibility requirements.

(B) The department may require additional information for any determination pursuant to this section.

(3) The department shall not deny eligibility to an urban water supplier in compliance with the requirements of this section that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of the agencies participating in the project or plan is not implementing all of the water demand management measures described in Section 10631.

(c) In establishing guidelines pursuant to the specific funding authorization for any water management grant or loan program subject to this section, the agency administering the grant or loan program shall include in the guidelines the eligibility requirements developed by the department pursuant to subdivision (b).

(d) Upon receipt of a water management grant or loan application by an agency administering a grant and loan program subject to this section, the agency shall request an eligibility determination from the department with respect to the requirements of this section. The department shall respond to the request within 60 days of the request.

(e) The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities. In addition, for urban water suppliers that are signatories to the Memorandum of Understanding Regarding Urban Water Conservation in California and submit biennial reports to the California Urban Water Conservation Council in accordance with the memorandum, the department may use these reports to assist in tracking the implementation of water demand management measures.

(f) This section shall remain in effect only until July 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2016, deletes or extends that date.

10631.7. The department, in consultation with the California Urban Water Conservation Council, shall convene an independent technical panel to provide information and recommendations to the department and the Legislature on new demand management measures, technologies, and approaches. The panel shall consist of no more than seven members, who shall be selected by the department to reflect a balanced representation of experts. The panel shall have at least one, but no more than two, representatives from each of the following: retail water suppliers, environmental organizations, the business community, wholesale water suppliers, and academia. The panel shall be convened by January 1, 2009, and shall report to the Legislature no later than January 1, 2010, and every five years thereafter. The department shall review the panel report and include in the final report to the Legislature the department's recommendations and comments regarding the panel process and the panel's recommendations.

10632. (a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

(1) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.

(2) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.

(3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

(4) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.

(5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are

appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

(6) Penalties or charges for excessive use, where applicable.

(7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

(8) A draft water shortage contingency resolution or ordinance.

(9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

(b) Commencing with the urban water management plan update due July 1, 2016, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the 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.

10633. The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

(a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

(b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

(c) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

(d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

(e) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

(f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

(g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

10634. The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

Article 2.5. Water Service Reliability

SECTION 10635

10635. (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

(b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

(c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.

(d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

Article 3. Adoption and Implementation of Plans

SECTION 10640-10645

10640. Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630). The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641. An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

10642. Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area.

After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

10643. An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

10644. (a) (1) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(2) The plan, or amendments to the plan, submitted to the department pursuant to paragraph (1) shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.

(b) (1) Notwithstanding Section 10231.5 of the Government Code, the department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part.

The report prepared by the department shall identify the exemplary elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

(2) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(c) (1) For the purpose of identifying the exemplary elements of the individual plans, the department shall identify in the report water demand management measures adopted and implemented by specific urban water suppliers, and identified pursuant to Section 10631, that achieve water savings significantly above the levels established by the department to meet the requirements of Section 10631.5.

(2) The department shall distribute to the panel convened pursuant to Section 10631.7 the results achieved by the implementation of those water demand management measures described in paragraph (1).

(3) The department shall make available to the public the standard the department will use to identify exemplary water demand management measures.

10645. 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.

Chapter 4. Miscellaneous Provisions

SECTION 10650-10656

10650. Any actions or proceedings to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.

(b) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 90 days after filing of the plan or amendment thereto pursuant to Section 10644 or the taking of that action.

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board and the Public Utilities Commission, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board or the Public Utilities Commission requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

10654. An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the "Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

10655. If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26

(commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

Appendix B

WATER CONSERVATION ACT (SB X7-7)

California Water Code Division 6, Part 2.55.

Chapter 1. General Declarations and Policy §10608-10608.8
Chapter 2. Definitions §10608.12
Chapter 3. Urban Retail Water Suppliers §10608.16-10608.44
Chapter 4. Agricultural Water Suppliers §10608.48
Chapter 5. Sustainable Water Management §10608.50
Chapter 6 Standardized Data Collection §10608.52
Chapter 7 Funding Provisions §10608.56-10608.60
Chapter 8 Quantifying Agricultural Water Use Efficiency §10608.64

Chapter 1. General Declarations and Policy

SECTION 10608-10608.8

10608. The Legislature finds and declares all of the following:

(a) Water is a public resource that the California Constitution protects against waste and unreasonable use.

(b) Growing population, climate change, and the need to protect and grow California's economy while protecting and restoring our fish and wildlife habitats make it essential that the state manage its water resources as efficiently as possible.

(c) Diverse regional water supply portfolios will increase water supply reliability and reduce dependence on the Delta.

(d) Reduced water use through conservation provides significant energy and environmental benefits, and can help protect water quality, improve streamflows, and reduce greenhouse gas emissions.

(e) The success of state and local water conservation programs to increase efficiency of water use is best determined on the basis of measurable outcomes related to water use or efficiency.

(f) Improvements in technology and management practices offer the potential for increasing water efficiency in California over time, providing an essential water management tool to meet the need for water for urban, agricultural, and environmental uses.

(g) The Governor has called for a 20 percent per capita reduction in urban water use statewide by 2020.

(h) The factors used to formulate water use efficiency targets can vary significantly from location to location based on factors including weather, patterns of urban and suburban development, and past efforts to enhance water use efficiency.

(i) Per capita water use is a valid measure of a water provider's efforts to reduce urban water use within its service area. However, per capita water use is less useful for measuring relative water use efficiency between different water providers. Differences in weather, historical patterns of urban and suburban development, and density of housing in a particular location need to be considered when assessing per capita water use as a measure of efficiency.

10608.4. It is the intent of the Legislature, by the enactment of this part, to do all of the following:

(a) Require all water suppliers to increase the efficiency of use of this essential resource.

(b) Establish a framework to meet the state targets for urban water conservation identified in this part and called for by the Governor.

(c) Measure increased efficiency of urban water use on a per capita basis.

(d) Establish a method or methods for urban retail water suppliers to determine targets for achieving increased water use efficiency by the year 2020, in accordance with the Governor's goal of a 20-percent reduction.

(e) Establish consistent water use efficiency planning and implementation standards for urban water suppliers and agricultural water suppliers.

(f) Promote urban water conservation standards that are consistent with the California Urban Water Conservation Council's adopted best management practices and the requirements for demand management in Section 10631.

(g) Establish standards that recognize and provide credit to water suppliers that made substantial capital investments in urban water conservation since the drought of the early 1990s.

(h) Recognize and account for the investment of urban retail water suppliers in providing recycled water for beneficial uses.

(i) Require implementation of specified efficient water management practices for agricultural water suppliers.

(j) Support the economic productivity of California's agricultural, commercial, and industrial sectors.

(k) Advance regional water resources management.

10608.8. (a) (1) Water use efficiency measures adopted and implemented pursuant to this part or Part 2.8 (commencing with Section 10800) are water conservation measures subject to the protections provided under Section 1011.

(2) Because an urban agency is not required to meet its urban water use target until 2020 pursuant to subdivision (b) of Section 10608.24, an urban retail water supplier's failure to meet those targets shall not establish a violation of law for purposes of any state administrative or judicial proceeding prior to

January 1, 2021. Nothing in this paragraph limits the use of data reported to the department or the board in litigation or an administrative proceeding. This paragraph shall become inoperative on January 1, 2021.

(3) To the extent feasible, the department and the board shall provide for the use of water conservation reports required under this part to meet the requirements of Section 1011 for water conservation reporting.

(b) This part does not limit or otherwise affect the application of Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) This part does not require a reduction in the total water used in the agricultural or urban sectors, because other factors, including, but not limited to, changes in agricultural economics or population growth may have greater effects on water use. This part does not limit the economic productivity of California's agricultural, commercial, or industrial sectors.

(d) The requirements of this part do not apply to an agricultural water supplier that is a party to the Quantification Settlement Agreement, as defined in subdivision (a) of Section 1 of Chapter 617 of the Statutes of 2002, during the period within which the Quantification Settlement Agreement remains in effect. After the expiration of the Quantification Settlement Agreement, to the extent conservation water projects implemented as part of the Quantification Settlement Agreement remain in effect, the conserved water created as part of those projects shall be credited against the obligations of the agricultural water supplier pursuant to this part.

Chapter 2 Definitions

SECTION 10608.12

10608.12. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Agricultural water supplier" means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. "Agricultural water supplier" includes a supplier or contractor for water, regardless of the basis of right, that distributes or sells water for ultimate resale to customers. "Agricultural water supplier" does not include the department.

(b) "Base daily per capita water use" means any of the following:

(1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(3) For the purposes of Section 10608.22, the urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010.

(c) "Baseline commercial, industrial, and institutional water use" means an urban retail water supplier's base daily per capita water use for commercial, industrial, and institutional users.

(d) "Commercial water user" means a water user that provides or distributes a product or service.

(e) "Compliance daily per capita water use" means the gross water use during the final year of the reporting period, reported in gallons per capita per day.

(f) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

(g) "Gross water use" means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:

(1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier.

(2) The net volume of water that the urban retail water supplier places into long-term storage.

(3) The volume of water the urban retail water supplier conveys for use by another urban water supplier.

(4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.

(h) "Industrial water user" means a water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.

(i) "Institutional water user" means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

(j) "Interim urban water use target" means the midpoint between the urban retail water supplier's base daily per capita water use and the urban retail water supplier's urban water use target for 2020.

(k) "Locally cost effective" means that the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure.

(l) "Process water" means water used for producing a product or product content or water used for research and development, including, but not limited to, continuous manufacturing processes, water used for testing and maintaining equipment used in producing a product or product content, and water used in combined heat and power facilities used in producing a product or product content. Process water does not mean incidental water uses not related to the production of a product or product content, including, but not limited to, water used for restrooms, landscaping, air conditioning, heating, kitchens, and laundry.

(m) "Recycled water" means recycled water, as defined in subdivision (n) of Section 13050, that is used to offset potable demand, including recycled water supplied for direct use and indirect potable reuse, that meets the following requirements, where applicable:

(1) For groundwater recharge, including recharge through spreading basins, water supplies that are all of the following:

(A) Metered.

(B) Developed through planned investment by the urban water supplier or a wastewater treatment agency.

(C) Treated to a minimum tertiary level.

(D) Delivered within the service area of an urban retail water supplier or its urban wholesale water supplier that helps an urban retail water supplier meet its urban water use target.

(2) For reservoir augmentation, water supplies that meet the criteria of paragraph (1) and are conveyed through a distribution system constructed specifically for recycled water.

(n) "Regional water resources management" means sources of supply resulting from watershed-based planning for sustainable local water reliability or any of the following alternative sources of water:

(1) The capture and reuse of stormwater or rainwater.

(2) The use of recycled water.

(3) The desalination of brackish groundwater.

(4) The conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.

(o) "Reporting period" means the years for which an urban retail water supplier reports compliance with the urban water use targets.

(p) "Urban retail water supplier" means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

(q) "Urban water use target" means the urban retail water supplier's targeted future daily per capita water use.

(r) "Urban wholesale water supplier," means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for potable municipal purposes.

Chapter 3 Urban Retail Water Suppliers

SECTION 10608.16-10608.44

10608.16.(a) The state shall achieve a 20-percent reduction in urban per capita water use in California on or before December 31, 2020.

(b) The state shall make incremental progress towards the state target specified in subdivision (a) by reducing urban per capita water use by at least 10 percent on or before December 31, 2015.

10608.20.(a) (1) Each urban retail water supplier shall develop urban water use targets and an interim urban water use target by July 1, 2011. Urban retail water suppliers may elect to determine and report progress toward achieving these targets on an individual or regional basis, as provided in subdivision (a) of Section 10608.28, and may determine the targets on a fiscal year or calendar year basis.

(2) It is the intent of the Legislature that the urban water use targets described in paragraph (1) cumulatively result in a 20-percent reduction from the baseline daily per capita water use by December 31, 2020.

(b) An urban retail water supplier shall adopt one of the following methods for determining its urban water use target pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) For indoor residential water use, 55 gallons per capita daily water use as a provisional standard. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.

(B) For landscape irrigated through dedicated or residential meters or connections, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.

(C) For commercial, industrial, and institutional uses, a 10-percent reduction in water use from the baseline commercial, industrial, and institutional water use by 2020.

(3) Ninety-five percent of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.

(4) A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:

(A) Consider climatic differences within the state.

(B) Consider population density differences within the state.

(C) Provide flexibility to communities and regions in meeting the targets.

(D) Consider different levels of per capita water use according to plant water needs in different regions.

(E) Consider different levels of commercial, industrial, and institutional water use in different regions of the state.

(F) Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.

(c) If the department adopts a regulation pursuant to paragraph (4) of subdivision (b) that results in a requirement that an urban retail water supplier achieve a reduction in daily per capita water use that is greater than 20 percent by December 31, 2020, an urban retail water supplier that adopted the method

described in paragraph (4) of subdivision (b) may limit its urban water use target to a reduction of not more than 20 percent by December 31, 2020, by adopting the method described in paragraph (1) of subdivision (b).

(d) The department shall update the method described in paragraph (4) of subdivision (b) and report to the Legislature by December 31, 2014. An urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may adopt a new urban daily per capita water use target pursuant to this updated method.

(e) An urban retail water supplier shall include in its urban water management plan due in 2010 pursuant to Part 2.6 (commencing with Section 10610) the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.

(f) When calculating per capita values for the purposes of this chapter, an urban retail water supplier shall determine population using federal, state, and local population reports and projections.

(g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).

(h) (1) The department, through a public process and in consultation with the California Urban Water Conservation Council, shall develop technical methodologies and criteria for the consistent implementation of this part, including, but not limited to, both of the following:

(A) Methodologies for calculating base daily per capita water use, baseline commercial, industrial, and institutional water use, compliance daily per capita water use, gross water use, service area population, indoor residential water use, and landscaped area water use.

(B) Criteria for adjustments pursuant to subdivisions (d) and (e) of Section 10608.24.

(2) The department shall post the methodologies and criteria developed pursuant to this subdivision on its Internet Web site, and make written copies available, by October 1, 2010. An urban retail water supplier shall use the methods developed by the department in compliance with this part.

(i) (1) The department shall adopt regulations for implementation of the provisions relating to process water in accordance with subdivision (l) of Section 10608.12, subdivision (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the

Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

(j) (1) An urban retail water supplier is granted an extension to July 1, 2011, for adoption of an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) due in 2010 to allow the use of technical methodologies developed by the department pursuant to paragraph (4) of subdivision (b) and subdivision (h). An urban retail water supplier that adopts an urban water management plan due in 2010 that does not use the methodologies developed by the department pursuant to subdivision (h) shall amend the plan by July 1, 2011, to comply with this part.

(2) An urban wholesale water supplier whose urban water management plan prepared pursuant to Part 2.6 (commencing with Section 10610) was due and not submitted in 2010 is granted an extension to July 1, 2011, to permit coordination between an urban wholesale water supplier and urban retail water suppliers.

10608.22. Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph(3) of subdivision (b) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.

10608.24.(a) Each urban retail water supplier shall meet its interim urban water use target by December 31, 2015.

(b) Each urban retail water supplier shall meet its urban water use target by December 31, 2020.

(c) An urban retail water supplier's compliance daily per capita water use shall be the measure of progress toward achievement of its urban water use target.

(d) (1) When determining compliance daily per capita water use, an urban retail water supplier may consider the following factors:

(A) Differences in evapotranspiration and rainfall in the baseline period compared to the compliance reporting period.
(B) Substantial changes to commercial or industrial water use resulting from increased business output and economic development that have occurred during the reporting period.

(C) Substantial changes to institutional water use resulting from fire suppression services or other extraordinary events, or from new or expanded operations, that have occurred during the reporting period.

(2) If the urban retail water supplier elects to adjust its estimate of compliance daily per capita water use due to one or more of the factors described in

paragraph (1), it shall provide the basis for, and data supporting, the adjustment in the report required by Section 10608.40.

(e) When developing the urban water use target pursuant to Section 10608.20, an urban retail water supplier that has a substantial percentage of industrial water use in its service area may exclude process water from the calculation of gross water use to avoid a disproportionate burden on another customer sector.

(f) (1) An urban retail water supplier that includes agricultural water use in an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) may include the agricultural water use in determining gross water use. An urban retail water supplier that includes agricultural water use in determining gross water use and develops its urban water use target pursuant to paragraph (2) of subdivision (b) of Section 10608.20 shall use a water efficient standard for agricultural irrigation of 100 percent of reference evapotranspiration multiplied by the crop coefficient for irrigated acres.

(2) An urban retail water supplier, that is also an agricultural water supplier, is not subject to the requirements of Chapter 4 (commencing with Section 10608.48), if the agricultural water use is incorporated into its urban water use target pursuant to paragraph (1).

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.

(b) In complying with this part, an urban retail water supplier may meet its urban water use target through efficiency improvements in any combination among its customer sectors. An urban retail water supplier shall avoid placing a disproportionate burden on any customer sector.

(c) For an urban retail water supplier that supplies water to a United States Department of Defense military installation, the urban retail water supplier's implementation plan for complying with this part shall consider the conservation of that military installation under federal Executive Order 13514.

(d) (1) Any ordinance or resolution adopted by an urban retail water supplier after the effective date of this section shall not require existing customers as of the effective date of this section, to undertake changes in product formulation, operations, or equipment that would reduce process water use, but may provide technical assistance and financial incentives to those customers to implement efficiency measures for process water. This section shall not limit

an ordinance or resolution adopted pursuant to a declaration of drought emergency by an urban retail water supplier.

(2) This part shall not be construed or enforced so as to interfere with the requirements of Chapter 4 (commencing with Section 113980) to Chapter 13 (commencing with Section 114380), inclusive, of Part 7 of Division 104 of the Health and Safety Code, or any requirement or standard for the protection of public health, public safety, or worker safety established by federal, state, or local government or recommended by recognized standard setting organizations or trade associations.

10608.28.(a) An urban retail water supplier may meet its urban water use target within its retail service area, or through mutual agreement, by any of the following:

(1) Through an urban wholesale water supplier.

(2) Through a regional agency authorized to plan and implement water conservation, including, but not limited to, an agency established under the Bay Area Water Supply and Conservation Agency Act (Division 31 (commencing with Section 81300)).

(3) Through a regional water management group as defined in Section 10537.

(4) By an integrated regional water management funding area.

(5) By hydrologic region.

(6) Through other appropriate geographic scales for which computation methods have been developed by the department.

(b) A regional water management group, with the written consent of its member agencies, may undertake any or all planning, reporting, and implementation functions under this chapter for the member agencies that consent to those activities. Any data or reports shall provide information both for the regional water management group and separately for each consenting urban retail water supplier and urban wholesale water supplier.

10608.32. All costs incurred pursuant to this part by a water utility regulated by the Public Utilities Commission may be recoverable in rates subject to review and approval by the Public Utilities Commission, and may be recorded in a memorandum account and reviewed for reasonableness by the Public Utilities Commission.

10608.36. Urban wholesale water suppliers shall include in the urban water management plans required pursuant to Part 2.6 (commencing with Section 10610) an assessment of their present and proposed future measures, programs, and policies to help achieve the water use reductions required by this part.

10608.40. Urban water retail suppliers shall report to the department on their progress in meeting their urban water use targets as part of their urban water management plans

submitted pursuant to Section 10631. The data shall be reported using a standardized form developed pursuant to Section 10608.52.

10608.42.(a) The department shall review the 2015 urban water management plans and report to the Legislature by July 1, 2017, on progress towards achieving a 20-percent reduction in urban water use by December 31, 2020. The report shall include recommendations on changes to water efficiency standards or urban water use targets to achieve the 20-percent reduction and to reflect updated efficiency information and technology changes.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

10608.43. The department, in conjunction with the California Urban Water Conservation Council, by April 1, 2010, shall convene a representative task force consisting of academic experts, urban retail water suppliers, environmental organizations, commercial water users, industrial water users, and institutional water users to develop alternative best management practices for commercial, industrial, and institutional users and an assessment of the potential statewide water use efficiency improvement in the commercial, industrial, and institutional sectors that would result from implementation of these best management practices. The taskforce, in conjunction with the department, shall submit a report to the Legislature by April 1, 2012, that shall include a review of multiple sectors within commercial, industrial, and institutional users and that shall recommend water use efficiency standards for commercial, industrial, and institutional users among various sectors of water use. The report shall include, but not be limited to, the following:

(a) Appropriate metrics for evaluating commercial, industrial, and institutional water use.

(b) Evaluation of water demands for manufacturing processes, goods, and cooling.

(c) Evaluation of public infrastructure necessary for delivery of recycled water to the commercial, industrial, and institutional sectors.

(d) Evaluation of institutional and economic barriers to increased recycled water use within the commercial, industrial, and institutional sectors.

(e) Identification of technical feasibility and cost of the best management practices to achieve more efficient water use statewide in the commercial, industrial, and institutional sectors that is consistent with the public interest and reflects past investments in water use efficiency.

10608.44. Each state agency shall reduce water use at facilities it operates to support urban retail water suppliers in meeting the target identified in Section 10608.16.

Chapter 4 Agricultural Water Suppliers

SECTION 10608.48

10608.48.(a) On or before July 31, 2012, an agricultural water supplier shall implement efficient water management practices pursuant to subdivisions (b) and (c).

(b) Agricultural water suppliers shall implement all of the following critical efficient management practices:

(1) Measure the volume of water delivered to customers with sufficient accuracy to comply with subdivision (a) of Section 531.10 and to implement paragraph (2).

(2) Adopt a pricing structure for water customers based at least in part on quantity delivered.

(c) Agricultural water suppliers shall implement additional efficient management practices, including, but not limited to, practices to accomplish all of the following, if the measures are locally cost effective and technically feasible:

(1) Facilitate alternative land use for lands with exceptionally high water duties or whose irrigation contributes to significant problems, including drainage.

(2) Facilitate use of available recycled water that otherwise would not be used beneficially, meets all health and safety criteria, and does not harm crops or soils.

(3) Facilitate the financing of capital improvements for on-farm irrigation systems.

(4) Implement an incentive pricing structure that promotes one or more of the following goals:

(A) More efficient water use at the farm level.

(B) Conjunctive use of groundwater.

(C) Appropriate increase of groundwater recharge.

(D) Reduction in problem drainage.

(E) Improved management of environmental resources.

(F) Effective management of all water sources throughout the year by adjusting seasonal pricing structures based on current conditions.

(5) Expand line or pipe distribution systems, and construct regulatory reservoirs to increase distribution system flexibility and capacity, decrease maintenance, and reduce seepage.

(6) Increase flexibility in water ordering by, and delivery to, water customers within operational limits.

(7) Construct and operate supplier spill and tailwater recovery systems.

(8) Increase planned conjunctive use of surface water and groundwater within the supplier service area.

(9) Automate canal control structures.

(10) Facilitate or promote customer pump testing and evaluation.

(11) Designate a water conservation coordinator who will develop and implement the water management plan and prepare progress reports.

(12) Provide for the availability of water management services to water users. These services may include, but are not limited to, all of the following:

(A) On-farm irrigation and drainage system evaluations.

(B) Normal year and real-time irrigation scheduling and crop evapotranspiration information.

(C) Surface water, groundwater, and drainage water quantity and quality data.

(D) Agricultural water management educational programs and materials for farmers, staff, and the public.

(13) Evaluate the policies of agencies that provide the supplier with water to identify the potential for institutional changes to allow more flexible water deliveries and storage.

(14) Evaluate and improve the efficiencies of the supplier's pumps.

(d) Agricultural water suppliers shall include in the agricultural water management plans required pursuant to Part 2.8 (commencing with Section 10800) a report on which efficient water management practices have been implemented and are planned to be implemented, an estimate of the water use efficiency improvements that have occurred since the last report, and an estimate of the water use efficiency improvements estimated to occur five and 10 years in the future. If an agricultural water supplier determines that an efficient water management practice is not locally cost effective or technically feasible, the supplier shall submit information documenting that determination.

(e) The data shall be reported using a standardized form developed pursuant to Section 10608.52.

(f) An agricultural water supplier may meet the requirements of subdivisions (d) and (e) by submitting to the department a water conservation plan submitted to the United States Bureau of Reclamation that meets the requirements described in Section 10828.

(g) On or before December 31, 2013, December 31, 2016, and December 31, 2021, the department, in consultation with the board, shall submit to the Legislature a report on the agricultural efficient water management practices that have been implemented and are planned to be implemented and an assessment of the manner in which the implementation of those efficient water management practices has affected and will affect agricultural operations, including estimated water use efficiency improvements, if any.

(h) The department may update the efficient water management practices required pursuant to subdivision (c), in consultation with the Agricultural Water Management Council, the United States Bureau of Reclamation, and the board. All efficient water management practices for agricultural water use pursuant to this chapter shall be adopted or revised by the department only after the department conducts public hearings to allow participation of the diverse geographical areas and interests of the state.

(i) (1) The department shall adopt regulations that provide for a range of options that agricultural water suppliers may use or implement to comply with the measurement requirement in paragraph (1) of subdivision (b).

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

Chapter 5 Sustainable Water Management

Section 10608.50

10608.50.(a) The department, in consultation with the board, shall promote implementation of regional water resources management practices through increased incentives and removal of barriers consistent with state and federal law. Potential changes may include, but are not limited to, all of the following:

(1) Revisions to the requirements for urban and agricultural water management plans.

(2) Revisions to the requirements for integrated regional water management plans.

(3) Revisions to the eligibility for state water management grants and loans.

(4) Revisions to state or local permitting requirements that increase water supply opportunities, but do not weaken water quality protection under state and federal law.

(5) Increased funding for research, feasibility studies, and project construction.

(6) Expanding technical and educational support for local land use and water management agencies.

(b) No later than January 1, 2011, and updated as part of the California Water Plan, the department, in consultation with the board, and with public input, shall propose new statewide targets, or review and update existing statewide targets, for regional water resources management practices, including, but not limited to, recycled water, brackish groundwater desalination, and infiltration and direct use of urban stormwater runoff.

Chapter 6 Standardized Data Collection

SECTION 10608.52

10608.52.(a) The department, in consultation with the board, the California Bay-Delta Authority or its successor agency, the State Department of Public Health, and the Public Utilities Commission, shall develop a single standardized water use reporting form to meet the water use information needs of each agency, including the needs of urban water suppliers that elect to determine and report progress toward achieving targets on a regional basis as provided in subdivision (a) of Section 10608.28.

(b) At a minimum, the form shall be developed to accommodate information sufficient to assess an urban water supplier's compliance with conservation targets pursuant to Section 10608.24 and an agricultural water supplier's compliance with implementation of efficient water management practices pursuant to subdivision (a) of Section 10608.48. The form shall accommodate reporting by urban water suppliers on an individual or regional basis as provided in subdivision (a) of Section 10608.28.

Chapter 7 Funding Provisions

Section 10608.56-10608.60

10608.56.(a) On and after July 1, 2016, an urban retail water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

(b) On and after July 1, 2013, an agricultural water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

(c) Notwithstanding subdivision (a), the department shall determine that an urban retail water supplier is eligible for a water grant or loan even though the supplier has not met the per capita reductions required pursuant to Section 10608.24, if the urban retail water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for achieving the per capita reductions. The supplier may request grant or loan funds to achieve the per capita reductions to the extent the request is consistent with the eligibility requirements applicable to the water funds.

(d) Notwithstanding subdivision (b), the department shall determine that an agricultural water supplier is eligible for a water grant or loan even though the supplier is not implementing all of the efficient water management practices described in Section 10608.48, if the agricultural water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the efficient water management practices. The supplier may request grant or loan funds to implement the efficient water management practices to the extent the request is consistent with the eligibility requirements applicable to the water funds.

(e) Notwithstanding subdivision (a), the department shall determine that an urban retail water supplier is eligible for a water grant or loan even though the supplier has not met the per capita reductions required pursuant to Section 10608.24, if the urban retail water supplier has submitted to the department for approval documentation demonstrating that its entire service area qualifies as a disadvantaged community.

(f) The department shall not deny eligibility to an urban retail water supplier or agricultural water supplier in compliance with the requirements of this part and Part 2.8 (commencing with Section 10800), that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of the agencies participating in the project or plan is not implementing all of the requirements of this part or Part 2.8 (commencing with Section 10800).

10608.60.(a) It is the intent of the Legislature that funds made available by Section 75026 of the Public Resources Code should be expended, consistent with Division 43 (commencing with Section 75001) of the Public Resources Code and upon appropriation by the Legislature, for grants to implement this part. In the allocation of funding, it is the intent of the Legislature that the department give consideration to disadvantaged communities to assist in implementing the requirements of this part.

(b) It is the intent of the Legislature that funds made available by Section 75041 of the Public Resources Code, should be expended, consistent with Division 43 (commencing with Section 75001) of the Public Resources Code and upon appropriation by the Legislature, for direct expenditures to implement this part.

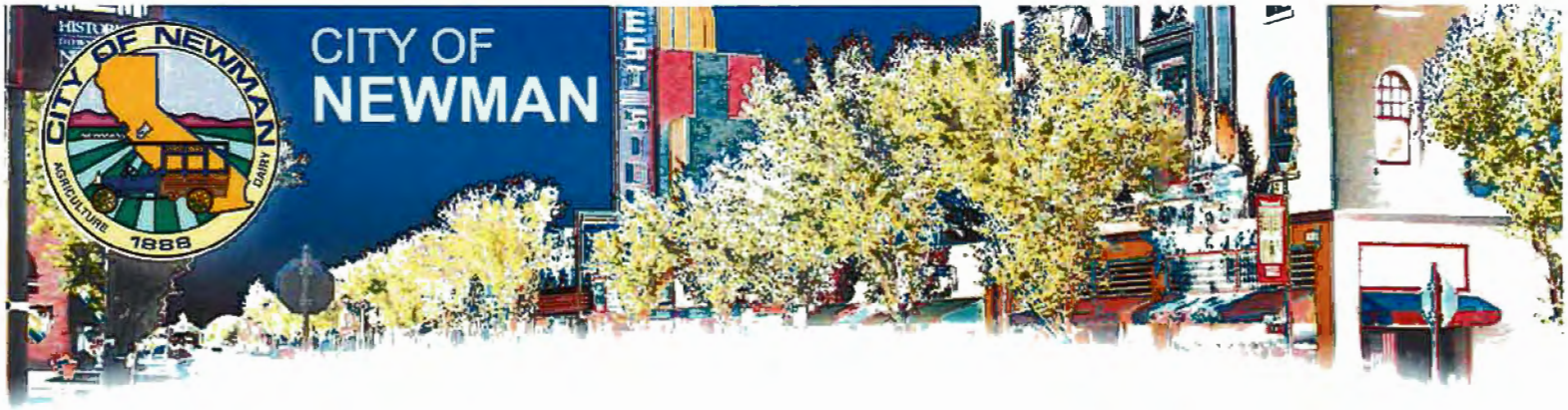
Chapter 8 Quantifying Agricultural Water Use Efficiency

SECTION 10608.64

10608.64. The department, in consultation with the Agricultural Water Management Council, academic experts, and other stakeholders, shall develop a methodology for quantifying the efficiency of agricultural water use. Alternatives to be assessed shall include, but not be limited to, determination of efficiency levels based on crop type or irrigation system distribution uniformity. On or before December 31, 2011, the department shall report to the Legislature on a proposed methodology and a plan for implementation. The plan shall include the estimated implementation costs and the types of data needed to support the methodology. Nothing in this section authorizes the department to implement a methodology established pursuant to this section.

Appendix C

NOTIFICATION LETTERS



PLEASE POST FOR GENERAL PUBLIC ACCESS

March 22, 2016

Central California Irrigation District
Chris White, General Manager
1335 West I Street
Los Banos, CA 95635

Subject: Notice of preparation for City of Newman 2015 Urban Water Management Plan

Dear Chris White:

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan and update it every five years. The City of Newman (City) is preparing the 2015 UWMP for submission to the California Department of Water Resources (DWR). The 2015 UWMP must be submitted to DWR no later than July 1, 2016.

We invite your participation in this process. A Draft of the 2015 UWMP will be made available for public review. Public hearings will be scheduled ahead of the adoption of the 2015 UWMP by the City council.

If you would like more information regarding the City of Newman 2015 UWMP please contact:

Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
E-mail: kkim@cityofnewman.com

Sincerely,

Koosun Kim
City of Newman

PLEASE POST FOR GENERAL PUBLIC ACCESS

March 22, 2016

Merced Irrigation District
Hicham Eltal, Deputy General Manager
744 West 20th Street
Merced, CA 95340

Subject: Notice of preparation for City of Newman 2015 Urban Water Management Plan

Dear Hicham Eltal:

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan and update it every five years. The City of Newman (City) is preparing the 2015 UWMP for submission to the California Department of Water Resources (DWR). The 2015 UWMP must be submitted to DWR no later than July 1, 2016.

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If you would like more information regarding the City of Newman 2015 UWMP please contact:

Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
E-mail: kkim@cityofnewman.com

Sincerely,

Koosun Kim
City of Newman

PLEASE POST FOR GENERAL PUBLIC ACCESS

March 22, 2016

City of Turlock
Garner Reynolds, Regulatroy Affairs Manager
156 S Broadway, Suie 270
Turlock, CA 95380

Subject: Notice of preparation for City of Newman 2015 Urban Water Management Plan

Dear Garner Reynolds:

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan and update it every five years. The City of Newman (City) is preparing the 2015 UWMP for submission to the California Department of Water Resources (DWR). The 2015 UWMP must be submitted to DWR no later than July 1, 2016.

We invite your participation in this process. A Draft of the 2015 UWMP will be made available for public review. Public hearings will be scheduled ahead of the adoption of the 2015 UWMP by the City council.

If you would like more information regarding the City of Newman 2015 UWMP please contact:

Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
E-mail: kkim@cityofnewman.com

Sincerely,

Koosun Kim
City of Newman

PLEASE POST FOR GENERAL PUBLIC ACCESS

March 22, 2016

City of Patterson
Michael H. Willett, Public Works Director
1 Plaza, 2nd Floor
Patterson, CA 95363

Subject: Notice of preparation for City of Newman 2015 Urban Water Management Plan

Dear Michael H. Willett:

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan and update it every five years. The City of Newman (City) is preparing the 2015 UWMP for submission to the California Department of Water Resources (DWR). The 2015 UWMP must be submitted to DWR no later than July 1, 2016.

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If you would like more information regarding the City of Newman 2015 UWMP please contact:

Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
E-mail: kkim@cityofnewman.com

Sincerely,

Koosun Kim
City of Newman

PLEASE POST FOR GENERAL PUBLIC ACCESS

March 22, 2016

City of Gustine
Kathryn Reyes, Public Works Director
352 Fifth Street
Gustine, CA 95322

Subject: Notice of preparation for City of Newman 2015 Urban Water Management Plan

Dear Kathryn Reyes:

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan and update it every five years. The City of Newman (City) is preparing the 2015 UWMP for submission to the California Department of Water Resources (DWR). The 2015 UWMP must be submitted to DWR no later than July 1, 2016.

We invite your participation in this process. A Draft of the 2015 UWMP will be made available for public review. Public hearings will be scheduled ahead of the adoption of the 2015 UWMP by the City council.

If you would like more information regarding the City of Newman 2015 UWMP please contact:

Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
E-mail: kkim@cityofnewman.com

Sincerely,

Koosun Kim
City of Newman

PLEASE POST FOR GENERAL PUBLIC ACCESS

March 22, 2016

County of Merced - Division of Environmental Health
Ron Rowe, Director
260 East 15th Street
Merced, CA 95341

Subject: Notice of preparation for City of Newman 2015 Urban Water Management Plan

Dear Ron Rowe:

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan and update it every five years. The City of Newman (City) is preparing the 2015 UWMP for submission to the California Department of Water Resources (DWR). The 2015 UWMP must be submitted to DWR no later than July 1, 2016.

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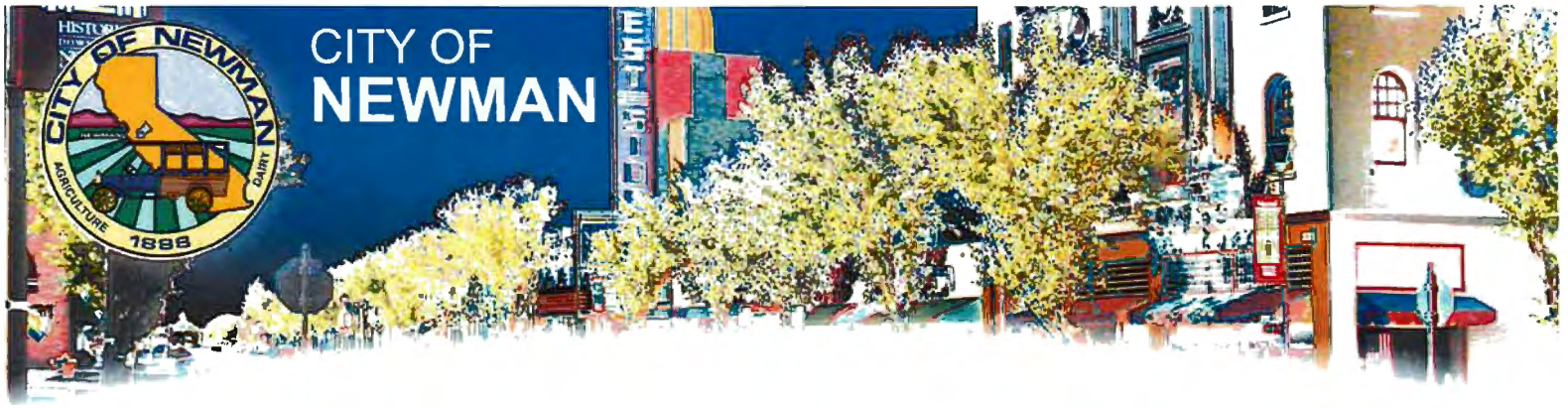
Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
E-mail: kkim@cityofnewman.com

Sincerely,

Koosun Kim
City of Newman



PLEASE POST FOR GENERAL PUBLIC ACCESS

March 22, 2016

County of Stanislaus Environmental Resources
Jami Aggers, Director of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358

Subject: Notice of preparation for City of Newman 2015 Urban Water Management Plan

Dear Jami Aggers:

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan and update it every five years. The City of Newman (City) is preparing the 2015 UWMP for submission to the California Department of Water Resources (DWR). The 2015 UWMP must be submitted to DWR no later than July 1, 2016.

We invite your participation in this process. A Draft of the 2015 UWMP will be made available for public review. Public hearings will be scheduled ahead of the adoption of the 2015 UWMP by the City council.

If you would like more information regarding the City of Newman 2015 UWMP please contact:

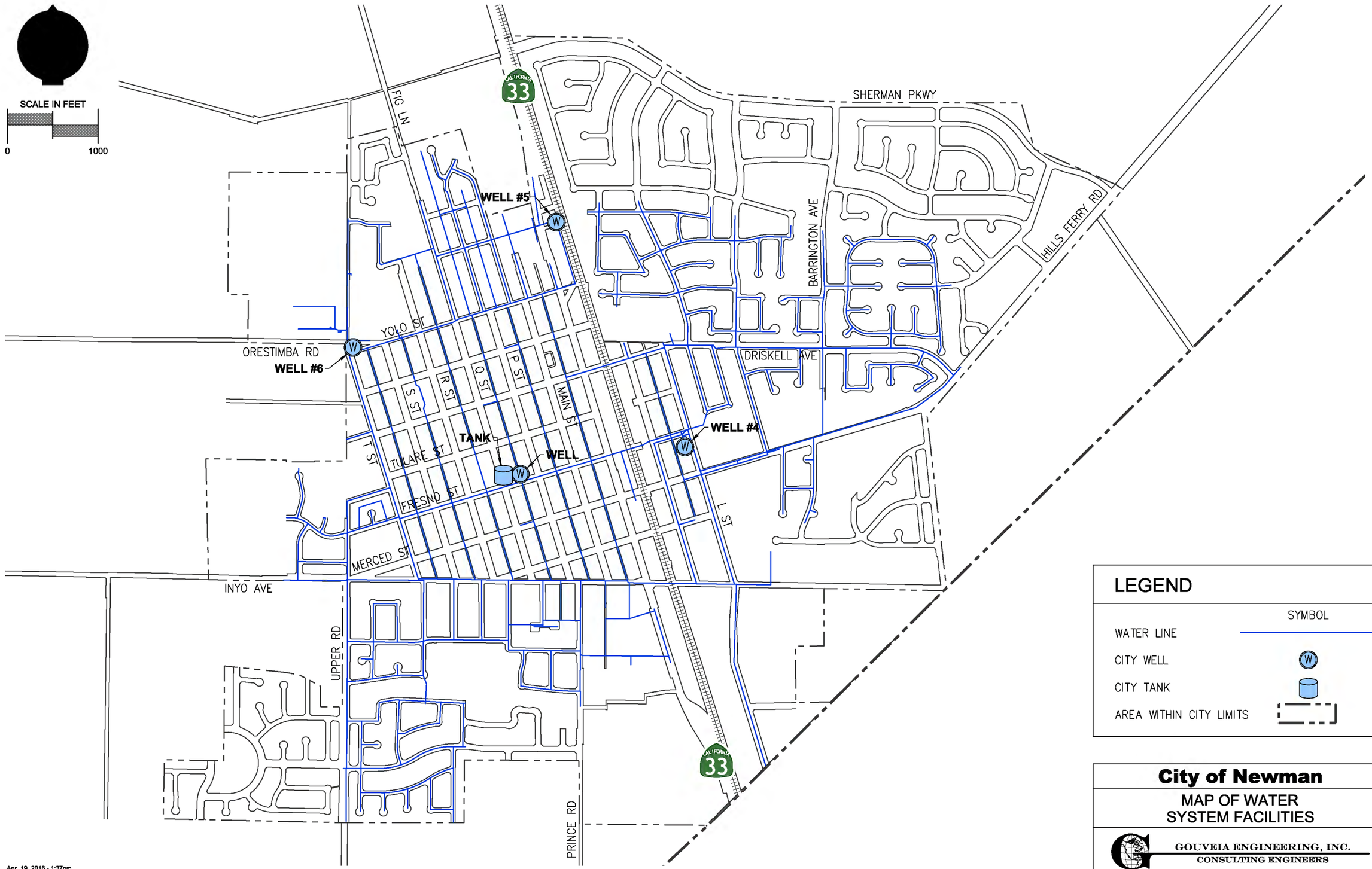
Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
E-mail: kkim@cityofnewman.com

Sincerely,

Koosun Kim
City of Newman

Appendix D

SERVICE AREA MAP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MERCED ST
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PRINCE RD
LEGEND
SYMBOL
WATER LINE
CITY WELL
CITY TANK
AREA WITHIN CITY LIMITS
City of Newman
MAP OF WATER
SYSTEM FACILITIES
GOUVEIA ENGINEERING, INC.
CONSULTING ENGINEERS
456 Sixth Street • Gustine, California 95322 • Telephone (209) 854-3300
Apr 19, 2018 - 1:37pm
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Appendix E

CLIMATE CHANGE VULNERABILITY ASSESSMENT

Chapter 13 Climate Change

The potential effects of climate change in California are well documented in multiple studies, reports and agencies communications (DWR, 2009; CNRA, 2012; Null, et al, 2010; DWR, 2011) and generally point to increased temperatures, sea level rise (SLR), a reduced winter snowpack, altered precipitation patterns, and more frequent storm events. The purpose of this section is to identify the forecasted climate change impacts specific to the Westside-San Joaquin Region and interpret these changes in climatic and hydrologic variables in terms of the region's vulnerability. This section also describes how the RMSs pursued in the region can be useful as adaptation responses for the areas of vulnerability and how the Region can monitor climate change information relevant to the region in the future. This section of the Westside-San Joaquin Region Integrated Water Resources Plan is not the only one that discusses it. Climate change aspects are relevant for many of the components of this plan (Objectives, Coordination, RMS, etc.) and it is therefore discussed, as applicable, in the respective chapters.

Climate change is a term with a very specific physical meaning – the long-term change in climatic conditions on the planet – but in the context of integrated regional water management, the term has crossover implications in the physical and natural systems, the social and economic activities, and the interaction between stakeholders to plan and implement projects and strategies to accomplish objectives. Several specific aspects of climate change (and terms) are discussed in this section:

- Climate change mitigation refers to reductions in greenhouse gas (GHG) emissions that may result from the implementation of policies, projects, and programs, and are discussed in this chapter when presenting RMSs considered by the Westside-San Joaquin Region
- Climate change adaptation refers to policies, projects and programs that can be used to reduce the vulnerability of the Region to climate change and are discussed in this chapter when presenting RMSs considered by the Westside-San Joaquin Region
- Climate change impacts refers to changes in specific climatic variables and sea level, but also the resulting impacts in specific aspects of the water resources system such as streamflows, snowpack, water temperature, ecosystem stress, etc. Impacts are discussed in this section first as part of the assessment of vulnerability, but also in terms of how the performance of specific projects and RMSs may vary as a result of climate change
- Climate change data refers to data, information, modeling results and forecasts related to specific climate, hydrology and ecology variables of interest to the Region. This is discussed in the vulnerability assessment at the end of the chapter when presenting a general plan for continued data gathering efforts

13.1 Legislative and Policy Context

The climate change elements of this WIWRP need to consider the current legislative, regulatory and policy context. In California, specifically, there are a number of policies and legislations dealing with climate change (mitigation, adaptation, vulnerability assessment). Relevant legislation pieces and resolutions in terms of California's response to climate change have been considered in this plan and are summarized in the next sections.

Executive Order EO S-3-05

EO S-3-05 establishes GHG emission reduction targets for California:

- By 2010, reduce GHG emissions to 2000 California levels
- By 2020, reduce GHG emissions to 1990 California levels
- By 2050, reduce GHG emissions to 80 percent below 1990 California levels

The California Environmental Protection Agency (CalEPA) has established the Climate Action Team (CAT) to coordinate efforts to meet these targets. Specifically relevant to the water sector is the Water-Energy subgroup (also known as WET-CAT) which is tasked with exploring mitigation strategies for energy consumption related to water use.

Assembly Bill 32

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, codifies the mid-term GHG reduction target established in EO S-3-05 and provides further details for those targets. AB 32 identifies the California Air Resources Board (CARB) as the State agency responsible to develop regulations, emission limits and additional measures to meet the limits.

CARB has designed a California cap-and-trade program that is enforceable and meets the requirements of AB 32. The program started on January 1, 2012, with an enforceable compliance obligation beginning with the 2013 GHG emissions.

Senate Bill 97 (2007)

Senate Bill 97 (SB 97) directed the Governor's Office of Planning and Research (OPR) to develop Guideline amendments for the California Environmental Quality Act (CEQA) to include the analysis of climate change in the environmental permitting process. The CEQA Guidelines call for lead agencies to determine baseline conditions and levels of significance and to evaluate mitigation measures. The guidelines do not prescribe mitigation measures.

Executive Order S-13-08 (2008)

EO S-13-08 is an executive order with the purpose of advancing California's ability to adapt to climate change and more specifically SLR. It directs a number of State agencies to engage in planning and research efforts to assess the vulnerability of California's transportation system and key coastal infrastructure to different SLR scenarios for the years 2050 and 2100. It also required the CAT (see EO S-3-05 above) to develop state strategies for adaptation in the water sector, ocean and coastal resources, infrastructure, biodiversity, and other areas.

California Ocean Protection Council Resolution

Adopted in March 2011, this resolution directs entities implementing coastal projects to consider SLR vulnerabilities and establishes that state agencies should make decisions regarding coastal and ocean management based upon guiding principles presented in the 2009 California Climate Adaptation Strategy (see below).

California Climate Adaptation Strategy (2009)

The Natural Resource Agency developed the California Climate Adaptation Strategy (2009) in response to EO S-13-08, outlining a set of guiding principles: "California must protect public health and safety and critical infrastructure; California must protect, restore, and enhance ocean and coastal ecosystems, on which our economy and wellbeing depend; California must ensure public access to coastal areas and

protect beaches, natural shoreline, and park and recreational resources; new development and communities must be planned and designed for long-term sustainability in the face of climate change; California must look for ways to facilitate adaptation of existing development and communities to reduce their vulnerability to climate change impacts over time; and California must begin now to adapt to the impacts of climate change. We can no longer act as if nothing is changing."

Twelve key recommendations resulting from the strategy are:

1. Appoint a Climate Adaptation Advisory Panel (CAAP) to assess the greatest risks to California from climate change and to recommend strategies to reduce those risks, building on the Climate Change Adaptation Strategy.
2. Implement the 20x2020 water use reductions and expand surface and groundwater storage; implement efforts to fix Delta water supply, quality and ecosystems; support agricultural water use efficiency; improve statewide water quality; improve Delta ecosystem conditions; and stabilize water supplies as developed in the Bay Delta Conservation Plan.
3. Consider project alternatives that avoid significant new development in areas that cannot be adequately protected from flooding, wildfire, and erosion due to climate change.
4. Prepare, as appropriate, agency-specific adaptation plans, guidance or criteria.
5. For all significant state projects, including infrastructure projects, consider the potential impacts of locating such projects in areas susceptible to hazards resulting from climate change.
6. The CAAP and other agencies will assess California's vulnerability to climate change, identify impacts to state assets, and promote climate adaptation/mitigation awareness through the Hazard Mitigation Web Portal and My Hazards Website, as well as other appropriate sites.
7. Identify key California land and aquatic habitats that could change significantly during this century due to climate change.
8. The California Department of Public Health will develop guidance for use by local health departments and other agencies to assess mitigation and adaptation strategies, which include impacts on vulnerable populations and communities, and assessment of cumulative health impacts.
9. Communities with General Plans and Local Coastal Plans should begin, when possible, to amend their plans to assess climate change impacts, identify areas most vulnerable to these impacts, and develop reasonable and rational risk reduction strategies using the CAS as guidance.
10. State firefighting agencies should begin immediately to include climate change impact information into fire program planning to inform future planning efforts.
11. State agencies should meet projected population growth and increased energy demand with greater energy conservation and an increased use of renewable energy.
12. New climate change impact research should be broadened and funded.

GHG Reporting Rule (2009)

Closely related to SB32 but at the federal level, in September 2009, United States Environmental Protection Agency (USEPA) released the Mandatory Reporting of Greenhouse Gases Rule (74FR56260, Reporting Rule) which requires reporting of GHG data and other relevant information from large sources and suppliers in the United States.

Senate Bill 375 (2008)

The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375) aligns with the State's goals to reduce GHG emissions through coordinated transportation and land use planning. Under the Act, CARB sets regional targets for GHG emissions reductions from passenger vehicle use. In 2010, ARB established these targets for 2020 and 2035 for each region covered by one of the State's metropolitan planning organizations (MPO). For the Westside-San Joaquin Region, the corresponding MPOs are the San Joaquin Council of Governments, Stanislaus Council of Governments, Merced County Association of Governments, Madera County Transportation Commission, and the Council of Fresno County Governments. CARB will periodically review and update the targets, as needed.

13.2 Climate Change Projections for the Region

For the WIWRP, two main sources of information have been used to define potential climate change impacts for the region. The first one is the Climate Resilience Evaluation and Awareness Tool (CREAT) tool developed by the USEPA, from which specific temperature and precipitation forecasts are available with geographic specificity. The second source of information is a study on hydrologic response and watershed sensitivity to climate change for the watersheds of the Sierra Nevada, published in 2010 (Null et. al., 2010). The importance of the hydrologic response study is that the climate variables of temperature and precipitation have been used as inputs to mechanistic hydrology models that forecast watershed impacts. The following sections describe the CREAT results and the analysis by Null et. al.

CREAT Results

The Climate Resilience Evaluation and Awareness Tool (CREAT) is a risk assessment- and scenario-based planning application for utilities in United States. Developed by USEPA, it contains basic national and regional climate science information, and has the ability to access data for specific geographic locations with comparisons of temperature and precipitation under mid-term and long-term conditions using different sets of predictions.

The most significant watersheds for the Westside-San Joaquin Region are the western-slope Sierra Nevada watersheds of the Stanislaus, Tuolumne, Merced, San Joaquin, and Kings Rivers. CREAT results were generated for an area in the Kings River headwaters and in the Tuolumne River headwaters (southern-most, mid/northern). Table 18 shows the predicted change in annual temperature and precipitation forecasted for the year 2060 for a global circulation model (GCM) with a hot and dry tendency (worst-case projections).

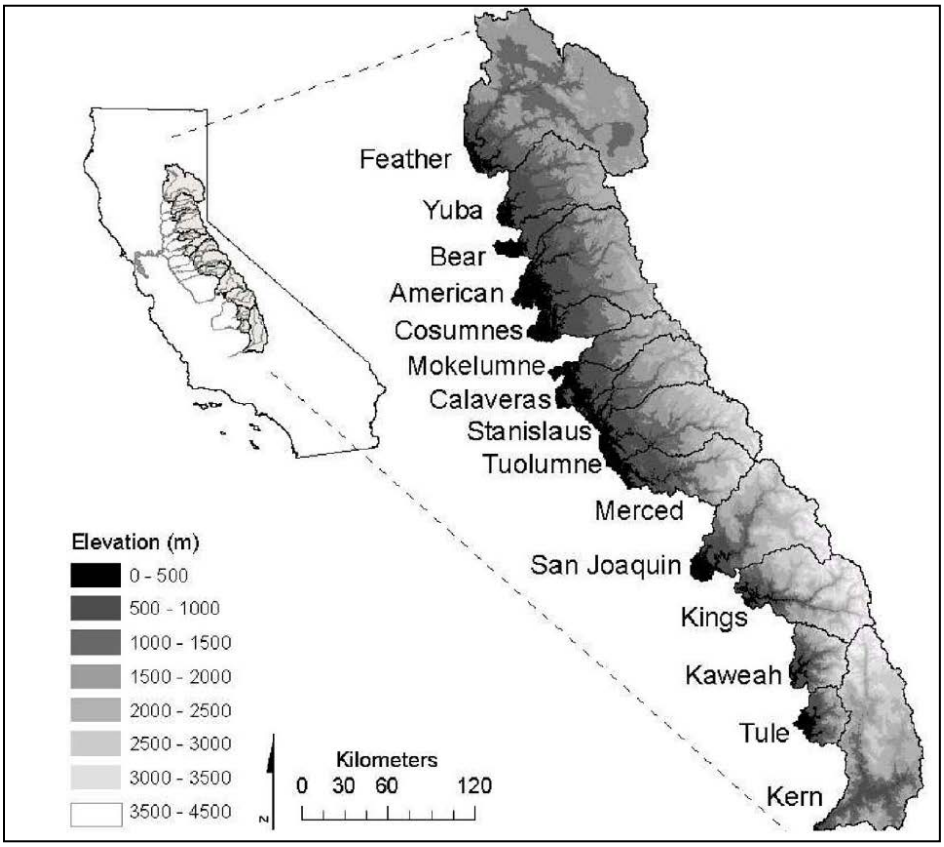
Table 18: Changes in Temperature and Precipitation (CREAT Results, 2060 Prediction)

Watershed	Average Temperature Difference	Annual Precipitation Difference	Storm Intensity Difference for 10-Year Storm
Kings River	+5.09 ^{o}F	-6.74 in.	+0.61 in./day
Tuolumne River	+4.95 ^{o}F	-7.05 in.	+0.91 in./day

The seasonality of precipitation changes from CREAT database models indicates that most of the precipitation differences would occur in the winter months, which is to be expected given the precipitation trends in California (e.g. wet season in winter).

Hydrology Impacts and Watershed Sensitivity

While the forecasted results in temperature and precipitation give an idea of how the local weather is expected to change on average, it is necessary to translate those changes into impacts on water resources systems. The study *Hydrologic Response and Watershed Sensitivity to Climate Warming in California's Sierra Nevada* (Null, et. al., 2010) assessed the differential hydrologic responses to climate change of 15 west-slope Sierra Nevada watersheds. Figure 14 shows the watersheds evaluated in the 2010 study. The Stanislaus, Tuolumne, Merced, San Joaquin, and Kings Rivers, which correspond to the most significant watersheds for the Westside-San Joaquin Region, are all included in the analysis.



Source: Null et al, 2010.

Figure 14: West-Slope Sierra Nevada Watersheds Studied

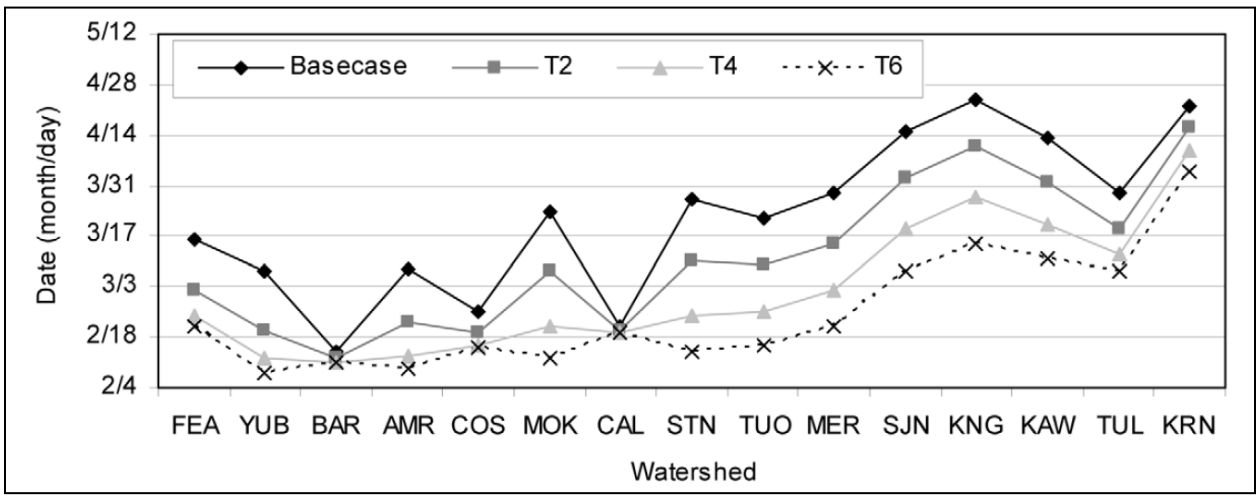
The study of hydrologic response and watershed sensitivity is based on a mechanistic hydrology model developed in WEAP21 (Water Evaluation and Planning model, developed by Stockholm Environmental Institute) to simulate intra-basin hydrologic dynamics given the climate variables. A weakness of the study is the fact that the precipitation used in the model is actual historical data as opposed to predicted precipitation from GCMs. The modeled period of 1981 to 2001, however, includes a wide range of climatic variability including the wettest year on record, the flood year of record and a prolonged drought, 1983, 1997, and 1988-1992, respectively. In terms of temperature, incremental climate warming alternatives were developed with uniform increases in air temperature of 2°C, 4°C, and 6°C (T2, T4 and T6, respectively) to evaluate impacts on regional water systems. For each scenario, the model produced simulated hydrology sequences and computed mean annual flow (MAF), centroid timing (CT) and low-flow duration (LFD) for each of the watersheds in the study.

Results of modeling the 15 watersheds indicated that increases in temperature generally result in lower MAF. A summary of the reduction in average annual flow for the relevant watersheds contributing flows to the Westside-San Joaquin Region is presented in Table 19. Reductions in MAF could have significant implication for the ability to meet demands for agricultural, urban and environmental water uses.

Table 19: Modeled Mean Annual Flow (MAF) for Watersheds and Temperature Scenarios

Watershed	Annual Average Flow (mcm)				Change from Base Case (%)		
	Base Case	*T2*	*T4*	*T6*	*T2*	*T4*	*T6*
Stanislaus	1,561	1,523	1,482	1,435	-2.4	-5.1	-8.1
Tuolumne	2,445	2,401	2,354	2,304	-1.8	-3.7	-5.8
Merced	1,348	1,308	1,272	1,237	-3.0	-5.6	-8.2
San Joaquin	2,294	2,265	2,235	2,201	-1.3	-2.6	-4.1
Kings	2,117	2,094	2,070	2,041	-1.1	-2.2	-3.6

In California climate change predictions, the timing of stream flows is consistently shown to be an element with considerable impact, affecting the management of surface water reservoirs for both flood control and water supply. The study by Null et. al. (2010) evaluated the runoff centroid timing (CT), which is the date at which the total annual runoff at the outlet of each watershed has passed. CT is mostly driven by snowmelt, which is of course driven by temperature. Results of the study for all of the 15 watersheds modeled are presented in Figure 15.



Source: Null et. al., 2010 – Figure 6, page 8
Base case – baseline scenario
T2 – 2°C temperature increase
T4 – 4°C temperature increase
T6 – 6°C temperature increase

FEA – Feather
YUB – Yuba
BAR – Bear
AMR – American
COS – Cosumnes

MOK – Mokelumne
CAL – Calaveras
STN – Stanislaus
TUO – Tuolumne
MER – Merced

SJN – San Joaquin
KNG – Kings
KAW – Kaweah
TUL – Tule
KRN – Kern

Figure 15: Average Centroid Timing by Watershed and Climate Scenario

The results in Figure 15 are presented with the label for each watershed in the x-axis in the order of north to south. The y-axis presents the CT (date). The relevant watersheds for the Westside-San Joaquin Region are labeled as follows:

Stanislaus – STN

Tuolumne – TUO

Merced – MER

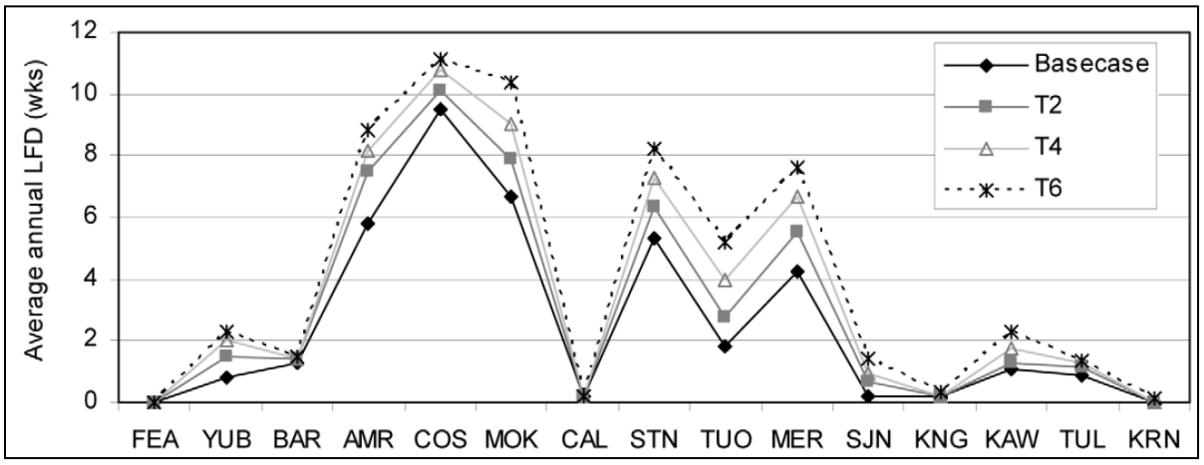
San Joaquin – SJN

Kings - KNG

The results show significant changes in CT as indicated by the separation of the lines from base case to T2, T4, and T6. The minimum difference in CT is for the scenario with a 2°C increase in temperature, which is about a 2-week change of in CT. The difference with T6 is over one month, indicating that the flows would arrive to the Region about more than a month earlier due to earlier snowmelt. This could have significant implications for water management in the Region. The watersheds of interest have very similar impacts in CT mostly due to the fact that they have similar proportion of areas of high and lower elevations. Areas of high elevations are more susceptible to hydrology changes due to temperature increase given that these are snowpack-driven watersheds.

A third variable simulated in the Null et. al. (2010) study is low flow duration (LFD). LFD is the number of weeks with "low flow" conditions and, in this case, "low flow" has been defined as periods of at least three weeks where weekly discharge divided by total discharge for the water year is less than 1%. Although this definition of low flow is not specifically related to a regulatory basis, it does represent a flow condition that can stress a water supply system and aquatic habitat.

The results of modeling simulating changes in CT are presented in Figure 16 with the label for each watershed in the x-axis in the order of north to south. The y-axis presents the number of weeks under low flow conditions (average over the hydrology years simulated).



Source: Null et. al., 2010 – Figure 8, page 9
Base case – baseline scenario
T2 – 2°C temperature increase
T4 – 4°C temperature increase
T6 – 6°C temperature increase

FEA – Feather
YUB – Yuba
BAR – Bear
AMR – American
COS – Cosumnes

MOK – Mokelumne
CAL – Calaveras
STN – Stanislaus
TUO – Tuolumne
MER – Merced

SJN – San Joaquin
KNG – Kings
KAW – Kaweah
TUL – Tule
KRN – Kern

Figure 16: Average Number of Low Flow Weeks by Watershed and Climate Scenario

For the relevant watersheds for the Westside-San Joaquin Region (Stanislaus, Tuolumne, Merced, San Joaquin and Kings), the results show changes in LFD for the Stanislaus, Tuolumne and Merced Rivers as indicated by the separation of the lines from base case to T2, T4, and T6. The minimum difference in LFD is for the scenario with a 2°C increase in temperature, which is about one more week of LFD. Changes are much less significant for the San Joaquin and Kings Rivers. It is also relevant to mention that the estimated LFD in this case are specifically for the rivers in a geographic location outside the Westside-San Joaquin Region. The low flows in these locations, however, will be likely correlated with lower flows downstream in areas within the Westside-San Joaquin Region.

Sea Level Rise (SLR)

Even though the Westside-San Joaquin Region is not a coastal region, it is dependent on the Central Valley Project (CVP) for water supply to a large extent. Disruptions in the overall operation of the CVP can result in impacts to all CVP contractors. This makes SLR a relevant, climate change-driven factor to consider in terms of vulnerability. The following section, where the vulnerability of the region is discussed, will include a description of the relevance of SLR to water supply for the Westside-San Joaquin Region. Table 20 presents assessments of potential SLR in the Delta region.

Table 20: Sea Level Rise Projections for San Francisco and Delta Region (2050)

Projection	Range
28.0 ± 9.2 cm	12.3-60.8 cm
11.0 ± 3.6 in	4.84-23.9 in

Source: NRC, 2012. Projected sea levels are increases in mean sea level for the year 2000

13.3 Westside-San Joaquin Region Vulnerability

The vulnerability of the Region has been assessed using the comprehensive characterization in the Region Description chapter of this plan, and using the studies referenced so far for California-wide predictions and specifically for areas relevant or within the Westside-San Joaquin Region. The different sectors of the water resources systems in the Region were assessed using the Department of Water Resources (DWR's) *Climate Change Handbook for Regional Water Planning* as a guideline. The following sections describe the areas of vulnerability that are also summarized in Table 21.

Table 21: Westside-San Joaquin Region Vulnerability to Climate Change

Area of Vulnerability	Summary
Water Demands	A large percentage of the water demand in the Westside-San Joaquin Region is driven by irrigation. Higher temperatures will drive evapotranspiration rates. This is applicable not only to agricultural demands (although that is the most significant impact), but also to outdoor demands in urban areas in the Region.
Water Supply	The Region is highly dependent on surface flows that are vulnerable to decreased precipitation and snowpack in the Sierra Nevada. The water management system in the Region, and intra-regionally, relies heavily in surface storage, including snowpack in the Sierras. The balance of water storage to snowpack is vulnerable with earlier snowmelt and more intense short-duration events. More extended and potentially more frequent droughts exacerbate vulnerability, compounding the supply vulnerability and resulting in expected higher demands in agricultural and urban areas.
Water Quality	Surface water quality is vulnerable due to several factors including the low flow duration, an expected reduction meadows and a potential increase in storm intensity with short-term turbidity effects. Groundwater quality can also be vulnerable due more pressure on aquifers to offset surface supply shortages creating overdraft conditions. Wildfires are expected to be more likely with post-event impacts to surface water quality.
Flood Management	Flood management is vulnerable to the changes in the balance of storage to streamflow triggered by earlier snowmelt. More intense storms are also predicted while meadow area may be reduced, eliminating a natural peak flow reduction mechanism.
Ecosystem and Habitat	Some terrestrial habitats will be vulnerable to increases in the frequency of wildfires, but the higher vulnerability may be in aquatic habitat due to changes in runoff timing and increased low flow periods and droughts. Higher water temperatures can also degrade water quality and stress aquatic species of interest.

These areas of vulnerability were discussed among the Westside-San Joaquin Region stakeholders and prioritized to help identify those areas members felt were important to address first. The ranking of these vulnerabilities were as follow:

High Priority (address first) – water supply, water quality and flood management vulnerabilities

Lower Priority (medium- to long-term solutions) – water demands and ecosystem/habitat vulnerabilities

Water Demands and Supply

The correlation between temperature and water demand for irrigation is well documented and understood. In the Westside-San Joaquin Region, about 800,000 acres are partially or solely irrigated with CVP water (depending on water availability conditions). Thus the largest percentage of the water demand is driven by agricultural irrigation, and higher temperatures will drive evapotranspiration rates, increasing demands. This is applicable not only to agricultural demands (although that is the most significant impact), but also to outdoor demands in urban areas in the region.

In terms of environmental demands, Section 3406(d)(1) of the CVPIA requires firm water supplies to be delivered to federal, state and some private wildlife refuges, as defined in the Central Valley Project

Improvement Act (CVPIA). Historically, the wetlands throughout the region received water from the San Joaquin River. Following development of the CVP, most of the refuges received irrigation tail water for much of their supply, until the CVPIA required firm water supplies of suitable quality to maintain and improve wetland habitat. This specific demand and other habitat-related demands may not increase, but will continue to stress water supply under climate change conditions.

Compounded with increases in demands is the fact that supply is projected to be vulnerable to climate change impacts. Reduced annual precipitation and the timing of that precipitation combined with higher temperatures will result in new seasonality of flows due to earlier snowmelt in the Sierra Nevada. Section 1.2 described the specific hydrology impacts for the Westside-San Joaquin Region.

Reduced surface water supplies could trigger a reduction in agricultural water use, resulting in a corresponding increase in groundwater use. This, in turn, may result in groundwater elevation declines such that infiltration from rivers to groundwater occurs, resulting in a groundwater-base flow disconnect. Many of the water users in the Region rely on groundwater on a permanent, seasonal or dry-year basis, and overall stresses in surface water make groundwater in the Tracy, Delta-Mendota and Westside subbasins susceptible to overdraft.

CVP Supply

Disruptions in the overall operation of the CVP can result in impacts to all CVP contractors, and some critical elements of the CVP are vulnerable to sea level rise in terms of salinity impacts. A rising sea level will impact the Delta by increasing the risk of overtopping and other forms of levee failure, and by increased saline/brackish tidal pressure, which if not countered by increases in freshwater outflows, will lead to higher salinity intrusion and higher salinity levels in the Delta.

The CVP's Jones Pumping Plant is located in the southwestern edge of the Delta and lifts water into the Delta-Mendota Canal, which travels southward to the Mendota Pool, supplying water along the way to other CVP reservoirs. Increased salinity levels at the plant due to a levee failure (with higher consequences exacerbated by SLR) could require a temporary stop in diversions to the CVP as, even though irrigation canals are not subject to drinking water regulations, agricultural users are sensitive to water quality, depending on the types of crop being grown. There are no set thresholds for salinity, bromide, or other constituents at which the Jones Pumping Plant would cease operations, but a significant increase in salinity in the vicinity of the pumping plants intakes could result in CVP disruption with impacts to the Westside-San Joaquin Region.

Water Quality

Surface water quality is vulnerable due to several factors, including larger periods of low flows, more frequent and intense droughts, and higher water temperature that can reduce dissolve oxygen concentrations. The vulnerability of meadows, even though the largest areas are geographically outside the Westside-San Joaquin Region, can have consequences in water quality since natural vegetation removes pollutants and/or prevent them from entering streams. Wildfires are expected to be more likely with post-event impacts to surface water quality also. A potential increase in storm intensity could also trigger short-term turbidity increases. These surface water negative impacts also affect habitat vulnerability, described below, by reducing or degrading suitable habitat.

Groundwater quality can also be vulnerable due more pressure on aquifers to offset surface supply shortages developing a need for deeper wells or shallower wells with lower water quality than currently produced. Overdraft conditions may persist for longer periods not allowing the basins to recover during periods of wet hydrology, with consequences for lower water quality. Increase pumping of deeper,

higher quality groundwater can result in increased vertical gradients, with poorer quality shallow groundwater migrating to and impacting the deeper zones.

Flood Management

A majority of the San Joaquin River's 100-year floodplain (in the stretch of the San Joaquin River at the geographic edge of the Westside-San Joaquin Region) is within the Region. The vulnerability of the region to floods is not just theoretical since there have been, in relatively recent past, critical flooding events with great consequences for the economy, infrastructure, assets and residents. These historical floods have been triggered by high peak flows due to high-intensity storms and/or rapid snowmelt at the Sierra Nevada foothills triggered by tropical storms. As described in Section 1.2, it is expected that more intense storms could result from climate change. The Westside-San Joaquin Region is vulnerable to changes in the balance of storage to streamflow triggered by earlier snowmelt under climate change conditions, and more intense storms are predicted while meadow area may be reduced, eliminating a natural peak flow attenuation mechanism.

Ecosystem and Habitat

There are a number of natural areas in the San Joaquin Valley that, while scattered throughout the region, provide concentrated areas of grasslands and habitats, such as freshwater marshes, valley sink scrub, and grassland vernal pool habitats. Some terrestrial habitats can be vulnerable to increase frequency of wildfires, but higher vulnerability exists for aquatic habitat due to changes in runoff timing and increased low flow periods and droughts. Increases in water demands and reductions in overall water supplies will add a significant water management challenge for the Region in protecting habitats under increased competition for limited supply, particularly in dry years. Higher water temperatures can also degrade water quality and stress aquatic species of interest.

Prioritizing Vulnerabilities

The Westside-San Joaquin Region has not coordinated an effort to explicitly and formally prioritize the vulnerabilities described above. The majority of the projects included in this WIWRP are related to, or have important components of, water supply, reflecting the Region's views on the importance of addressing water supply needs today and into the future. And while a key regional objective, this WIWRP also has strong statements relating to flood management and environmental stewardship.

13.4 Enhancing the Region's Adaptive Capacity

The Westside-San Joaquin Region has been collaborating on planning and program and project implementation efforts for many years. Regional planning has been the primary forum to address regional issues and conflicts, and this WIWRP is a new effort to address some urgent concerns. This WIWRP distinguishes itself from previous regional planning efforts in the Westside-San Joaquin Region in that a formal assessment of climate change impacts and vulnerability has been performed, and RMSs are discussed in the context of climate change adaptation and mitigation. 0 includes a discussion on climate change considerations for the strategies. In many cases, an RMS applicable to the Region has the potential to mitigate climate change impacts by reducing GHG emissions, and in many cases, the RMSs can be used to adapt to climate change impacts, reducing the Region's vulnerability. The RMSs are presented in Table 22 with references to the vulnerability areas in which they can increase the regions resiliency.

13.5 Plans for Future Data Gathering

The general strategy for climate change data gathering is to align this specific data collection need with the overall data management process for the Region. As part of IRWM project implementation, different types of data will be collected to track project performance and meet monitoring program requirements. Variables relevant to climate change will be combined with data collection processes and ongoing programs to minimize duplication of efforts.

Table 22: RMS Applicability to Climate Change Adaptation for Westside-San Joaquin Region

RMS	Vulnerability Area RMS Helps Support	RMS	Vulnerability Area RMS Helps Support
Agricultural Water Use Efficiency	WS, WD	Matching Quality to Use	WS, WD
Urban Water Use Efficiency	WS, WD	Pollution Prevention	WS, WQ, H
Conveyance – Delta		Salt and Salinity Management	WS, WQ, H
Conveyance – Regional/Local	WS, WD, WQ, FM, H	Urban Runoff Management	WS, FM, WQ, H
System Reoperation	WS, WQ	Agricultural Lands Stewardship	WD, WQ, H
Water Transfers	WS, WD	Economic Incentives (Loans, Grants, and Water Pricing)	WS, WD, WQ, FM, H
Conjunctive Management and Groundwater Storage	WS, WQ	Ecosystem Restoration	WQ, H
Desalination	WS, WQ	Forest Management	WS, WQ, H
Precipitation Enhancement	WS	Land Use Planning and Management	WS, WD, WQ, FM, H
Recycled Municipal Water	WS, WQ	Recharge Area Protection	SW, WQ, H
Surface Storage – CALFED		Water-Dependent Recreation	WQ, H
Surface Storage – Regional/Local	WS, FM, H	Watershed Management	WS, WD, WQ, FM, H
Drinking Water Treatment and Distribution	WS	Flood Risk Management	FM, H
Groundwater Remediation / Aquifer Remediation	WS, WQ	Outreach and Engagement	WS, WD, WQ, FM, H
Sediment Management	WQ, H	Water and Culture	WS, WD, WQ, FM, H

WS: Water Supply
WD: Water Demand
WQ: Water Quality
FM: Flood Management
H: Habitat

Appendix F

SB X7-7 VERIFICATION FORM

SB X7-7 Table 0: Units of Measure Used in UWMP* *(select one from the drop down list)*
Million Gallons
**The unit of measure must be consistent with Table 2-3*
NOTES:

SB X7-7 Table-1: Baseline Period Ranges			
Baseline	**Parameter**	**Value**	**Units**
10- to 15-year baseline period	2008 total water deliveries	861	Million Gallons
	2008 total volume of delivered recycled water	0	Million Gallons
	2008 recycled water as a percent of total deliveries	0.0%	Percent
	Number of years in baseline period[1]	10	Years
	Year beginning baseline period range	2001	
	Year ending baseline period range[2]	2010	
5-year baseline period	Number of years in baseline period	5	Years
	Year beginning baseline period range	2006	
	Year ending baseline period range[3]	2010	

[1] If the 2008 recycled water percent is less than 10 percent, then the first baseline period is a continuous 10-year period. If the amount of recycled water delivered in 2008 is 10 percent or greater, the first baseline period is a continuous 10- to 15-year period.

[2] The ending year must be between December 31, 2004 and December 31, 2010.

[3] The ending year must be between December 31, 2007 and December 31, 2010.

NOTES:

SB X7-7 Table 2: Method for Population Estimates	
Method Used to Determine Population (may check more than one)	
☑	**1. Department of Finance** (DOF) DOF Table E-8 (1990 - 2000) and (2000-2010) and DOF Table E-5 (2011 - 2015) when available
☐	**2. Persons-per-Connection Method**
☐	**3. DWR Population Tool**
☐	**4. Other** DWR recommends pre-review
NOTES:	

SB X7-7 Table 3: Service Area Population		
Year		**Population**
10 to 15 Year Baseline Population		
Year 1	2001	7,443
Year 2	2002	7,445
Year 3	2003	7,602
Year 4	2004	8,099
Year 5	2005	8,798
Year 6	2006	9,704
Year 7	2007	9,799
Year 8	2008	10,029
Year 9	2009	10,183
Year 10	2010	10,208
Year 11	*2011*	*10,474*
Year 12	*2012*	*10,546*
Year 13	*2013*	*10,626*
Year 14	*2014*	*10,695*
Year 15	*2015*	*10,753*
5 Year Baseline Population		
Year 1	2006	9,704
Year 2	2007	9,799
Year 3	2008	10,029
Year 4	2009	10,183
Year 5	2010	10,208
2015 Compliance Year Population		
2015		10,753
NOTES:		

SB X7-7 Table 4: Annual Gross Water Use *								
	Baseline Year *Fm SB X7-7 Table 3*	**Volume Into Distribution System** *Fm SB X7-7 Table(s) 4-A*	**Deductions**					**Annual Gross Water Use**
			Exported Water	Change in Dist. System Storage (+/-)	Indirect Recycled Water *Fm SB X7-7 Table 4-B*	Water Delivered for Agricultural Use	Process Water *Fm SB X7-7 Table(s) 4-D*	
10 to 15 Year Baseline - Gross Water Use								
Year 1	2001	644	0	0	0	0	0	644
Year 2	2002	664	0	0	0	0	0	664
Year 3	2003	698	0	0	0	0	0	698
Year 4	2004	755	0	0	0	0	0	755
Year 5	2005	833	0	0	0	0	0	833
Year 6	2006	865	0	0	0	0	0	865
Year 7	2007	922	0	0	0	0	0	922
Year 8	2008	861	0	0	0	0	0	861
Year 9	2009	786	0	0	0	0	0	786
Year 10	2010	723	0	0	0	0	0	723
Year 11	*2011*				0		0	0
Year 12	*2012*				0		0	0
Year 13	*2013*				0		0	0
Year 14	*2014*				0		0	0
Year 15	*2015*				0		0	0
10 - 15 year baseline average gross water use								**775**
5 Year Baseline - Gross Water Use								
Year 1	2006	865	0	0	0	0	0	865
Year 2	2007	922	0	0	0	0	0	922
Year 3	2008	861	0	0	0	0	0	861
Year 4	2009	786	0	0	0	0	0	786
Year 5	2010	723	0	0	0	0	0	723
5 year baseline average gross water use								**831**
2015 Compliance Year - Gross Water Use								
2015		607	0	0	0	0	0	607

* NOTE that the units of measure must remain consistent throughout the UWMP, as reported in Table 2-3

NOTES:

SB X7-7 Table 4-A: Volume Entering the Distribution System(s)

Complete one table for each source.

Name of Source	Well 1R 1125 Fresno ST.
This water source is:	
☑	The supplier's own water source
☐	A purchased or imported source

Baseline Year *Fm SB X7-7 Table 3*		Volume Entering Distribution System	Meter Error Adjustment* *Optional (+/-)*	Corrected Volume Entering Distribution System
10 to 15 Year Baseline - Water into Distribution System				
Year 1	2001	26.4	0.0	26.4
Year 2	2002	100.5	0.0	100.5
Year 3	2003	207.4	0.0	207.4
Year 4	2004	267.0	0.0	267.0
Year 5	2005	114.7	0.0	114.7
Year 6	2006	115.9	0.0	115.9
Year 7	2007	15.7	0.0	15.7
Year 8	2008	17.4	0.0	17.4
Year 9	2009	0.2	0.0	0.2
Year 10	2010	2.9	0.0	2.9
Year 11	2011	1.3		1.3
Year 12	2012	8.9		8.9
Year 13	2013	0.8		0.8
Year 14	2014	0.3		0.3
Year 15	2015	0.6		0.6
5 Year Baseline - Water into Distribution System				
Year 1	2006	115.9	0.0	115.9
Year 2	2007	15.7	0.0	15.7
Year 3	2008	17.4	0.0	17.4
Year 4	2009	0.2	0.0	0.2
Year 5	2010	2.9	0.0	2.9
2015 Compliance Year - Water into Distribution System				
2015		0.6	0.0	0.6

** Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document*

NOTES:

SB X7-7 Table 4-A: Volume Entering the Distribution				
Name of Source	Well 5 876 N ST.			
This water source is:				
☑	The supplier's own water source			
☐	A purchased or imported source			
Baseline Year *Fm SB X7-7 Table 3*		Volume Entering Distribution System	Meter Error Adjustment* *Optional (+/-)*	Corrected Volume Entering Distribution System
10 to 15 Year Baseline - Water into Distribution System				
Year 1	2001	209.9		209.9
Year 2	2002	157.4		157.4
Year 3	2003	75.5		75.5
Year 4	2004	107.3		107.3
Year 5	2005	105.7		105.7
Year 6	2006	135.9		135.9
Year 7	2007	142.7		142.7
Year 8	2008	142.4		142.4
Year 9	2009	76.8		76.8
Year 10	2010	148.2		148.2
Year 11	2011	84.2		84.2
Year 12	2012	177.0		177.0
Year 13	2013	121.0		121.0
Year 14	2014	95.4		95.4
Year 15	2015	88.5		88.5
5 Year Baseline - Water into Distribution System				
Year 1	2006	135.9		135.9
Year 2	2007	142.7		142.7
Year 3	2008	142.4		142.4
Year 4	2009	76.8		76.8
Year 5	2010	148.2		148.2
2015 Compliance Year - Water into Distribution System				
2015		88.5		88.5
** Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document*				
NOTES:				

SB X7-7 Table 4-A: Volume Entering the Distribution				
Name of Source	Well 6 1002 T ST.			
This water source is:				
☑	The supplier's own water source			
☐	A purchased or imported source			
Baseline Year *Fm SB X7-7 Table 3*		Volume Entering Distribution System	Meter Error Adjustment* *Optional (+/-)*	Corrected Volume Entering Distribution System
10 to 15 Year Baseline - Water into Distribution System				
Year 1	2001	407.4		407
Year 2	2002	405.7		406
Year 3	2003	415.4		415
Year 4	2004	380.9		381
Year 5	2005	363.2		363
Year 6	2006	375.7		376
Year 7	2007	460.4		460
Year 8	2008	425.6		426
Year 9	2009	464.8		465
Year 10	2010	357.3		357
Year 11	2011	412.3		412
Year 12	2012	152.2		152
Year 13	2013	156.7		157
Year 14	2014	110.4		110
Year 15	2015	48.3		48
5 Year Baseline - Water into Distribution System				
Year 1	2006	375.7		376
Year 2	2007	460.4		460
Year 3	2008	425.6		426
Year 4	2009	464.8		465
Year 5	2010	357.3		357
2015 Compliance Year - Water into Distribution System				
2015		48.3		48
** Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document*				
NOTES:				

SB X7-7 Table 4-A: Volume Entering the Distribution				
Name of Source	Well 8 1051 Barrington Ave.			
This water source is:				
☑	The supplier's own water source			
☐	A purchased or imported source			
Baseline Year *Fm SB X7-7 Table 3*		Volume Entering Distribution System	Meter Error Adjustment* *Optional (+/-)*	Corrected Volume Entering Distribution System
10 to 15 Year Baseline - Water into Distribution System				
Year 1	2001	0.0		0
Year 2	2002	0.0		0
Year 3	2003	0.0		0
Year 4	2004	0.0		0
Year 5	2005	249.1		249
Year 6	2006	237.4		237
Year 7	2007	303.5		303
Year 8	2008	275.9		276
Year 9	2009	243.7		244
Year 10	2010	214.7		215
Year 11	2011	248.3		248
Year 12	2012	512.5		512
Year 13	2013	568.0		568
Year 14	2014	515.6		516
Year 15	2015	469.6		470
5 Year Baseline - Water into Distribution System				
Year 1	2006	237.4		237
Year 2	2007	303.5		303
Year 3	2008	275.9		276
Year 4	2009	243.7		244
Year 5	2010	214.7		215
2015 Compliance Year - Water into Distribution System				
2015		469.6		470
** Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document*				
NOTES:				

☐

SB X7-7 Table 4-B: Indirect Recycled Water Use Deduction *(For use only by agencies that are deducting indirect recycled water)*

Baseline Year *Fm SB X7-7 Table 3*		Surface Reservoir Augmentation					Groundwater Recharge			**Total Deductible Volume of Indirect Recycled Water Entering the Distribution System**
		Volume Discharged from Reservoir for Distribution System Delivery	Percent Recycled Water	Recycled Water Delivered to Treatment Plant	Transmission/ Treatment Loss	Recycled Volume Entering Distribution System from Surface Reservoir Augmentation	Recycled Water Pumped by Utility*	Transmission/ Treatment Losses	Recycled Volume Entering Distribution System from Groundwater Recharge	
10-15 Year Baseline - Indirect Recycled Water Use										
Year 1	2001	0	0%	0	0	0	0	0	0	0
Year 2	2002	0	0%	0	0	0	0	0	0	0
Year 3	2003	0	0%	0	0	0	0	0	0	0
Year 4	2004	0	0%	0	0	0	0	0	0	0
Year 5	2005	0	0%	0	0	0	0	0	0	0
Year 6	2006	0	0%	0	0	0	0	0	0	0
Year 7	2007	0	0%	0	0	0	0	0	0	0
Year 8	2008	0	0%	0	0	0	0	0	0	0
Year 9	2009	0	0%	0	0	0	0	0	0	0
Year 10	2010	0	0%	0	0	0	0	0	0	0
Year 11	2011	0	0%	0	0	0	0	0	0	0
Year 12	2012	0	0%	0	0	0	0	0	0	0
Year 13	2013	0	0%	0	0	0	0	0	0	0
Year 14	2014	0	0%	0	0	0	0	0	0	0
Year 15	2015	0	0%	0	0	0	0	0	0	0
5 Year Baseline - Indirect Recycled Water Use										
Year 1	2006	0	0%	0	0	0	0	0	0	0
Year 2	2007	0	0%	0	0	0	0	0	0	0
Year 3	2008	0	0%	0	0	0	0	0	0	0
Year 4	2009	0	0%	0	0	0	0	0	0	0
Year 5	2010	0	0%	0	0	0	0	0	0	0
2015 Compliance - Indirect Recycled Water Use										
2015		0	0%	0	0	0	0	0	0	0

**Suppliers will provide supplemental sheets to document the calculation for their input into "Recycled Water Pumped by Utility". The volume reported in this cell must be less than total groundwater pumped - See Methodology 1, Step 8, section 2.c.*

NOTES:

SB X7-7 Table 4-C: Process Water Deduction Eligibility *(For use only by agencies that are deducting process water) Choose Only One*	
☐	**Criteria 1**- Industrial water use is equal to or greater than 12% of gross water use. Complete SB X7-7 Table 4-C.1
☐	**Criteria 2** - Industrial water use is equal to or greater than 15 GPCD. Complete SB X7-7 Table 4-C.2
☐	**Criteria 3** - Non-industrial use is equal to or less than 120 GPCD. Complete SB X7-7 Table 4-C.3
☑	**Criteria 4** - Disadvantaged Community. Complete SB x7-7 Table 4-C.4
NOTES:	

SB X7-7 Table 4-C.1: Process Water Deduction Eligibility					
Criteria 1 Industrial water use is equal to or greater than 12% of gross water use					
Baseline Year *Fm SB X7-7 Table 3*		Gross Water Use Without Process Water Deduction	Industrial Water Use	Percent Industrial Water	**Eligible for Exclusion Y/N**
10 to 15 Year Baseline - Process Water Deduction Eligibility					
Year 1	2001	644		0%	NO
Year 2	2002	664		0%	NO
Year 3	2003	698		0%	NO
Year 4	2004	755		0%	NO
Year 5	2005	833		0%	NO
Year 6	2006	865		0%	NO
Year 7	2007	922		0%	NO
Year 8	2008	861		0%	NO
Year 9	2009	786		0%	NO
Year 10	2010	723		0%	NO
Year 11	2011	0			NO
Year 12	2012	0			NO
Year 13	2013	0			NO
Year 14	2014	0			NO
Year 15	2015	0			NO
5 Year Baseline - Process Water Deduction Eligibility					
Year 1	2006	865		0%	NO
Year 2	2007	922		0%	NO
Year 3	2008	861		0%	NO
Year 4	2009	786		0%	NO
Year 5	2010	723		0%	NO
2015 Compliance Year - Process Water Deduction Eligiblity					
2015		607		0%	NO
NOTES:					

SB X7-7 Table 4-C.2: Process Water Deduction Eligibility					
Criteria 2 Industrial water use is equal to or greater than 15 GPCD					
Baseline Year *Fm SB X7-7 Table 3*		Industrial Water Use	Population	Industrial GPCD	**Eligible for Exclusion Y/N**
10 to 15 Year Baseline - Process Water Deduction Eligibility					
Year 1	2001		7,443	0	NO
Year 2	2002		7,445	0	NO
Year 3	2003		7,602	0	NO
Year 4	2004		8,099	0	NO
Year 5	2005		8,798	0	NO
Year 6	2006		9,704	0	NO
Year 7	2007		9,799	0	NO
Year 8	2008		10,029	0	NO
Year 9	2009		10,183	0	NO
Year 10	2010		10,208	0	NO
Year 11	2011		10,474	0	NO
Year 12	2012		10,546	0	NO
Year 13	2013		10,626	0	NO
Year 14	2014		10,695	0	NO
Year 15	2015		10,753	0	NO
5 Year Baseline - Process Water Deduction Eligibility					
Year 1	2006		9,704	0	NO
Year 2	2007		9,799	0	NO
Year 3	2008		10,029	0	NO
Year 4	2009		10,183	0	NO
Year 5	2010		10,208	0	NO
2015 Compliance Year - Process Water Deduction Eligibility					
2015			10,753	0	NO
NOTES:					

SB X7-7 Table 4-C.3: Process Water Deduction Eligibility							
Criteria 3 Non-industrial use is equal to or less than 120 GPCD							
Baseline Year *Fm SB X7-7 Table 3*		Gross Water Use Without Process Water Deduction *Fm SB X7-7 Table 4*	Industrial Water Use	Non-industrial Water Use	Population *Fm SB X7-7 Table 3*	Non-Industrial GPCD	**Eligible for Exclusion Y/N**
10 to 15 Year Baseline - Process Water Deduction Eligibility							
Year 1	2001	644		644	7,443	237	NO
Year 2	2002	664		664	7,445	244	NO
Year 3	2003	698		698	7,602	252	NO
Year 4	2004	755		755	8,099	255	NO
Year 5	2005	833		833	8,798	259	NO
Year 6	2006	865		865	9,704	244	NO
Year 7	2007	922		922	9,799	258	NO
Year 8	2008	861		861	10,029	235	NO
Year 9	2009	786		786	10,183	211	NO
Year 10	2010	723		723	10,208	194	NO
Year 11	2011	0		0	10,474	0	YES
Year 12	2012	0		0	10,546	0	YES
Year 13	2013	0		0	10,626	0	YES
Year 14	2014	0		0	10,695	0	YES
Year 15	2015	0		0	10,753	0	YES
5 Year Baseline - Process Water Deduction Eligibility							
Year 1	2006	865		865	9,704	244	NO
Year 2	2007	922		922	9,799	258	NO
Year 3	2008	861		861	10,029	235	NO
Year 4	2009	786		786	10,183	211	NO
Year 5	2010	723		723	10,208	194	NO
2015 Compliance Year - Process Water Deduction Eligiblity							
2015		607		607	10,753	155	NO
NOTES:							

SB X7-7 Table 4-C.4: Process Water Deduction Eligibility				
Criteria 4 Disadvantaged Community *Use IRWM DAC Mapping tool* http://www.water.ca.gov/irwm/grants/resources_dac.cfm				
California Median Household Income		Service Area Median Household Income	Percentage of Statewide Average	**Eligible for Exclusion? Y/N**
2015 Compliance Year - Process Water Deduction Eligibility				
2010	$61,489	$4,893	8%	YES
A "Disadvantaged Community" is a community with a median household income less than 80 percent of the statewide average.				
NOTES:				

SB X7-7 Table 5: Gallons Per Capita Per Day (GPCD)				
Baseline Year *Fm SB X7-7 Table 3*		Service Area Population *Fm SB X7-7 Table 3*	Annual Gross Water Use *Fm SB X7-7 Table 4*	Daily Per Capita Water Use (GPCD)
10 to 15 Year Baseline GPCD				
Year 1	2001	7,443	644	237
Year 2	2002	7,445	664	244
Year 3	2003	7,602	698	252
Year 4	2004	8,099	755	255
Year 5	2005	8,798	833	259
Year 6	2006	9,704	865	244
Year 7	2007	9,799	922	258
Year 8	2008	10,029	861	235
Year 9	2009	10,183	786	211
Year 10	2010	10,208	723	194
Year 11	2011	10,474	746	195
Year 12	2012	10,546	850	221
Year 13	2013	10,626	838	216
Year 14	2014	10,695	722	185
Year 15	2015	10,753	618	158
10-15 Year Average Baseline GPCD				**239**
5 Year Baseline GPCD				
Baseline Year *Fm SB X7-7 Table 3*		Service Area Population *Fm SB X7-7 Table 3*	Gross Water Use *Fm SB X7-7 Table 4*	Daily Per Capita Water Use
Year 1	2006	9,704	865	244
Year 2	2007	9,799	922	258
Year 3	2008	10,029	861	235
Year 4	2009	10,183	786	211
Year 5	2010	10,208	723	194
5 Year Average Baseline GPCD				**229**
2015 Compliance Year GPCD				
2015		10,753	618	158
NOTES:				

SB X7-7 Table 6: Gallons per Capita per Day *Summary From Table SB X7-7 Table 5*	
10-15 Year Baseline GPCD	239
5 Year Baseline GPCD	229
2015 Compliance Year GPCD	158
NOTES:	

SB X7-7 Table 7: 2020 Target Method *Select Only One*		
Target Method		Supporting Documentation
☑	Method 1	SB X7-7 Table 7A
☐	Method 2	SB X7-7 Tables 7B, 7C, and 7D *Contact DWR for these tables*
☐	Method 3	SB X7-7 Table 7-E
☐	Method 4	Method 4 Calculator
NOTES:		

SB X7-7 Table 7-A: Target Method 1 20% Reduction	
10-15 Year Baseline GPCD	2020 Target GPCD
239	191
NOTES:	

SB X7-7 Table 7-E: Target Method 3				
Agency May Select More Than One as Applicable	Percentage of Service Area in This Hydrological Region	Hydrologic Region	"2020 Plan" Regional Targets	Method 3 Regional Targets (95%)
☐		North Coast	137	130
☐		North Lahontan	173	164
☐		Sacramento River	176	167
☐		San Francisco Bay	131	124
☑	100%	San Joaquin River	174	165
☐		Central Coast	123	117
☐		Tulare Lake	188	179
☐		South Lahontan	170	162
☐		South Coast	149	142
☐		Colorado River	211	200
Target *(If more than one region is selected, this value is calculated.)*				**165**
NOTES:				

SB X7-7 Table 7-F: Confirm Minimum Reduction for 2020 Target			
5 Year Baseline GPCD *From SB X7-7 Table 5*	Maximum 2020 Target*	Calculated 2020 Target *Fm Appropriate Target Table*	Confirmed 2020 Target
229	217	191	191
** Maximum 2020 Target is 95% of the 5 Year Baseline GPCD*			
NOTES:			

SB X7-7 Table 8: 2015 Interim Target GPCD		
Confirmed 2020 Target *Fm SB X7-7 Table 7-F*	10-15 year Baseline GPCD *Fm SB X7-7 Table 5*	2015 Interim Target GPCD
191	239	215
NOTES:		

SB X7-7 Table 9: 2015 Compliance								
Actual 2015 GPCD	2015 Interim Target GPCD	Optional Adjustments *(in GPCD)*					2015 GPCD *(Adjusted if applicable)*	Did Supplier Achieve Targeted Reduction for 2015?
		Extraordinary Events	Weather Normalization	Economic Adjustment	TOTAL Adjustments	Adjusted 2015 GPCD		
158	215	*From Methodology 8 (Optional)*	*From Methodology 8 (Optional)*	*From Methodology 8 (Optional)*	0	157.573866	157.573866	YES
NOTES:								

Appendix G

GROUNDWATER BULLETIN 118

San Joaquin Valley Groundwater Basin
Delta-Mendota Subbasin

- Groundwater Subbasin Number: 5-22.07
- County: Stanislaus, Merced, Madera, Fresno
- Surface Area: 747,000 acres (1,170 square miles)

Basin Boundaries and Hydrology

The San Joaquin Valley is surrounded on the west by the Coast Ranges, on the south by the San Emigdio and Tehachapi Mountains, on the east by the Sierra Nevada and on the north by the Sacramento-San Joaquin Delta and Sacramento Valley. The northern portion of the San Joaquin Valley drains toward the Delta by the San Joaquin River and its tributaries, the Fresno, Merced, Tuolumne, and Stanislaus Rivers. The southern portion of the valley is internally drained by the Kings, Kaweah, Tule, and Kern Rivers that flow into the Tulare drainage basin including the beds of the former Tulare, Buena Vista, and Kern Lakes.

The Delta-Mendota subbasin is bounded on the west by the Tertiary and older marine sediments of the Coast Ranges, and on the north by the Stanislaus/San Joaquin county line. The eastern boundary follows the San Joaquin River to Township 11 S, where it jogs eastward and follows the eastern boundary of Columbia Canal company to the San Joaquin River, then follows the Chowchilla Bypass and the eastern border of Farmer's Water District. It then trends southerly through Township 14S Range 15E on the eastern side of Fresno Slough, then follows the Tranquility ID boundary to its southern extremity. Heading northward, it follows the eastern, northern, and northwestern boundary of San Joaquin Valley – Westside Groundwater Subbasin (corresponding with Westlands Water District boundaries). Average annual precipitation is nine to 11 inches, increasing northwards.

Hydrogeologic Information

The San Joaquin Valley represents the southern portion of the Great Central Valley of California. The San Joaquin Valley is a structural trough up to 200 miles long and 70 miles wide filled with up to 32,000 feet of marine and continental sediments deposited during periodic inundation by the Pacific Ocean and by erosion of the surrounding mountains, respectively. Continental deposits shed from the surrounding mountains form an alluvial wedge that thickens from the valley margins toward the axis of the structural trough. This depositional axis is below to slightly west of the series of rivers, lakes, sloughs, and marshes, which mark the current and historic axis of surface drainage in the San Joaquin Valley.

Water Bearing Formations

The geologic units that comprise the ground water reservoir in the Delta-Mendota subbasin consist of the Tulare Formation, terrace deposits, alluvium, and flood-basin deposits. The Tulare Formation is composed of beds, lenses, and tongues of clay, sand, and gravel that have been alternately deposited in oxidizing and reducing environments (Hotchkiss 1971). The Corcoran Clay Member of the formation underlies the basin at depths ranging about 100 to 500 feet and acts as a confining bed (DWR 1981).

Terrace deposits of Pleistocene age lie up to several feet higher than present streambeds. They are composed of yellow, tan, and light-to-dark brown silt, sand, and gravel with a matrix that varies from sand to clay (Hotchkiss 1971). The water table generally lies below the bottom of the terrace deposits. However, the relatively large grain size of the terrace deposits suggests their value as possible recharge sites.

Alluvium is composed of interbedded, poorly to well-sorted clay, silt, sand, and gravel and is divided based on its degree of dissection and soil formation. The flood-basin deposits are generally composed of light-to-dark brown and gray clay, silt, sand, and organic materials with locally high concentrations of salts and alkali. Stream channel deposits of coarse sand and gravel are also included.

Groundwater in the Delta-Mendota subbasin occurs in three water-bearing zones. These include the lower zone, which contains confined fresh water in the lower section of the Tulare Formation, an upper zone which contains confined, semi-confined, and unconfined water in the upper section of the Tulare Formation and younger deposits, and a shallow zone which contains unconfined water within about 25 feet of the land surface (Davis 1959).

The estimated specific yield of this subbasin is 11.8 percent (based on DWR San Joaquin District internal data and Davis 1959). Land subsidence up to about 16 feet has occurred in the southern portion of the basin due to artesian head decline (Ireland 1964).

Restrictive Structures

Groundwater flow was historically northwestward parallel to the San Joaquin River (Hotchkiss 1971). Recent data (DWR 2000) show flow to the north and eastward, toward the San Joaquin River. Based on current and historical groundwater elevation maps, groundwater barriers do not appear to exist in the subbasin.

Groundwater Level Trends

Changes in groundwater levels are based on annual water level measurements by DWR and cooperators. Water level changes were evaluated by quarter township and computed through a custom DWR computer program using geostatistics (kriging). On average, the subbasin water level has increased by 2.2 feet from 1970 through 2000. The period from 1970 through 1985 showed a general increase, topping out in 1985 at 7.5 feet above the 1970 water level. The nine-year period from 1985 to 1994 saw general declines in groundwater levels, reaching back down to the 1970 groundwater level in 1994. Groundwater levels rose in 1995 to about 2.2 feet above the 1970 groundwater level. Water levels fluctuated around this value until 2000.

Groundwater Storage

Estimations of the total storage capacity of the subbasin and the amount of water in storage as of 1995 were calculated using an estimated specific yield of 11.8 percent and water levels collected by DWR and cooperators.

According to these calculations, the total storage capacity of this subbasin is estimated to be 30,400,000 af to a depth of 300 feet and 81,800,000 af to the base of fresh groundwater. These same calculations give an estimate of 26,600,000 af of groundwater to a depth of 300 feet stored in this subbasin as of 1995 (DWR 1995). According to published literature, the amount of stored groundwater in this subbasin as of 1961 is 51,000,000 af to a depth of $\leq$ 1,000 feet (Williamson 1989).

Groundwater Budget (Type B)

Although a detailed budget was not available for this subbasin, an estimate of groundwater demand was calculated based on the 1990 normalized year and data on land and water use. A subsequent analysis was done by a DWR water budget spreadsheet to estimate overall applied water demands, agricultural groundwater pumpage, urban pumping demand and other extraction data.

Natural recharge is estimated to be 8,000 af. Artificial recharge and subsurface inflow are not determined. Applied water recharge is approximately 74,000 af. Annual urban and agricultural extractions estimated to be 17,000 af and 491,000 af, respectively. Other extractions are approximately 3,000 af, and subsurface outflow is not determined.

Groundwater Quality

Characterization. The groundwater in this subbasin is characterized by mixed sulfate to bicarbonate types in the northern and central portion with areas of sodium chloride and sodium sulfate waters in the central and southern portion. TDS values range from 400 to 1,600 mg/L in the northern portion of the subbasin and from 730 to 6,000 mg/L in the southern portion of the subbasin (Hotchkiss 1971). The Department of Health Services (DHS), which monitors Title 22 water quality standards, reports TDS values in 44 public supply wells to range from 210 to 1,750 mg/L, with an average value of 770 mg/L. A typical range of water quality in wells is 700-1,000 mg/L.

Impairments. Shallow, saline groundwater occurs within about 10 feet of the ground surface over a large portion of the subbasin. There are also localized areas of high iron, fluoride, nitrate, and boron in the subbasin (Hotchkiss 1971).

Water Quality in Public Supply Wells

Constituent Group[1]	Number of wells sampled[2]	Number of wells with a concentration above an MCL[3]
Inorganics – Primary	47	2
Radiological	47	1
Nitrates	51	4
Pesticides	47	1
VOCs and SVOCs	45	0
Inorganics – Secondary	47	18

[1] A description of each member in the constituent groups and a generalized discussion of the relevance of these groups are included in *California's Groundwater – Bulletin 118* by DWR (2003).
[2] Represents distinct number of wells sampled as required under DHS Title 22 program from 1994 through 2000.
[3] Each well reported with a concentration above an MCL was confirmed with a second detection above an MCL. This information is intended as an indicator of the types of activities that cause contamination in a given basin. It represents the water quality at the sample location. It does not indicate the water quality delivered to the consumer. More detailed drinking water quality information can be obtained from the local water purveyor and its annual Consumer Confidence Report.

Well Characteristics

	Well yields (gal/min)	
Municipal/Irrigation	Range: 20 – 5,000	Average: 800-2,000
	Total depths (ft)	
Domestic		
Municipal/Irrigation	Range: 50 - 800	Average: 400-600

Active Monitoring Data

Agency	Parameter	Number of wells /measurement frequency
DWR (incl. Cooperators)	Groundwater levels	816 Semi-annually
DWR (incl. Cooperators)	Mineral, nutrient, & minor element.	
Department of Health Services (incl. Cooperators)	Title 22 water quality	120 Varies

Basin Management

Groundwater management:	Panoche Water District is approximately 11 months into the AB3030 process and will be doing a joint plan with other districts and the county. San Luis and Delta-Mendota Water Authority North adopted an AB 3030 plan on December 5, 1997.
Water agencies	
Public	Merced County, Fresno County, Broadview WD, Centinella WD, Central California ID, Davis WD, Del Puerto WD, Eagle Field WD, El Solyo WD, Farmers WD, Firebaugh Canal WD, Foothill WD, Fresno Slough WD, Grasslands WD, Hospital WD, Kern Canon WD, Laguna WD, Mercy Springs WD, Mustang WD, Oak Flat WD, Orestimba WD, Oro Loma WD, Pacheco WD, Panoche WD, Patterson WD, Romero WD, Salado WD, San Luis Canal Company, San Luis WD, Santa Nella C.WD, Sunflower WD, Tranquility ID, West Stanislaus ID, Widren WD, Quinto WD
Private	None.

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Additional References

California Department of Water Resources (DWR). 1994. Bulletin 160-93. *California Water Plan Update, Volume 1*.

_____. 1980. Bulletin 118-80. *Ground Water Basins in California.*

Errata

Updated groundwater management information and added hotlinks to applicable websites. (1/20/06)

Appendix H

WATER CONSERVATION ORDINANCE

ORDINANCE NO. 2015-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA, AMENDING TITLE 11 PUBLIC WAYS AND PROPERTY, ADDING CHAPTER 11.05A WATER CONSERVATION AND EDUCATION AND RESCINDING SECTION 11.05.230 IRRIGATION OF LAWNS AND LANDSCAPING OF THE NEWMAN CITY CODE COMPLYING WITH STATE EMERGENCY WATER CONSERVATION REGULATIONS

WHEREAS, in response to the Governor's January 17, 2014 drought emergency proclamation, the State Water Resources Control Board (SWRCB) at its July 15th, 2014 meeting approved emergency regulations to ensure water agencies, their customers, and state residents increase conservation in urban settings, with a specific emphasis on outdoor irrigation; and

WHEREAS, on April 1, 2015, Governor Brown signed Executive Order B-29-15, directing the State Water Board to impose restrictions to achieve a statewide 25 percent reduction in potable urban water usage through February 2016, as compared to the amount used in 2013.

WHEREAS, the SWRCB's emergency regulations require urban water suppliers to implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation and to submit monthly monitoring reports to the SWRCB that include the amount of potable water produced in the prior month, and the gallons of water used per capita in its service territory; and

WHEREAS, the City's new Water Conservation and Education ordinance specifies what actions the City may take in response to different stages of water shortage emergencies; and

WHEREAS, the new Water Conservation and Education ordinance provides flexibility in selecting the exact strategy to be used to respond to a particular water shortage situation; and

WHEREAS, the City's new Water Conservation and Education ordinance includes comparable requirements to those outlined in Section 11.05.230 Irrigation of lawns and landscaping of the Newman City Code thereby making Section 11.05.230 obsolete; and

WHEREAS, in order to comply with the SWRCB directive, it is recommended City Council adopt said Ordinance implementing the Water Conservation and Education Program; and

WHEREAS, the City of Newman held a Public Hearing on May 26, 2015 as noticed, to allow the City Council to hear and consider all protests and objections concerning the proposed Water Conservation and Education ordinances; and

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

SECTION 1

The recitals above are true and correct, and the City Council hereby makes the findings set forth herein

SECTION 2

That Section 11.05.230 Irrigation of lawns and landscaping of the Newman City Code be rescinded as follows:

~~**11.05.230 Irrigation of lawns and landscaping.**~~

~~A. All outside watering, including lawns and landscaping, shall be prohibited between the hours of 1:00 p.m. and 6:00 p.m. It shall be unlawful for any person, firm or corporation to conduct outside watering during said times, unless approval, for good cause, has been granted by the Public Works Director.~~

~~B. Whenever landscaping or a landscape plan is required by this title, water efficient landscaping shall be required. Guidelines shall conform to the standards contained in the "Water Efficient Landscape Guidelines" as promulgated by the Public Works Director and adopted herein by reference.~~

~~C. Driveways, sidewalks, building exteriors and parking lots may be hosed down with the use of a quick-acting, shut-off hose nozzle.~~

~~D. Wastewater shall include the use of lawn sprinklers when it is raining and the watering of lawns, ground cover, shrubbery and trees in a manner or to an extent which allows substantial amounts of excess water to run off the area being watered.~~

~~E. Quick-acting shut-off hose nozzles shall be required for car washing.~~

~~F. Any violation of the provisions of this section shall constitute an infraction and shall be punished by a fine of $25.00 for the first violation after a warning in writing, $50.00 for a second violation within one year, and a fine of $100.00 for each additional violation within one year. The City may, at its option, discontinue the service after the third violation after giving the customer written notice. (Ord. 93-2, 3-23-1993; Ord. 92-19, 12-8-1992)~~

(deletions as ~~strikeouts)~~

SECTION 3

That Title 11 of the Newman City Code be amended to add Chapter 11.5A Water Conservation And Education as stated in Attachment "A", attached hereto and made a part hereof by this reference.

SECTION 4

All other sections and provisions of Title 11 shall remain in full force and effect.

SECTION 5

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of May, 2015 by Council Member Martina and adopted at a regular meeting of said City Council held on the 26th day of May, 2015 by the following vote:

AYES: Graham, Candea, Martina and Mayor Katen.
NOES: None.
ABSENT: Davis.

APPROVED:

Mayor of the City of Newman

ATTEST:

City Clerk of the City of Newman

ATTACHMENT "A"

TITLE 11 PUBLIC WAYS AND PROPERTY

CHAPTER 11.5A WATER CONSERVATION AND EDUCATION

Article I. Purpose

11.5A.010 Purpose.

11.5A.020 Findings.

Article II. Education

11.5A.030 Education.

Article III. Water Conservation Schedule and Prohibitions

11.5A.040 Outdoor Landscape Watering.

11.5A.050 Prohibitions.

Article IV. Emergency Water Shortage Plan

11.5A.060 Title.

11.5A.070 Declaration of Policy: Purpose.

11.5A.080 City Manager: Authorized Action.

11.5A.090 Application.

11.5A.100 Water Conservation Stages.

11.5A.110 Mandatory Water Conservation Compliance Phase Implementation.

11.5A.120 Water Wasting Prohibited.

11.5A.130 Acts Constituting Water Wasting.

11.5A.140 Notice Of Acts Constituting Water Wasting.

11.5A.150 Penalty Fee Assessment For Water Wasting.

11.5A.160 Appeal.

11.5A.170 Appeal Hearing Request.

11.5A.180 Failure to Pay Penalty Fee.

Article I. Purpose

11.5A.010 Purpose.

The purpose and intent of the Council in enacting this Chapter is to protect the health, safety, welfare and interest of the public, and of patrons of establishments regulated by this Code by requiring that the patrons, establishments and persons conserve and not waste water by requiring that such establishments and persons conform to the water conservation procedures set forth in this chapter.

11.5A.020 Findings.

A. As a result of the drought and the understanding that water is a precious resource, the City Council finds that any ordinance relating to the conservation of water is an urgency matter for the health, safety and general welfare of the public;
B. The Constitution of the State of California and California Case Law provide that water shall not be wasted;
C. To prevent the waste of water it is the intent of the City Council of the City of Newman to adopt reasonable rules regulating the use of water for outdoor landscape watering and other ancillary uses;
D. The City Council is mindful of the importance of conserving water.

Article II. Education

11.5A.030 Education.

A. The City Council, as part of supplementation of this Chapter, will provide information to the public through the City Manager and City departments regarding the proper use to minimize the volume of water needed for a given function.
B. The Council, in an effort to carry out its findings and legislative purpose, sponsors this educational program with the intent that through proper education and implementation of water conservation procedures persons and establishments may continue to function with a significant savings in the volume of water.

Article III. Water Conservation Schedule and Prohibitions

11.5A.040 Outdoor Landscape Watering.

All users of water within the City limits of the City of Newman are subject to the following regulation:

A. From March 1st to October 31st, all outside watering, including lawns and landscaping, shall be prohibited between the hours of 1:00 p.m. and 6:00 p.m. It shall be unlawful for any person, firm or corporation to conduct outside watering during said times, unless approval, for good cause, has been granted by the Public Works Director.

11.5A.050 Prohibitions.

A. Newly planted lawns may be allowed daily watering only until the second mowing has been completed upon notification of the Public Works Department to planting.

B. The washing down or hosing of recreational vehicles, sidewalks, gutters, outside structures, or other exterior surfaces without prior written consent of the City Manager or his designee is prohibited and a violation of this chapter. Sweeping or brushing is required unless prior approval for water use is obtained.
C. The filling of wading pools is permitted, but "slip-n-slides" and other recreational activities requiring a constant flow of water are prohibited.
D. The washing of vehicles at a residence is allowed only if a quick-acting automatic positive shut-off valve is used and in proper operating condition including the discharge of treated wash waters, and is limited to one (1) such washing per week per vehicle during designated watering days and times. This section is subject to the provisions of Newman Municipal Code Chapter 11.12 Storm Water management and Discharge Control.

Article IV. Emergency Water Shortage Plan

11.5A.060 Title.

There is hereby established the "City of Newman Emergency Water Shortage Plan."

11.5A.070 Declaration of Policy: Purpose.

A. Declaration of policy. The City Council hereby declares that the general welfare requires that the water resources available to the City be put to the maximum beneficial use to the extent to which the City is capable, and that the waste of, unreasonable use of, or unreasonable method of use of water be prevented. The conservation of such water is to insure the reasonable and beneficial use thereof in the interests of the people of the City of Newman and for the public welfare.
B. Purpose. The City Council finds and declares that consolidating the various provisions of Ordinance associated with water conservation into one readily accessible document shall provide a more professional and usable work product as well as promote a better public understanding of the various procedures and provisions of the Newman Emergency Water Shortage Plan. Additionally, adding provisions prohibiting water wasting and defining the acts which so constitute water wasting advances the purpose and policy of the Newman Emergency Water Shortage Plan.

11.5A.080 City Manager: Authorized Action.

The City Manager, or his or her designee, is hereby authorized and directed to implement the provisions of this chapter upon a determination that same is necessary to protect the public welfare and safety.

11.5A.090 Application.

The provisions of this chapter shall apply to all persons, customers and property served by the City of Newman.

11.5A.100 Water Conservation Stages.

A. STAGE 1 – MANDATORY WATER CONSERVATION.
Stage 1 calls for a low level of informational outreach and enforcement of the permanent water use ordinances. Customers of the City of Newman are hereby directed to limit the amount of water used on a year round basis. Due to the characteristics of the current City of Newman water system, additional water conservation is needed between March 1st and October 31st each year as established by Section 11.05A.040.

B. STAGE 2 – MANDATORY WATER CONSERVATION COMPLIANCE: WARNING.
Upon implementation of this chapter by the City Manager pursuant to Section 11.5A.080 of this Code, and publication of notice that Stage 2 Mandatory Conservation Compliance Measures are in effect, the following mandatory conservation compliance measures shall apply:

(1) Outdoor landscape watering. Outdoor landscape watering shall be limited to three times per week on an odd-even basis in accordance with Section 11.5A.100 B(2). If the address ends in an even number, the water days shall be Tuesday, Thursday and Saturday. If the address ends in an odd number, the watering days will be Wednesday, Friday and Sunday.
(2) Outdoor watering is prohibited between the hours of 1 p.m. and 6 p.m.
(3) Large commercial landscapes and City parks shall have individual watering schedules approved by the Public Works Department.
(4) Residential vehicle washing. Residents shall be allowed to wash their vehicles as established by Section 11.05A.050 D.

C. STAGE 3 – MANDATORY WATER CONSERVATION COMPLIANCE: WARNING.
Upon implementation of this Chapter by the City Manager pursuant to Section 11.5A.080 of this Code, and publication of notice that Stage 3 Mandatory Conservation Compliance Measures are in effect, the following Mandatory Water Conservation Compliance Measures shall apply:

(1) Outdoor Landscaping Watering. Outdoor landscape watering shall be limited to two times per week in accordance with Section 11.5A.100 B(2). If the address ends in an even number, the watering days shall be Tuesday and Saturday. If the address ends in an odd number, the watering days shall be Wednesday and Sunday.
(2) Large commercial landscapes and City parks shall also be limited to two days per week, as scheduled by the Public Works Department.
(3) Residential vehicle washing. Residents shall be allowed to wash their vehicles as established by Section 11.05A.050 D.
(4) Further use of decorative fountains or reflection ponds shall be disconnected until further notice.

D. STAGE 4 – MANDATORY WATER CONSERVATION COMPLIANCE: WARNING.
Upon implementation of this Chapter by the City Manager pursuant to Section 11.5A.080 and publication of notice that Stage 4 Mandatory Conservation Compliance Measures are in effect, the following mandatory conservation compliance measures shall apply:

(1) Outdoor landscape watering shall be limited to one day per week. If the address ends in an even number, the watering day shall be Saturday. If the address ends in an odd number, the watering day shall be Sunday. Watering hours shall be in accordance with Section 11.05A.100 B(2). No outdoor landscaping watering Monday through Friday.
(2) Large commercial landscaping and City parks shall be limited to one (1) day per week, as scheduled by the Public Works Department.

(3) Filling newly constructed or drained swimming pools with City water shall be prohibited.
(4) Construction water from City fire hydrants shall be banned but treated effluent water from the wastewater treatment plant may be made available for construction water purposes.
(5) Further use of decorative fountains or reflection ponds shall be discontinued until further notice.
(6) Washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment not occurring upon the immediate premises of commercial car washes and commercial service stations and not in immediate interest of the public health, safety, and welfare shall be prohibited.

E. STAGE 5 – MANDATORY WATER CONSERVATION COMPLIANCE: WARNING.
Upon implementation of this Chapter by the City Manager pursuant to Section 11.5A.080 of this Code, and publication of notice that Stage 5 Mandatory Conservation Compliance Measures are in effect, the following mandatory conservation compliance measures shall apply:
(1) Outdoor landscape watering shall be prohibited. This includes multi-purpose commercial landscapes and City parks and median strips.
(2) Industry and commercial businesses shall be required to curtail consumption in order to maintain adequate supplies of water for health and safety.
(3) If there is total well failure, disaster relief from outside the City of Newman shall be required.

11.5A.110 Mandatory Water Conservation Compliance Phase Implementation.

A. The Director of Public Works, or his or her designee, shall monitor the projected supply and demand for water by its customers, with heightened emphasis during the months of April through October;
B. The Director of Public Works, or his or her designee, shall recommend to the City Manager the extent of the Conservation Compliance Stage required in order for the City to prudently plan for and supply water to its customers.
C. The City Manager may order that the appropriate Stage of water conservation be implemented or terminated in accordance with the applicable provisions of this Chapter. When implementing Mandatory Water Conservation Compliance Stage 2, 3, and 4, said order shall be made by public announcement and shall be published a minimum of one (1) time in a daily newspaper of general circulation and shall become effective immediately upon such publication.

11.5A.120 Water Wasting Prohibited.

Water wasting, as defined by Section 11.5A.130 of this Code, is prohibited.

11.5A.130 Acts Constituting Water Wasting.

For the purposes of this title, acts constituting water wasting shall mean and include, but shall not be limited to, any of the following acts:

A. Failure to comply with the City of Newman Emergency Water Shortage Plan, any conservation stage declared thereunder, and/or any guidelines or outdoor landscape watering schedules in effect pursuant thereto.
B. Watering outdoor landscaping areas or gardens such that excess water leaves the property or area being watered.
C. Watering outdoor landscaping while raining and within 48 hours following any measurable rainfall.
D. Washing vehicles, boats, or equipment during restricted days or hours; and/or using an open hose not equipped with a quick-action automatic shut-off valve while so doing.
E. Hosing down driveways, streets, sidewalks, parking lots, and building exteriors without the prior written consent of the Public Works Director or his designee. If consent is given, any restrictions on the frequency, timing or method would remain in effect unless a health or safety condition existed.
F. Having leaky faucets, irrigation valves, sprinkler heads or plumbing fixtures on the premises.
G. Operating evaporated coolers which are not equipped with a recirculating pump.

11.5A.140 Notice of Acts Constituting Water Wasting.

A. Any utility customer, or person using the utilities with the consent of or actual or constructive knowledge of the customer, continue to commit acts which constitute the wasting of water, as provided in Section 11.5A.130 of this Code, shall be served Notice of Acts Constituting Water Wasting.
B. This Notice of Acts Constituting Water Wasting shall serve as a first warning and first Notice of Acts Constituting Water Wasting shall:
   (1) Identify the date, time and circumstances of the violation;
   (2) State the amount of the potential penalty fee for water wasting;
   (3) Advise the customer of his or her appeal rights as provided herein;
C. The Notice of Acts Constituting Water Wasting shall be served to any utility customer, or person using the utilities with the consent of or actual or constructive knowledge of the customer, continue to commit acts which constitute the wasting of water, as provided in Section 11.5A.130.

11.5A.150 Penalty Fee Assessment For Water Wasting.

A. A penalty fee in the sum of Twenty-five and no/100ths ($25.00) Dollars shall be assessed to the utility customer's account for a first violation within one (1) year after being served with a Notice of Acts Constituting Water Wasting, pursuant to Section 11.5A.140 of this Code.
B. A penalty fee in the sum of Fifty and no/100ths ($50.00) Dollars shall be assessed to the utility customer's account for a second violation within said one (1) year after being served with a Notice of Acts Constituting Water Wasting, pursuant to Section 11.5A.140 of this Code.
C. A penalty fee in the sum of One Hundred and no/100ths ($100.00) Dollars shall be assessed to the utility customer's account for a third violation within said one (1) year after being served with a Notice of Intention to Impose a Penalty Fee for Water Wasting, pursuant to Section 11.5A.140 of this Code.
D. The City may, at its option, discontinue the service after the third violation after giving the customer written notice.

11.5A.160 Appeal.

A. A utility customer shall have the right to appeal to the City Manager, or his or her designee, the Notice of Acts Constituting Water Wasting, or any water wasting penalty fee assessed to his or her account.
B. The appeal hearing shall be held before the City Manager, or his or her designee. After hearing all of the evidence presented, he or she shall make the final administrative determination regarding the matter.
C. The customer shall be allowed to present such witnesses and evidence as he or she may desire.
D. Such appeal hearing is an administrative hearing and the rules of evidence shall not apply.

11.5A.170 Appeal Hearing Request.

A. The utility customer must request an appeal hearing in writing within fifteen (15) calendar days from the date of service of the Notice of Acts Constituting Water Wasting, or any water wasting penalty fee assessed to his or her account, unless the fifteenth day falls on a weekend day or City observed holiday.
B. The request for hearing shall be addressed to the City Manager and shall be deemed served only when received by the City. Failure to properly serve the request for hearing within the fifteen (15) calendar day period shall be deemed a waiver of the right to appeal the matter and the penalty fee will be assessed against the customer's account unless the fifteenth day falls on a weekend day or City observed holiday.
C. The hearing officer shall give written notice by mail to the utility customer of the date, time, and location of the appeal hearing, which hearing shall be held no sooner than ten (10) days from receipt of the request for hearing and no longer than thirty (30) days from receipt of such request.
D. The decision of the hearing officer shall be final. If the Notice of Acts Constituting Water Wasting, or any water wasting penalty fee assessed to an account is upheld, the penalty fee shall be assessed to the customer's account.

11.5A.180 Failure to Pay Penalty Fee.

Failure of any utility customer to pay the penalty fees imposed pursuant to this article as required shall be grounds to discontinue utility service until compliance is obtained.

Appendix I

EMERGENCY RESPONSE PLAN

Public Water system ID No. (S) 50013

EMERGENCY/DISASTER RESPONSE PLAN 2003

Dated: February 2003

EMERGENCY/DISASTER RESPONSE PLAN

To continue minimum service levels and mitigate the public health risks from drinking water contamination that may occur during a disaster or other emergency events and in order to provide reliable water service and minimize public health risks from unsafe drinking water during those events, **the City of Newman's water** system proposes the following plan that defines how it will respond to emergencies and/or disasters that are likely to affect its operation.

Disaster/emergencies that are likely to occur in the water system's service area that are addressed are: earthquake, major fire emergencies, water outages due to loss of power, localized flooding, water contamination, and acts of sabotage.

1) **DESIGNATED RESPONSIBLE PERSONNEL:** For designated responsible personnel and chain of command and identified responsibilities, see the attached "Emergency and Disaster Personnel and Responsibilities".

2) **INVENTORY OF RESOURCES:** An inventory of system resources that are used for normal operations and available for emergencies; includes maps and schematic diagrams of the water system, lists of emergency equipment, equipment suppliers, and emergency contract agreements that are kept at the water system office.

3) **EMERGENCY OPERATIONS CENTER:** In case of an emergency **the City of Newman's Police Department located at 1200 Main St.** has been designated as the communication network emergency operations center. Emergency contact information for equipment suppliers is attached. The telephone and FAX will be the primary mode of communication in an emergency. In addition, the city has radio communication with the police department and local fire department should telephone communication be lost.

Agency	Address, City	Phone#	FAX#
City of Newman	**938 Fresno Street, Second Floor Newman**	**(209) 862-3725**	**(209) 862-3199**
Newman Fire Dept.	**1162 N Street Newman**	**(209) 862-1716**	**(209) 862-1761**
Newman Police Dept.	**1200 Main Street Newman**	**(209) 862-2902**	**(209) 862-4151**

4) **OTHER AGENCY COORDINATION:** Coordination procedures with governmental agencies for health and safety protection; technical, legal, and financial assistance, and public notification procedures are continually being developed and updated through regulation and experience and will be added as necessary to this plan. (See attached sheet.)

5) **RESPONSE PROCEDURE:** Personnel will, as quickly as possible, determine the status of other employees, assess damage to water system facilities, provide logistics for emergency repairs, monitor progress of repairs and restoration efforts, communicate with health officials and water users according to the "Emergency Notification Plan" on file with The Department of Health Services and The City of Newman, and document damage and repairs.

6) **RESUME NORMAL OPERATIONS:** The steps that will be taken to resume normal operations and to prepare and submit reports to appropriate agencies will include identifying the nature of the emergency (e.g., earthquake-causing water outage/leaks, fire or power outage causing water shortage/outage/sabotage resulting in facility destruction or water contamination).

   a. **Leaks or service interruption (Result of earthquake, etc.)**
      i. Isolate leak. Turn power or flow off, if necessary, to control leak.
      ii. Repair or isolate break to allow service to the maximum system population possible. Disinfect as per attached AWWA Standards; increase system disinfectant residual as precaution, until normal service is resumed.
      iii. Do Bacteriological sampling until 3 good consecutive samples are confirmed.
      iv. Reestablish normal service.

   b. **Low pressure (Result of earthquake, fire, storm)**
      i. Increase production, if possible, to provide maximum system output.
      ii. Increase disinfectant residual as precaution to potential contamination.

   c. **Power outage**
      i. Generator will automatically go on line to provide continuous water pressure to system.
      ii. Increase disinfectant residual as precaution to potential contamination.

d. Contamination

i. Identify location and source of contamination.

ii. If contamination is from system source, isolate or treat source.

iii. If contamination is an act of sabotage, take appropriate action based on nature of contamination. Immediately contact Newman Police Department and the Department of Health Services. Actions should be taken in consultation with the Department of Health Services and could include shutting off water until all contaminants are identified.

e. Physical destruction of facility (Sabotage)

i. Immediately contact Newman Police Department and the Department of Health Services for consultation.

All significant water outages (widespread and lasting more than eight hours) or disinfection failure will be reported to the Department of Health Services District Office by telephone or equally rapid means. All emergencies will be documented along with the action taken, and kept in the files at the City of Newman Water Department. Acts of sabotage will be reported to the City of Newman Police Department.

Emergency and Disaster Personnel and Responsibilities

Name **Title**	**Telephone No. (Work)** **Telephone No. (Home)**	**Role**
Koosun Kim Public Works Director	(209) 862-4448 (209) 678-0347	**In charge of all water related emergencies** PE
Perfecto Millan Public Works Superintendent	(209) 243-2361 (209) 678-0351	**Emergency assistance and support** Certified T2 Operator Certified D4 Operator
Lance Perry WWTP Superintendent	(209) 243-2366 (209) 678-0350	**Emergency assistance and support** Certified T2 Operator
Greg Stonebarger Senior Maintenance Worker	(209) 678-0385 (209) 485-3935	**Emergency assistance and support** Certified T2 Certified D4

Additional Mutual Assistance or Emergency Resources

Agency/Department City of Newman	Telephone (Day): (209) 862-3725 Telephone (After Hours) (209) 678-0352
Another Water Agency City of Gustine / City of Patterson	(209) 854-6206 / (209) 892-2041
City of Newman Fire Department	(209) 678-0657 / (209) 862-1238
City of Newman Police Department	(209) 862-2902 / 911
Stanislaus County Regional 911	(209) 552-3600
FBI Office – Modesto	(209) 543-7846
State Water Resources Control Board – Bhupinder Sahota	(800) 456-3825-001 (209) 368-3391
Department of Environmental Services Mary Kate Cook	(209) 525-6747
California Office of Emergency Services (24 Hrs.)	(916) 657-9903

Water system contact information:

Name: Koosun Kim

Address: 938 Fresno Street, Second Floor
Newman, CA 96360

Phone: (209) 862-4448
FAX: (209) 862-3199
E-mail kkim@cityofnewman.com

Emergency Contact Numbers and Operational Practices

A. List of equipment on hand for emergency repairs
1. Backhoe
2. Compressor
3. Emergency Water Pumps
4. Repair Clamps
5. Compressed Couplings
6. Curb and Corp Stops
7. 2", 4", 6", 8", 12", PVC Pipes and Fittings
8. All materials required for Main Line Repairs

B. List resources of technical support and contracted support
1. Rocha Backhoe – (209) 854-2012
2. Applegate Drilling & Backhoe – (209) 883-4915
3. E & M Electric – (209) 862-3690
4. United Rentals – (209) 632-7561
5. Howk Systems – (209) 529-4110
6. Tesco Controls – (916) 395-8800

C. List of Distributors or suppliers of replacement parts for system
1. Groeniger – (209) 577-3333
2. Howk Systems – (209) 529-4110
3. E & M Electric – (209) 862-3690

	Name	Phone (Day)	Phone (after hours)
Department of Health Svcs.	Brian Kidwell	(209) 948-3963	(209) 368-3391
Environmental Health Agency	Mary Kate Cook	(209) 525-6747	
Electrician	E & M Electric	(209) 862-3690	(209) 862-3690
Laboratory	Geo Analytical	(209) 669-0100	(209) 669-0100
Electric & Pump Repair Service	Howk Systems	(209) 525-4110	(209) 524-4110
Chemical Disinfectant	Univar	(800) 659-5908	(509) 651-3739
Other Water Agency	City of Gustine City of Patterson	(209) 854-6206 (209) 892-2041	(209) 854-6206 (209) 892-2041
Newman Fire Department	Chief Keith Bowen	(209) 678-0357	(209) 678-0357 / (209) 862-1617
Newman Police Department	Chief Randy Richardson	(209) 862-2902	(209) 678-0109 / 911
Oakdale Police Department	Carrie Reed	(209) 847-2231	911

Local Notification List

Organization	Contact Name/Title	Telephone (Day)	Telephone (Night)
Fire Department	Keith Bowen Chief	(209) 678-0357	(209) 678-0357
Police Department	Randy Richardson - Chief	(209) 862-2902	(209) 678-0109
FBI Field Office	1150 9th St., Modesto	(209) 543-7846	
Health Department	Carl Carlucci - District Engineer	(559) 447-3132	(559) 280-6363
Primacy Agency	Michael Holland - City Manager	(209) 862-3725	(209)678-6327
Local Hospital	Emanuel Hospital	(209) 667-4200	
Emergency Planning Committee	Michael Holland - City Manager	(209) 862-3725	
EMS	Stan. County Mountain Valley	(209) 529-5085	
Local Pharmacy (1)	Pioneer Drugs	(209) 862-1955	
Local Pharmacy (2)	Rite Aid	(209) 862-1208	
Local Nursing Home	San Luis Conv. Hospital	(209) 862-2862	
Local Schools	N.C.U.S.D.	(209) 862-2309	
Local Government Official	Robert Martina - Mayor	(209) 862-3725	(209) 678-7061
Local Hazmat Team	3800 Cornucopia Way, Suite C	(209) 525-6700	
Water System Operator	Garner R. Reynolds - Dir. Of Pub. Wks.	(209) 862-4448	(209) 678-0347
Neighboring Water System	City of Gustine	(209) 854-6206	
Neighboring Water System	City of Patterson	(209) 892-6786	

State Notification List

Organization	Contact Name/Title	Telephone (Day)	Telephone (Night)
Drinking Water Primacy Agency	Carl Carlucci - District Engineer	(559) 447-3132	(559) 280-6363
Dept. of Environmental Resources	Mary-Kate Cook	(209) 525-3747	(209) 656-6560
Department of Health	Carl Carlucci - District Engineer	(559) 447-3132	(559) 280-6363
Caltrans - District 10	Encroachment	(209) 948-7891	

Media Notification List

Organization	Contact Name/Title	Telephone (Day)	Telephone (Night)
Water System Spokes person	Koosun Kim	(209) 862-4448	(209) 678-0347
Local Newspaper	Mattos Newspaper	(209) 862-2222	
Regional Newspaper	Modesto Bee	(209) 521-7777	
Radio	KWNN - 98.3 FM	(209) 575-1230	
Radio	102.3 FM	(209) 551-1306	
Radio	KTRB News Radio	(209) 526-8600	
Television	KCRA Channel 3	(209) 523-6727	
Television	KQCA channel 58	(916) 447-5858	
Television	KMAX TV News Room	(916) 921-3019	

Service/Repair Notification List

Organization	Contact Name/Title	Telephone (Day)	Telephone (Night)
Electrician	E & M Elec. - Mailo	(209) 862-3690	(209) 837-4237
Pacific Gas & Electric Co.		(800) 743-5000	
Sewer - WWTP	Lance Perry - Chief Plant Op.	(209) 862-2625	(209) 678-0350
Telephone	Pacific Bell	(800) 750-2355	
Plumber	Dave's Drain	(209) 862-4750	(209) 321-2775
Pump Specialist	Howk Systems	(209) 529-4110	
"Dig Safe"	USA	(800) 798-9504 / 811	
Backhoe Operator	Rocha Backhoe	(209) 854-2012	
Equipment Rental	United Rentals	(209) 632-7561	
Radio / Telemetry Repair Service	Tesco - Alan Horikawa	(916) 395-8800	(916) 798-5626
Bottled Water Source	Arrowhead	(800) 950-9393	
Pump Supplier	Wallace & Tiernan	(559) 297-4880	
Pipe Suppliers	Groeniger	(209) 577-3333	
Chemical Supplier	Basic Chemicals	(800) 888-9405	
Analytical Laboratory	Geo Analytical	(209) 669-0100	
Traffic Monitoring Center	Change in Street Light Mode	(209) 948-7556 Or	(209) 948-7551

Public Works Personnel

Contact Name/Title	Telephone (Day)	Telephone (Night)
Koosun Kim	(209) 862-4448	(209) 678-0347
Perfecto Millan	(209) 678-0351	(209) 678-0351
Terry Barques	(209) 862-4448	(209) 678-0390
Greg Stonebarger - Water Department	(209) 678-0385	(209) 485-3935
Ernesto Garza- Water Dept.	(209) 678-0146	
Kamal Singh - Public Works	(209) 678-0356	
Dan Pardo - Senior Mant. Wkr.	(209) 3780344	(209) 862-2140
Jaime Sotelo - Public Works	(209) 678-0042	(209) 862-9921
Ivan Escatel - WWTP Operator	(209) 678-0119	
Rory Rocha - Water Department	(209) 678-0076	(209) 862-1147
Lance Perry - WWTP Superintendent	(209) 678-0350	(209) 678-0350
Chris Vargas - WWTP Operator	(209) 678-0353	(209) 862-2546
Pedro Garcia - Collection System	(209) 542-3028	

Appendix J

NOTICE OF PUBLIC HEARING

(not included in this Draft Version)

PROOF OF PUBLICATION

(2015.5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA
County of Stanislaus

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer, foreman or principal clerk of The West Side INDEX, a newspaper of general circulation, printed and published weekly in the City of Newman, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Stanislaus, State of California, under the date of April 25, 1952, Case Number 46882; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 28 and May 5

all in the year **2016**.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Newman, California, this **5th** day of **May, 2016**.

Marya E. Baker

Signature

Proof of Publication of
Notice of Public Hearing
City of Newman 2015 Urban Water Management Plan
City of Newman Public Works

PUBLIC NOTICE • PUBLIC NOTICE

NOTICE OF PUBLIC HEARING FOR CITY OF NEWMAN 2015 URBAN WATER MANAGEMENT PLAN

In accordance with the Urban Water Management Planning Act (California Water Code Sections 10610 to 10657), urban water suppliers are required to prepare an Urban Water Management Plan (UWMP) and update it every five years. The City of Newman (City) has prepared its Draft 2015 UWMP and is now available for Public Review.

The City Council will hold a public hearing to receive and consider input regarding the proposed 2015 UWMP. The public hearing will be held on June 28, 2016, at 7:00 pm, in the City Council Chambers at 938 Fresno Street.

The Draft 2015 UWMP is available for public review at City Hall and on the City's website. Comments can be provided up until the date of the public hearing to:

Koosun Kim, PE, QSD
Public Works Director
City of Newman
938 Fresno Street
Newman, CA 95360
e-mail: kkim@cityofnewman.com

We invite your participation in this process.

Published: April 28; May 5, 2016

Appendix K

ADOPTING RESOLUTION

(not included in this Draft Version)

Appendix L

UWMP COMPLETION CHECKLIST

Checklist Arranged by Subject

CWC Section	UWMP Requirement	Subject	Guidebook Location	UWMP Location
10620(b)	Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.	Plan Preparation	Section 2.1	Sec. 2.2, Page 5
10620(d)(2)	Coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.	Plan Preparation	Section 2.5.2	Sec. 2.5.2, Page 9
10642	Provide supporting documentation that the water supplier has encouraged active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan.	Plan Preparation	Section 2.5.2	Appendix C
10631(a)	Describe the water supplier service area.	System Description	Section 3.1	Sec. 3.1 Pages 11-12
10631(a)	Describe the climate of the service area of the supplier.	System Description	Section 3.3	Sec. 3.3. Pages 12-13
10631(a)	Provide population projections for 2020, 2025, 2030, and 2035.	System Description	Section 3.4	Sec. 3.4 Pages 13-14
10631(a)	Describe other demographic factors affecting the supplier's water management planning.	System Description	Section 3.4	Sec. 3.4 Pages 13-14
10631(a)	Indicate the current population of the service area.	System Description and Baselines and Targets	Sections 3.4 and 5.4	Sec. 3.4 Table 3-3 & Sec. 5.4 Table 5-1
10631(e)(1)	Quantify past, current, and projected water use, identifying the uses among water use sectors.	System Water Use	Section 4.2	Sec. 4.3. Tables 4-1, 4-3 & 4-4
10631(e)(3)(A)	Report the distribution system water loss for the most recent 12-month period available.	System Water Use	Section 4.3	Sec. 4.4. Table 4-5
10631.1(a)	Include projected water use needed for lower income housing projected in the service area of the supplier.	System Water Use	Section 4.5	Sec. 4.6. Table 4-7

10608.20(b)	Retail suppliers shall adopt a 2020 water use target using one of four methods.	Baselines and Targets	Section 5.7 and App E	Sec. 5.7.1. Page 30 & App F
10608.20(e)	Retail suppliers shall provide baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.	Baselines and Targets	Chapter 5 and App E	Ch. 5 & App F
10608.22	Retail suppliers' per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use of the 5 year baseline. This does not apply is the suppliers base GPCD is at or below 100.	Baselines and Targets	Section 5.7.2	Sec. 7.7.2. Table 5-5 & App. F
10608.24(a)	Retail suppliers shall meet their interim target by December 31, 2015.	Baselines and Targets	Section 5.8 and App E	Sec. 5.7.3. Table 5-6 & App. F
1608.24(d)(2)	If the retail supplier adjusts its compliance GPCD using weather normalization, economic adjustment, or extraordinary events, it shall provide the basis for, and data supporting the adjustment.	Baselines and Targets	Section 5.8.2	N/A
10608.36	Wholesale suppliers shall include an assessment of present and proposed future measures, programs, and policies to help their retail water suppliers achieve targeted water use reductions.	Baselines and Targets	Section 5.1	N/A
10608.40	Retail suppliers shall report on their progress in meeting their water use targets. The data shall be reported using a standardized form.	Baselines and Targets	Section 5.8 and App E	Sec. 5.8. Table 5-8 & App. F
10631(b)	Identify and quantify the existing and planned sources of water available for 2015, 2020, 2025, 2030, and 2035.	System Supplies	Chapter 6	Ch. 6 Pages 34-52
10631(b)	Indicate whether groundwater is an existing or planned source of water available to the supplier.	System Supplies	Section 6.2	Sec. 6.2. Page 34
10631(b)(1)	Indicate whether a groundwater management plan has been adopted by the water supplier or if there is any other specific authorization for groundwater management. Include a copy of the plan or authorization.	System Supplies	Section 6.2.2	Sec. 6.2.2. Pages 36-37

10631(b)(2)	Describe the groundwater basin.	System Supplies	Section 6.2.1	Sec. 6.2.1. Page 36
10631(b)(2)	Indicate if the basin has been adjudicated and include a copy of the court order or decree and a description of the amount of water the supplier has the legal right to pump.	System Supplies	Section 6.2.2	Sec. 6.2.1. Page 36
10631(b)(2)	For adjudicated basins, indicate whether or not the department has identified the basin as over drafted, or projected to become over drafted. Describe efforts by the supplier to eliminate the long-term overdraft condition.	System Supplies	Section 6.2.3	N/A
10631(b)(3)	Provide a detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years	System Supplies	Section 6.2.4	Sec. 6.2.4. Table 6-1
10631(b)(4)	Provide a detailed description and analysis of the amount and location of groundwater that is projected to be pumped.	System Supplies	Sections 6.2 and 6.9	Sec. 6.2. & 6.9. Table 6-9
10631(d)	Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.	System Supplies	Section 6.7	Sec. 6.7.Page 48
10631(g)	Describe the expected future water supply projects and programs that may be undertaken by the water supplier to address water supply reliability in average, single-dry, and multiple-dry years.	System Supplies	Section 6.8	Sec. 6.8. Page 48
10631(i)	Describe desalinated water project opportunities for long-term supply.	System Supplies	Section 6.6	Sec. 6.6. Page 47
10631(j)	Retail suppliers will include documentation that they have provided their wholesale supplier(s) – if any - with water use projections from that source.	System Supplies	Section 2.5.1	N/A
10631(j)	Wholesale suppliers will include documentation that they have provided their urban water suppliers with identification and quantification of the existing and planned sources of water available from the wholesale to the urban supplier during various water year types.	System Supplies	Section 2.5.1	N/A

10633	For wastewater and recycled water, coordinate with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.	System Supplies (Recycled Water)	Section 6.5.1	Sec. 6.5.1. Page 39
10633(a)	Describe the wastewater collection and treatment systems in the supplier's service area. Include quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.	System Supplies (Recycled Water)	Section 6.5.2	Sec. 6.5.2. Page 39
10633(b)	Describe the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.	System Supplies (Recycled Water)	Section 6.5.2.2	Sec. 6.5.2. Page 40
10633(c)	Describe the recycled water currently being used in the supplier's service area.	System Supplies (Recycled Water)	Section 6.5.3 and 6.5.4	Sec. 6.5.4. Table 6-4
10633(d)	Describe and quantify the potential uses of recycled water and provide a determination of the technical and economic feasibility of those uses.	System Supplies (Recycled Water)	Section 6.5.4	Sec. 6.5.4. Table 6-4
10633(e)	Describe the projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected.	System Supplies (Recycled Water)	Section 6.5.4	Sec. 6.5.4. Table 6-4
10633(f)	Describe the actions which may be taken to encourage the use of recycled water and the projected results of these actions in terms of acre-feet of recycled water used per year.	System Supplies (Recycled Water)	Section 6.5.5	Sec. 6.5.5. Page 46
10633(g)	Provide a plan for optimizing the use of recycled water in the supplier's service area.	System Supplies (Recycled Water)	Section 6.5.5	Sec. 6.5.5. Page 46
10620(f)	Describe water management tools and options to maximize resources and minimize the need to import water from other regions.	Water Supply Reliability Assessment	Section 7.4	Sec. 7.4. Pages 55-57
10631(c)(1)	Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage.	Water Supply Reliability Assessment	Section 7.1	Sec. 7.2. Pages 53-54

10631(c)(1)	Provide data for an average water year, a single dry water year, and multiple dry water years	Water Supply Reliability Assessment	Section 7.2	Sec. 7.3. Pages 54-57
10631(c)(2)	For any water source that may not be available at a consistent level of use, describe plans to supplement or replace that source.	Water Supply Reliability Assessment	Section 7.1	Sec. 7.2. Pages 53-54
10634	Provide information on the quality of existing sources of water available to the supplier and the manner in which water quality affects water management strategies and supply reliability	Water Supply Reliability Assessment	Section 7.1	Sec. 7.2.1. Page 53
10635(a)	Assess the water supply reliability during normal, dry, and multiple dry water years by comparing the total water supply sources available to the water supplier with the total projected water use over the next 20 years.	Water Supply Reliability Assessment	Section 7.3	Sec. 7.4. & 7.5 Pages 55-58
10632(a) and 10632(a)(1)	Provide an urban water shortage contingency analysis that specifies stages of action and an outline of specific water supply conditions at each stage.	Water Shortage Contingency Planning	Section 8.1	Sec. 8.2. Page 60
10632(a)(2)	Provide an estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency.	Water Shortage Contingency Planning	Section 8.9	Sec. 8.10. Table 8-5
10632(a)(3)	Identify actions to be undertaken by the urban water supplier in case of a catastrophic interruption of water supplies.	Water Shortage Contingency Planning	Section 8.8	Sec. 8.9. Pages 68-69
10632(a)(4)	Identify mandatory prohibitions against specific water use practices during water shortages.	Water Shortage Contingency Planning	Section 8.2	Sec. 8.3. Table 8-2
10632(a)(5)	Specify consumption reduction methods in the most restrictive stages.	Water Shortage Contingency Planning	Section 8.4	Sec. 8.5. Table 8-3
10632(a)(6)	Indicated penalties or charges for excessive use, where applicable.	Water Shortage Contingency Planning	Section 8.3	Sec. 8.4. Page 65
10632(a)(7)	Provide an analysis of the impacts of each of the actions and conditions in the water shortage contingency analysis on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts.	Water Shortage Contingency Planning	Section 8.6	Sec. 8.7. Page 68

10632(a)(8)	Provide a draft water shortage contingency resolution or ordinance.	Water Shortage Contingency Planning	Section 8.7	Sec. 8.8. & App H
10632(a)(9)	Indicate a mechanism for determining actual reductions in water use pursuant to the water shortage contingency analysis.	Water Shortage Contingency Planning	Section 8.5	Sec. 8.6. Page 67
10631(f)(1)	Retail suppliers shall provide a description of the nature and extent of each demand management measure implemented over the past five years. The description will address specific measures listed in code.	Demand Management Measures	Sections 9.2 and 9.3	Sec. 9.3. Pages 74-75
10631(f)(2)	Wholesale suppliers shall describe specific demand management measures listed in code, their distribution system asset management program, and supplier assistance program.	Demand Management Measures	Sections 9.1 and 9.3	N/A
10631(j)	CUWCC members may submit their 2013-2014 CUWCC BMP annual reports in lieu of, or in addition to, describing the DMM implementation in their UWMPs. This option is only allowable if the supplier has been found to be in full compliance with the CUWCC MOU.	Demand Management Measures	Section 9.5	N/A
10608.26(a)	Retail suppliers shall conduct a public hearing to discuss adoption, implementation, and economic impact of water use targets.	Plan Adoption, Submittal, and Implementation	Section 10.3	Sec. 10.3. Page 79
10621(b)	Notify, at least 60 days prior to the public hearing, any city or county within which the supplier provides water that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.	Plan Adoption, Submittal, and Implementation	Section 10.2.1	Sec. 10.2.1. Page 78
10621(d)	Each urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.	Plan Adoption, Submittal, and Implementation	Sections 10.3.1 and 10.4	Sec. 10.4. Page 80
10635(b)	Provide supporting documentation that Water Shortage Contingency Plan has been, or will be, provided to any city or county within which it provides water, no later than 60 days after the submission of the plan to DWR.	Plan Adoption, Submittal, and Implementation	Section 10.4.4	Sec. 10.4. Pages 80-81

10642	Provide supporting documentation that the urban water supplier made the plan available for public inspection, published notice of the public hearing, and held a public hearing about the plan.	Plan Adoption, Submittal, and Implementation	Sections 10.2.2, 10.3, and 10.5	Sec. 10.2.2., 10.3., & 10.5. & App J
10642	The water supplier is to provide the time and place of the hearing to any city or county within which the supplier provides water.	Plan Adoption, Submittal, and Implementation	Sections 10.2.1	Sec. 10.2.1. Page 78
10642	Provide supporting documentation that the plan has been adopted as prepared or modified.	Plan Adoption, Submittal, and Implementation	Section 10.3.1	Sec. 10.3.1. Page 79 & App K
10644(a)	Provide supporting documentation that the urban water supplier has submitted this UWMP to the California State Library.	Plan Adoption, Submittal, and Implementation	Section 10.4.3	Sec. 10.4.2. Page 81
10644(a)(1)	Provide supporting documentation that the urban water supplier has submitted this UWMP to any city or county within which the supplier provides water no later than 30 days after adoption.	Plan Adoption, Submittal, and Implementation	Section 10.4.4	Sec. 10.4.3. Page 81
10644(a)(2)	The plan or amendments to the plan, submitted to the department shall be submitted electronically.	Plan Adoption, Submittal, and Implementation	Sections 10.4.1 and 10.4.2	Sec. 10.4.1. Page 80
10645	Provide supporting documentation that, not later than 30 days after filing a copy of its plan with the department, the supplier has or will make the plan available for public review during normal business hours.	Plan Adoption, Submittal, and Implementation	Section 10.5	Sec. 10.5. Page 81

RESOLUTION NO. 2016-

APPPROVING AND ADOPTING THE 2015 URBAN WATER MANAGEMENT PLAN

WHEREAS, per the Urban Water Management Plan (UWMP) Act, every urban water supplier that either provides over 3,000 acre-feet of water annually or serves 3,000 or more connections is required to assess the reliability of its water sources over a 20-year planning horizon; and

WHEREAS, the purpose of this assessment is to ensure that water suppliers have adequate water supplies for existing and future water demands; and

WHEREAS, the 2015 UWMP is one of the requirements to be eligible for the future water grant and loan opportunities through Proposition 1 and other funding programs; and

WHEREAS, as required by the UWMP Act, the City has developed the 2015 UWMP to assure that the City has adequately planned to provide sufficient supplies of water for its users for the foreseeable future; and

WHEREAS, the City of Newman is prepared to implement the water conservation program in phases depending on the severity of the water shortage and/or drought; and

WHEREAS, the Council has conducted a public hearing and considered all comments to the 2015 UWMP.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman DOES HEREBY RESOLVE as follows:

1. **Approval of the 2015 UWMP:** The City Council hereby approves and adopts the 2015 Urban Water Management Plan for the City of Newman.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June 2016 by Council Member _____, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Bob Martina, Mayor

ATTEST:

_____
Mike Maier, City Clerk

Agenda Item: 10.a.

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of June 28, 2016

APPROVE A FINANCIAL ASSISTANCE APPLICATION FOR A FINANCING AGREEMENT FROM THE STATE WATER RESOURCES CONTROL BOARD FOR THE HEXAVALENT CHROMIUM DRINKING WATER COMPLIANCE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL FINANCIAL DOCUMENTS, APPLICATIONS, AMENDMENTS AND CERTIFICATIONS

RECOMMENDATION:
It is recommended that the Newman City Council adopt Resolution No. 2016- , approving a financial assistance application for a financing agreement from the State Water Resources Control Board for the Hexavalent Chromium Drinking Water Compliance Project, and authorizing the city manager, or his designee, to execute all financial documents, applications, amendments and certifications.

BACKGROUND:
The Drinking Water State Revolving Fund (DWRSF) program assists public water systems in financing the cost of drinking water infrastructure projects needed to achieve and maintain compliance with Safe Drinking Water Act (SDWA) requirements. The State Water Board provides assistance for the planning and construction of eligible drinking water improvements to publicly-owned community water systems such as the City of Newman potable water system.

The focus of DWSRF assistance is to ensure safe drinking water for the State's existing population served by Public Water Systems. Eligible projects for planning, design and construction of drinking water infrastructure projects include treatment systems, distribution systems, interconnection systems, water resources, pipeline extensions, etc.

The City of Newman is classified by the State Water Resource Control Board as a Small Community Water System with less than 3,300 water service connections per DWSRF funding guideline and criteria as of June 1, 2016. As such, the City can be qualified for planning grant fund through the DWSRF allowing water system improvement project complying with the State's regulations associated with hexavalent chromium drinking water.

ANALYSIS:
The City of Newman relies 100% on groundwater supply for its water system. The City's well currently has Hexavalent Chromium (Cr6) level that exceeds the State of California's Primary Drinking Water Maximum Contaminant Level (MCL). The Hexavalent Chromium Drinking Water Compliance Project will provide a long term Cr6 compliance strategy to meet the Cr6 primary MCL by 2020. To provide the most cost effective solution, the City will evaluate options for compliance and identify the optimal capital improvement plan. The City's alternative evaluation process will include cost, compliance with drinking water standards, system performance (adequate flows and pressures), and system reliability. The City intends to complete the project planning and design phase through this application by August 2017, and plans to implement the preferred construction project by January 2020.

The proposed project may include, but is not limited to the following components:

- New Water Tank with Booster Pump Station and Well
- Hexavalent Chromium (Cr-6) Blending System for the Existing Well(s)
- Cr-6 Compliance Alternatives Analysis
- Groundwater System Characterization
- Water Master Plan Capital Improvement Projects Update
- Water Rate Study Update

The City submitted an application including general, technical, environmental and financial packages for the DWSRF planning grant in April 2016, and said project has been listed in the Final Comprehensive Project List of the Intended Use Plan by the State Water Resources Control Board. Therefore, it is recommended that the City council declare by resolution certain authorizations related to the administration of said grant. Once the resolution has been approved, the City will be eligible for grants funding. The proposed planning grant would award up to $500,000 for the cost of the approved project.

FISCAL IMPACT:
There is no fiscal impact to the City of Newman for grants. It is 100% funding and requires no local match.

CONCLUSION:
It is recommended that an applicant's governing body declare by resolution specific authorizations related to the administration of DWSRF planning grant program. Therefore, staff recommends City Council adopt Resolution No. 2016- , approving a financial assistance application for a financing agreement from the State Water Resources Control Board for the Hexavalent Chromium Drinking Water Compliance Project, and authorizing the city manager, or his designee, to execute all financial documents, applications, amendments and certifications.

ATTACHMENTS:
1. Resolution No. 2016- , approving a financial assistance application for a financing agreement from the State Water Resources Control Board for the Hexavalent Chromium Drinking Water Compliance Project, and authorizing the city manager, or his designee, to execute all financial documents, applications, amendments and certifications.

Respectfully Submitted,

Koosun Kim
Director of Public Works

REVIEWED/CONCUR:

Michael E. Holland
City Manager

RESOLUTION NO. 2016-

APPROVING A FINANCIAL ASSISTANCE APPLICATION FOR A FINANCING AGREEMENT FROM THE STATE WATER RESOURCES CONTROL BOARD FOR THE HEXAVALENT CHROMIUM DRINKING WATER COMPLIANCE PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL FINANCIAL DOCUMENTS, APPLICATIONS, AMENDMENTS AND CERTIFICATIONS

WHEREAS, the Drinking Water State Revolving Fund (DWRSF) program assists public water systems in financing the cost of drinking water infrastructure projects needed to achieve and maintain compliance with Safe Drinking Water Act (SDWA) requirements; and

WHEREAS, the City of Newman is classified by the State Water Resource Control Board as a Small Community Water System with less than 3,300 water service connections per DWSRF funding guideline and criteria as of June 1, 2016; and

WHEREAS, the City can be qualified for planning grant fund up to $500,000 through the DWSRF allowing the City's Hexavalent Chromium Drinking Water Compliance Project ("Project") complying with the State's regulations associated with hexavalent chromium, water quality, etc.; and

WHEREAS, said project the City wants to implement may include but is not limited to the following components:

- New Water Tank with Booster Pump Station and Well
- Hexavalent Chromium (Cr-6) Blending System for the Existing Well(s)
- Cr-6 Compliance Alternatives Analysis
- Groundwater System Characterization
- Water Master Plan Projects Update
- Water Rate Study Update

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that;

1. The City Manager ("the Authorized Representative") or his designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design and construction of the Hexavalent Chromium Drinking Water Compliance Project (the "Project").
2. The Authorized Representative, or his designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. The Authorized Representative, or his designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June, 2016 by _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Mayor of the City of Newman

ATTEST:

_____
City Clerk of the City of Newman

Agenda Item: 10.b.

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of June 28, 2016

REPORT ON PROPOSED ORDINANCE AMENDING TITLE 1 ADMINISTRATIVE, AND TITLE 5 ZONING, FOR THE PURPOSE OF IMPLEMENTING THE NEWMAN GENERAL PLAN HOUSING ELEMENT AND ADDRESSING LOCAL LAND USE ISSUES.

RECOMMENDATION:
It is recommended that the City Council introduce by title and waive the reading of the attached ordinance Amending Title 1 Administrative, And Title 5 Zoning, For The Purpose Of Implementing The Newman General Plan Housing Element And Addressing Local Land Use Issues.

BACKGROUND:
On April 26, 2016, General Plan Amendment No. 2016-01 was adopted by the Newman City Council. The Amendment, also known as the 2015 Housing Element Update, is considered a part of the City's General Plan and is updated every four or eight years (depending on the Agency's timeliness). Housing Element Law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law also mandates that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems providing opportunities for, and not unduly constraining, housing development. In short, housing policy in California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The adopted 2015 Newman Housing Element Update included a number of housing goals, policies, programs and quantified objectives; including Ordinance amendments and additions. Twenty-two housing programs were adopted, of which eight reference Ordinance revisions or additions.

ANALYSIS:
Eight [Program] Ordinance revisions/additions are being proposed to ensure consistency with State Law. These revisions/additions are as follows:

Program H-1a
To comply with the requirements of Government Code §65583.2(h) and (i), Section 5.05.060.D (Housing Element Implementation Standards) will be added to the Newman City Code requiring that sites rezoned to R-3 as a result of Housing Element Program H-1 of the 2009 Housing Element, permit rental and owner multifamily residential development exclusively and without discretionary review at a minimum density of 20 dwelling units per acre.

Program H-3
The City shall adopt an ordinance [via an amendment to section 5.16.020] that establishes specific procedures to grant priority service to housing with units affordable to lower-income households whenever capacity is limited.

Program H-4
Section 5.14 of the NMC (density bonus ordinance) will be amended to be consistent with recent changes in State statute.

Program H-11
The City shall amend its Municipal Code [via the addition of section 1.19] to create a procedure wherein persons with disabilities, including persons with developmental disabilities, seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures. The amendment shall be based on an analysis that addresses zoning, development standards, building codes, and approval procedures for the development of housing for persons with disabilities. Examples of standards and requirements to be analyzed include: (1) the definition of family in the zoning code; (2) spacing or concentration requirements; and, (3) any restrictions on licensed residential care facilities with greater than six persons or group homes that will be providing services on-site.

Program H-16
The City shall amend [section 5.09.020 of] the Newman Zoning Ordinance to add emergency shelters as an allowed use by right (i.e., ministerial process only; no conditional use permit required) in the M Light Industrial/Business Park district.

Program H-18
The City shall revise the Newman Zoning Ordinance to allow transitional and supportive housing in all zones that allow residential uses, subject only to those restrictions that apply to other residential uses of the same type in the same zone. This will be achieved by revisions to sections 5.01.070, 5.03.020 and 5.06.040.

Program H-20
The City shall amend [section 5.01.070 of] its Zoning Ordinance to allow manufactured housing by right in all districts where a single family home is also allowed by right. The City may add restrictions to the design of manufactured housing that are consistent with state statute.

Program H-21
The City shall amend its 2nd Unit ordinance (Section 5.23.040 NMC) to be consistent with recent changes in State statute.

In addition to the 8 amendments above, an additional amendment regarding Accessory Buildings is also being proposed. If approved, NMC sections 5.01.070 (Definitions) and 5.23.030 (Accessory buildings) shall be revised to clarify the definitions of Accessory Buildings, Arbors and Patio Covers in addition to eliminating the setback requirement between detached unenclosed patio covers and existing structures.

Many residential homes utilize unenclosed patio covers for shade and increased use of their outdoor areas. The current six foot (6') dwelling setback requirement has limited some property owners from enjoying the full potential of their rear yards. The six foot requirement was originally adopted in 1997 as a part of a comprehensive Zoning Code update. The six foot requirement is derived from common fire prevention standards that require structures to have a 1-hour fire protection wall when less than six feet from other structures. This is often utilized when structures are within building setback areas or have zero lot lines (such as commercial or high density areas). Given that the proposed amendment would be applicable to unenclosed patio covers only (sheds and other accessory structures will continue to have dwelling setback requirements) and that all accessory structures, including patio covers, will have to comply with property line setbacks (i.e. NMC 5.23.030.F "…nor shall it be located closer to either street line than is permitted for the main building on the lot.") the six foot dwelling setback for unenclosed patio covers becomes unnecessary.

FISCAL IMPACT:

1. Costs associated with the adoption of this ordinance are nominal.

CONCLUSION:

The proposed Ordinance revisions and additions will fulfill eight (8) Housing Element programs, make the City's Municipal Code consistent with State Law and address local land use issues. Therefore, staff recommends that the Council introduce and hold the first reading of Ordinance No. 2016- , amending Title 1 Administrative, And Title 5 Zoning, of the Newman Municipal Code.

ATTACHMENTS:

1. Exhibit A – Proposed Ordinance No. 2016-

Respectfully submitted,

Stephanie Ocasio
City Planner

REVIEWED/CONCUR

Michael Holland
City Manager

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF NEWMAN AMENDING TITLE 1 ADMINISTRATIVE, ADDING CHAPTER 1.19 REASONABLE ACCOMMODATION AND TITLE 5 ZONING, AMENDING CHAPTERS 5.01 GENERAL ZONING PROVISIONS, 5.03 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, 5.04 R-2/R-2S DUPLEX/MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, 5.05 R-3 MULTIPLE-RESIDENTIAL DISTRICT, 5.06 C-1 RETAIL BUSINESS DISTRICT, 5.09 M LIGHT INDUSTRIAL/BUSINESS PARK DISTRICT, 5.14 DBO DENSITY BONUS OVERLAY DISTRICT, 5.16 DEVELOPMENT REGULATIONS, AND 5.23 GENERAL REGULATIONS, CONDITIONS AND EXCEPTIONS FOR THE PURPOSE OF IMPLEMENTING THE NEWMAN GENERAL PLAN HOUSING ELEMENT AND ADDRESSING LOCAL LAND USE ISSUES

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the City of Newman may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, this ordinance protects the public health, safety and welfare by amending the Newman City Code to be consistent with laws for density bonuses and other incentive and concessions available to qualified applicants under Government Code sections 65915 through 65918; and

WHEREAS, the Newman General Plan Housing Element, Program H-3, calls for the adoption of an ordinance that establishes specific procedures to grant priority service to housing with units affordable to lower-income households whenever capacity is limited; and

WHEREAS, The Housing Element of the jurisdiction must identify and develop a plan for removing regulatory barriers to affordable housing, including the relaxation of development standards, the reduction of development fees, the expediting of residential building permits, and/or the prioritization of affordable housing approval; and

WHEREAS, the Newman General Plan Housing Element, Program H-4 calls for the amendment of the city's density bonus ordinance to be consistent with state law; and

WHEREAS, the County of Stanislaus joined with the City of Newman and other Stanislaus County jurisdictions in 2013 to develop and publish a regional sustainability toolbox that included model reasonable accommodation and density bonus ordinances; and

WHEREAS, the Newman City Council recognizes that the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing; and

WHEREAS, the Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities; and

WHEREAS, a fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of

land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities; and

WHEREAS, the Newman General Plan Housing Element, Program H-11 calls for the creation of a procedure wherein persons with disabilities, including persons with developmental disabilities, seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures; and

WHEREAS, the Newman General Plan Housing Element, Program H-16, calls for the amendment of the Newman Zoning Ordinance to add emergency shelters as an allowed use by right (i.e., ministerial process only; no conditional use permit required) in the M Light Industrial/Business Park district; and

WHEREAS, the Newman General Plan Housing Element, Program H-18, calls for the amendment of the Newman Zoning Ordinance to allow transitional and supportive housing in all residential zones that allow residential uses, subject only to those restrictions that apply to other residential uses of the same type in the same zone; and

WHEREAS, the Newman General Plan Housing Element, Program H-20, calls for the amendment of the Newman Zoning Ordinance to allow manufactured housing by right in all districts where a single family home is also allowed by right; and

WHEREAS, The Government Code §65852.2 requires local governments with a second unit ordinance to consider second-unit applications as a ministerial application only as of July 1, 2003; and

WHEREAS, Chapter 5.23 (General Regulations, Conditions, and Exceptions), Section 5.23.040 (Accessory Residential Units), of Title 5 (Zoning) of the Newman City Code constitutes a second unit ordinance for the purpose of Government Code §65852.2; and

WHEREAS, the Newman General Plan Housing Element, Program H-21 calls for the amendment of the city's second unit ordinance to be consistent with state law; and

WHEREAS, this ordinance protects the public health, safety and welfare by amending the Newman City Code to be consistent with mandates imposed by federal and state statutes related to housing; and

WHEREAS, this ordinance relies on an Initial Study and Negative Declaration prepared to evaluate the environmental effects of the policies and programs contained in the General Plan Housing Element and certified by the Newman City Council on April 26, 2016 (Resolution No. 2016-24).

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

Section 1.

All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

Section 2.

Title 1 (Administrative) of the Newman City Code shall be amended to add the following chapter:

Chapter 1.19
REASONABLE ACCOMMODATION

Sections:

1.19.010 Intent and Purpose.
1.19.020 Applicability.
1.19.030 Application Process.
1.19.040 Approval Process.
1.19.050 Findings and Decisions.
1.19.060 Appeals Determination.

1.19.010 Intent and purpose.

This Chapter is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

1.19.020 Applicability.

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter applies only to those persons who are defined as disabled under the Acts.

1.19.030 Application Process.

A. In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in zoning and other land use regulations, policies, practices and procedures.

B. All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. Requests for reasonable accommodation shall be submitted via a form approved by the Planning Department, together with the appropriate fee, as established by resolution adopted by the City Council, and shall be filed with the Planning Department. The applicant is requested to provide the following information:

1. *Name and address of the applicant;*
2. *Name and address of the property owner(s);*
3. *Address of the property for which accommodation is requested;*
4. *The current use of the property for which accommodation is requested;*
5. *Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the accommodation;*
6. *The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;*
7. *Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and*
8. *How the property will be used by the applicant and individual(s) with disabilities.*

C. Any information identified by the applicant as confidential shall be retained by the city in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.
D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.
E. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible. Such assistance shall be limited to that which can be provided by existing city staff, and in no case shall the city be responsible for hiring any outside expert to assist an individual.
F. The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

1.19.040 Approval Process.
A. Approval Authority:

1.Administrative Review - The Planning Director or an appointed designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Chapter. The Planning Director or appointed designee may refer the matter to the Planning Commission, as appropriate.
2.Planning Commission Review - The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Chapter, when referred by the Planning Director or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.

B. Notice: No advance notice or public hearing is required for consideration of reasonable accommodation requests by the Planning Director. Requests for reasonable accommodation subject to review by the Planning Commission shall require advance notice and a public hearing pursuant to the requirements of Section 5.25.050 (Public Hearings) of Chapter 5.25 (Permit Requirements) of Title 5 (Zoning) of the Newman City Code.
C. Decision: The Planning Director or an appointed designee shall render a decision or refer the matter to the Planning Commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section 1.19.050. The decision shall be in writing and mailed to the applicant.

1.If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Planning Director or an appointed designee, unless the reasonable accommodation request has been referred by the Planning Director or an appointed designee to the Planning Commission for consideration.
2.If the application for reasonable accommodation is referred to, or reviewed by, the Planning Commission, a decision to approve, approve with conditions, or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth above.

1.19.050 Findings and decision.
A. Any decision on an application under this Chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this Chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1.The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.

2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
5. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

B. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section 1.19.050 A above.

1.19.060 Appeals determination.
Any decision on an application under this Chapter shall be subject to appeal pursuant to Section 5.27.030 (Appeals) of Chapter 5.27 (Interpretation, Administration, and Enforcement) the Newman City Code.

Section 3.

Title 5 (Zoning), Chapter 5.01 (General Zoning Provisions), Section 5.01.070 (Definitions) of the Newman City Code is amended as follows:

5.01.070 Definitions.
For the purposes of this title certain terms are hereby defined. All definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future; words used in the singular shall include plural; the word "shall" is mandatory, and the word "may" is permissive. Definitions of the terms used in this title are as follows:

"A-frame sign" means a freestanding sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A." Such signs are usually designed to be portable, hence they are not considered permanent signs.

"Abandoned sign" means any display remaining in place or not maintained for a period of 120 days or more which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the display is located.

"Abutting" or "adjoining" means having district boundaries or lot lines in common.

"Accessory building" means a building or structure which is subordinate to, and the use of which is customarily incidental to, that of the main building, structure or use on the same site, not including arbors~~, patio covers~~, lath houses, pergolas, storage containers or similar structures. If any accessory building is attached to the main building by a common wall or connecting roof, such accessory building shall be deemed to be a part of the main building.

"Accessory residential unit (also known as secondary or second dwelling unit)" means an attached or detached dwelling unit that is located on a single lot with another primary dwelling unit and provides complete facilities for independent living for one or more persons. These facilities include permanent provisions for living, sleeping, cooking and sanitation.

"Accessory use" means a use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principal use of the site.
"Acre, gross" means a measure of total land area of any lot including future streets, parks, and other land dedications.

“Acre, net” means the gross area of a site excluding:
1. Land to be dedicated for required rights-of-way, either public or private;
2. Land determined to be hazardous and unbuildable;
3. Land to be dedicated for schools and parks or other facilities dedicated for public use.

“Adult businesses” include the following:

1. Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature.
2. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film, video, or other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives 25 percent or more of the gross revenue from or devotes 25 percent or more of the stock on hand or 25 percent or more of the gross floor area to such activity, is presumed to be engaging in “substantial or significant” conduct with respect to such activity.
3. Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or exposed anatomical areas is conducted.
4. Any business conducted for the entertainment of adults wherein an employee, patron or any other person engages in or is shown specified sexual activities or exhibits or engages in partial or total nudity or otherwise exposes specified anatomical areas as set forth elsewhere in this Code.
5. Any business which, as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas of the human anatomy are exposed.

“Agreement of sale” means any agreement or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner, including a lease with option to buy.

“Alley” means a public or private thoroughfare which affords a secondary means of access to abutting property.

“Alter” means to make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure. Routine maintenance is not considered an alteration.

“Animal, domestic” means a small animal of the type generally accepted as a pet, including dog, cat, rabbit, songbird, fish, and the like, but not including chicken, duck, goose, peafowl, goat, sheep, hog, horse or the like.

“Animal, exotic” means a wild animal not customarily confined or cultivated for domestic or commercial purposes but kept as a pet or for display.

“Animal hospital” means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use, and within an enclosed soundproof structure.

“Animal, large” means an adult animal larger than three and one-half feet in height or 250 pounds or more. This term includes horse, cow, and any other mammal customarily kept in a pen, corral or stable.

“Animal, small” means an animal no larger than three and one-half feet in height or less than 250 pounds. This term includes fish, bird, and any mammal customarily kept as a domestic pet within a dwelling unit.

“Animated or moving sign” means any sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

“Apartment” means any building or portion thereof which is designed and built for occupancy of four or more families.

“Arbor” means an arbor~~, patio cover~~, lath house, pergola, trellis or other similar structure without walls or a solid roof, intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, *patio cover*, garage, carport or storage building; provided, that it is not located within the front-yard setback or side-yard setback area of a main building.

“Arcade” means any establishment operating or exhibiting six or more amusement devices. An amusement device is a machine operated for the purpose of gaming as a contest of skill, or for amusement of any description, for which a fee is charged.

“Attached sign” means any sign which is affixed to and made an integral part of a building or structure. Attached signs include, but are not limited to, wall signs, roof signs, and projecting signs, to distinguish them from freestanding and ground signs.

“Awning” means a temporary or permanent structure attached to, or supported by, a building, designed for aesthetics or shelter over a pedestrian or vehicular way and which may or may not project over public property.

“Balcony” means a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

“Banner, flag, pennant or balloon” means any cloth, plastic, paper, or similar material used for advertising purposes attached to any structure, staff, pole, line, framing or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

“Base density” means the number of dwelling units on a particular parcel of land which is in conformance with the General Plan and zoning.

“Basement” means any area of the building having its floor subgrade – i.e., below ground level – on all sides.

“Bed and breakfast inn” means an owner-occupied single-family dwelling where overnight lodging and a breakfast meal are provided to transient guests in a home atmosphere for compensation and where said accommodation is clearly subordinate to the primary residential function of the property.

“Block” means all property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, dead-end street or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of a street which it intersects.
“Blockface” means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street, unsubdivided land, watercourse, or City boundary.

“Boardinghouse” means a dwelling other than a hotel where lodging or lodging and meals for three or more persons is provided for financial or other compensation.

“Breezeway” means a roofed, open-sided passageway connecting two structures, such as a house and a garage.

“Building” means any structure having a roof supported by columns or by walls and designed for the shelter, housing or enclosure of any person, animal, chattel or property of any kind and having a fixed location upon the ground.

“Building height” means the vertical distance from the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or from average grade to the highest gable of a pitch or hip roof.

“Building, main” means a building in which is conducted the principal use of the lot and/or building site on which it is situated.

“Building setback line” means the minimum distance as prescribed by this title between any property line and the closest point on the foundation or any supporting post or pillar of any building or structure related thereto.

“Building site” means a lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway or waterway.

Business Frontage. The primary “business frontage” is that portion of the building elevation facing a street, parking lot or walkway in which the primary entrance to the building is located. All other business frontage is secondary business frontage. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

“Business, retail” means the retail sale of any article, substance, service or commodity, within a building, but not including the sale of lumber or other building materials.

“Business, wholesale” means the wholesale handling of any article, substance, service or commodity, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

“Buyer” means any person, copartnership, association, corporation, fiduciary, or other legal or business entity which intends to sign an agreement or instrument which on its face appears to be legally binding or is intended to be legally binding, subject to specified conditions. Such agreement or instrument shall include, but is not necessarily limited to, a deposit receipt, seller’s instructions, contract of sale, exercise of option to buy, or executed deed when there is no prior written agreement.

“Canopy” means any fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not project over public property.

“Carport” means an accessory structure or portion of a main structure open on two or more sides designed for the storage of motor vehicles, without full enclosure.

“Cemetery” means land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such premises.

“Charitable films” means commercials, motion pictures, television, or videotapes produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a

charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film(s) or from showing the films, tapes or photographs.

“City” means the City of Newman.

“City Council” means the City Council of the City of Newman.

“Clinic” means a place for the provision of group medical services.

“Club” means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

“Collection buildings” means buildings with a gross floor area of 225 square feet or less used for the deposit and storage of recyclables.

“College” means an educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

“College, trade.” See “educational institutions.”

“Combining district” means any district in which the general district regulations are combined with those special districts defined in NCC 5.02.010 for the purpose of adding additional special regulations.

“Commercial office” means any administrative or clerical office maintained as a business and any office established by a public service over which this chapter has jurisdiction.

“Communications equipment building” means a building housing electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

“Conditional use” means a use generally compatible with other uses in a zoning district which requires individual review of its location, design, configuration and density and intensity and may require imposition of conditions to ensure the appropriateness of the use at a particular location.

“Convalescent home.” See “rest homes or homes for the aged.”

“Court” means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

“Coverage, lot or site” means the percentage of a site covered by a roof and any soffit, trellis, eave or overhang extending more than two and one-half feet from a wall, and/or by a deck more than 30 inches in height.

“Cultural resource” means improvements, buildings, structures, signs, features, sites, landscapes, trees or other objects of scientific, aesthetic, educational, cultural, architectural or historical significance to the citizens of the City, the Central Valley, the Northern California region, the State as a whole, or the Nation which may be eligible for designation or designated and determined to be appropriate for historic preservation by the Architectural Review Commission, or by the City Council on appeal, pursuant to the provisions of this chapter.

Day, Working and Calendar. For purposes of applying time periods within the context of this title, a period of 10 days or less will utilize a “working day” standard and 11 or more days will utilize a “calendar day” standard. A “working day” shall mean Monday through Friday except where one of these days is a recognized holiday and the City of Newman Business Offices are not open to conduct public business. “Calendar day” is considered any consecutive span of 24-hour days within a 365-day calendar.

“Deck” means a platform, either freestanding or attached to a building, that is supported by pillars or posts. See also “balcony.”

“Demolition” means any act or process that destroys in whole or in part a building or structure.

“Design Review Committee” means the Architectural Review Committee of the City.

“Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Dilapidated sign” means any sign or element of a sign which is excessively weathered or structurally unsound, or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions.

“District” means a portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title.

“Driveway” means a paved area on a lot necessary to provide direct access for vehicles between a street and either:

1. An area on a residential lot containing four or fewer parking spaces;
2. An aisle adjacent to parking spaces and providing access to a parking lot;
3. A loading berth; or
4. A refuse storage area.

“Dump” means a place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals.

“Duplex.” See “dwelling, two-family or duplex.”

“Dwelling” means a building or portion thereof designated and used exclusively for residential occupancy, including one-family, two-family, three-family dwellings and apartments, multiple-family dwellings, but not including hotels, motels or boarding houses.

“Dwelling groups” means a group of two or more detached or semi-detached, one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common.

“Dwelling, multiple” means a building or portion thereof, used and designed as a residence for four or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including motels, boarding houses and hotels.

“Dwelling, single-family” means a building designated for, or used to house, not more than one family, including all necessary employees of such family.

“Dwelling, two-family (halfplex)” means a building designed for occupancy by two families living independently of each other, where each dwelling unit is attached and located on a lot which may be separately owned or conveyed.

“Dwelling, two-family or duplex” means a building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each such family.

“Dwelling, three-family or triplex” means a building containing not more than three kitchens, designed and/or used to house not more than three families, living independently of each other, including all necessary employees of each such family.

“Dwelling unit” means one or more rooms, a kitchen, and a restroom designed for occupancy by one family for living and sleeping purposes.

“Educational institutions” means public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education, confer degrees as a college or university of undergraduate or graduate standing, conduct research, or give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

“Employee housing, large” means any housing that provides accommodations for no fewer than six (6) employees but no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, located on property zoned for agricultural use.

“Employee housing, small” means any housing that provides accommodations for six or fewer employees. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of the local building codes.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a public roadway, street, sidewalk, right-of-way or floodplain which may impede or alter the flow capacity of a floodplain.

“Exterior (building or improvement)” means an arrangement and components of all of the outer surfaces of a building or improvement including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

“Family” means a reasonable number of persons occupying a dwelling, as determined by State housing code occupancy standards, living as a single housekeeping unit. A family shall be deemed to include live-in household support staff, if any.

“Fast food restaurant” means a food establishment at which customers order from a menu board and pay for food at time of order.

“Fence” means any structural device forming a physical barrier by means of hedge, wood, mesh, chain, brick, stake, plastic or other similar materials.

“Floor area, gross” means the total area of all floors in a building as measured to the outside surface of exterior walls or to the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and any open porch, deck, balcony or terrace.

“Floor area, net” means the total area of all floors in a building as measured to the outside surface of exterior walls or to the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and any open porch, deck, balcony or terrace. It also excludes any corridor, hallway, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven feet, and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters and similar enclosures.

“Floor area ratio (FAR)” means the ratio of the gross square footage of a building permitted on a lot to the net square footage of the lot.

“Freestanding pole sign” means a freestanding sign independently supported by one or more poles, columns, or uprights to be located immediately adjacent to the road right-of-way. The guideline for setback shall be 10 feet from the property line immediately abutting the road right-of-way.

“Frontage” means the property line of a site abutting on a street, other than the side line of a corner lot.

Frontage, Building. The frontage of a building is the maximum horizontal dimension of that side of a building abutting on or generally parallel to the front lot line or, in the case of a corner building, the combined maximum horizontal dimensions of the sides of the building abutting or generally parallel to the front lot line and the corner side line.

Frontage, Street. The “street frontage” is the length of the front lot line or, in the case of a corner lot, the front lot line plus the corner side lot line.

“Garage or carport” means accessible and usable covered space of not less than nine feet by 20 feet each for a storage of motor vehicles.

“Garage, repair” means a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

“Garden structure” means an arbor, deck, fountain, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport or storage building.

“General Plan” means the City of Newman General Plan, as amended.

“Grade, average” means the average level on the surface defined as the shortest distance between finished grade at the highest and lowest sides of a structure.

“Grade, existing” means the level of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

“Grade, finished” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

“Grade, street” means the top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

“Guesthouse” means detached living quarters of a permanent type of construction and without kitchens or cooking facilities, and where no compensation in any form is received or paid.

“Hazardous waste” means any waste, or combination of wastes as specified in Title 22 of the California Code of Regulations, which because of its quantity, concentration, physical, chemical or infectious characteristics may either cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed.

“Height” means the vertical dimension measured from finished grade, unless otherwise specified.

“Height of building” means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof, excluding elevator equipment rooms, ventilating and air conditioning equipment.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Highway-oriented use” means any professional, retail/commercial, or industrial use located on property within 200 feet of the State Highway 33 right-of-way.

“Historic district” means any area containing a concentration of improvements which have a special character, historical interest or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling and association, or which represent one or more architectural periods or styles typical of the history of the City, and that has been designated a historic district.

“Home occupation” means a use or activity in any R District that is incidental, secondary and in addition to the principal use of a lot or site as a residence, conducted on the site of such residence, and established in accordance with the provisions of Chapter 5.20 NCC.

“Hotel.” See “motel or hotel.”

“Household pets” means domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice and other similar animals generally considered by the public to be kept as pets, excluding fowl and not including animals maintained as part of a formal school or 4-H sponsored youth animal husbandry project. For one-family residences, three adult dogs maximum, three adult cats maximum, two adult rabbits maximum, domestic birds and other similar animals are permitted, where the total number of adult animals in one place of residence shall not exceed 10. For multiple-family residences, including mobile homes in mobile home parks, one adult dog maximum, one adult rabbit maximum, two adult cats maximum, domestic birds and other similar animals are permitted, where the total number of adult animals in one place of residence shall not exceed five. For purposes of this definition “adult” shall mean an animal that is weaned from its mother and more than six months of age.

“Illumination, direct” means illumination by means of light that travels directly from its source to the viewer’s eye.

“Illumination, indirect” means illumination by means only of light cast upon an opaque surface from a concealed source.

“Junk” means any old iron, brass, wire, copper, tin, lead, or any other scrap metals, and any rags, papers, trash, cardboard, bags, lumber, bottles, bones, and old parts of bicycles, tricycles, baby carriages, automobiles, other vehicles or machinery, or other scrap materials, and also bicycles, tricycles, baby carriages, automobiles, other vehicles or machinery, dismantled for salvage or “wrecked,” and similar personal property ordinarily classified as junk, all regardless of whether the same is being held for sale or storage.

“Junkyard” means more than 100 square feet of the area of any lot used for the storage of junk, including scrap metals, salvage or other scrap materials, or for the dismantling or “wrecking” of automobiles or other vehicles or machinery, whether for sale or storage.

“Kennel” means any lot or premises on which four or more dogs and/or cats at least four months of age are kept, boarded or trained, whether in special buildings or runways or not. Also, it can be an establishment for the breeding of these animals.

“Kitchen” means any room or part of a room which is designed, built, used, or intended to be used for food preparation and dish washing; but not including a bar, butler’s pantry or similar room adjacent to or connected with a kitchen.

“Landscape” means to plant and maintain some combination of trees, ground cover, shrubs, vines, flowers or lawn. Required landscaping may include natural features such as existing or imported rock and structural features including fountains, pools, artwork, screens, walls, fences or benches. A landscaped area may also include a walkway or concrete plaza if it is an integral part of the elements of landscaping described above. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

“Landscape area” means a maintained area comprised principally of live vegetative matter (plants, shrubs, ground cover, trees, etc.) with no more than 20 percent covered by nongrowing or nonvegetative matter (rocks, bark, concrete, etc.) after three years of growth.

“Landscaping” means the placement of materials such as grass, flowers, ground cover, shrubs, hedges, trees, decorative walls and fences, and berms within a designated area.

“Lodge” means an order or society of persons organized for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

“Logo” means a trademark or company name symbol.

“Lot” means a site or parcel of land.

“Lot area” means the horizontal area within the property lines excluding public-access corridors, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

“Lot, average width” means the average horizontal distance between the side lot line measured at right angles to the lot depth, at the required front setback line.

“Lot depth” means the average horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

“Lot front” means the shortest dimension of a lot fronting on a street.

“Lot, interior” means a lot other than a corner lot.

“Lot line” means a line separating the front from a street; the side from a street or adjoining property.

“Lot rear” means the lot boundary opposite or approximately opposite the lot front; in the case of a triangular or gore-shaped lot, a line 10 feet in length, within the lot, parallel to and at the maximum distance from the front line of the lot.

“Lot side” means any lot boundary not a front or rear lot line.

“Lot, through” means a lot having frontage on two parallel or approximately parallel streets.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

May. “May” is permissive; “shall” is mandatory.

“Medical building” means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists or similar practitioners of the healing arts, including accessory laboratories and a prescription pharmacy, but not including offices for veterinarians.

“Mobile recycling unit” means an automobile, truck, trailer, or van, licensed by the State Department of Motor Vehicles which is used for the collection of recyclable materials, including the bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

“Mobile home” means a structure having multiple sections equaling or exceeding exterior dimensions of eight feet in width and 40 feet in length, having a chassis and designed to be movable, with kitchen, bathroom and living facilities, designed for use as a single-family dwelling when connected to appropriate utility lines, with or without a permanent foundation.

“Mobile home parks” means any parcel or contiguous parcels of land under single ownership, designed or intended to be used to accommodate mobile homes on a permanent or semi-permanent basis.

“Motel or hotel” means a single building or a group of detached or semi-detached buildings containing guest rooms or guest apartments, which group is designed and used primarily for the accommodation of transient travelers.

“Motion picture and television filming” means all activity relevant to staging or shooting commercial motion pictures, television shows or programs, and commercials.

“Natural feature” means any tree, plant life, water feature, or rock outcropping.

“News media” means filming or videotaping for the purpose of spontaneous, unplanned television news broadcast by reporters, photographers or cameramen.

“Nonconforming sign” means a sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but that does not conform with currently applicable requirements prescribed for the district in which it is located by reason of adoption or amendment of this title, or by reason of annexation of territory to the City.

“Nonconforming structure” means a structure that was lawfully erected but which does not conform with the currently applicable requirements and standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title, or by reason of annexation of territory to the City.

“Nonconforming use” means a lawful use of land which no longer conforms to the provisions of this title.

“Nursery school” means a school, family day care facility or the use of a site or a portion of a site for an organized program devoted to the education or day care of five or more pre-elementary school-age children, including those residents on the site.

“Nursing home” means a structure operated as a boardinghouse in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

“Off-street loading facilities” means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

“Off-street parking” means a parking area located off any public right-of-way, alley, or private street which shall be provided as required by this title.

“Off-street parking facility or lot” means a site or a portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

“Office” means a business establishment for rendering of service or administration, but excluding retail sales.

“Open space – usable” means any area within a lot or parcel which is not covered with a structure.

“Ordinary maintenance and repair” means any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.

“Outdoor advertising structure” means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised product is produced.

“Outdoor storage” means storage outside of a building of material not intended for immediate sale or exhibition.

“Owner” means any person, copartnership, association, corporation, fiduciary, or other legal or business entity having legal or equitable title or any interest in any residential property.

“Parking district” means a government parking district maintained by the Federal, State, County or City government, or special district.

“Parking space” means an area for parking of a motor vehicle, plus those additional areas and facilities required to provide safe access to and from said space. The area set aside for a parking space must be usable and accessible for the type of parking need that must be satisfied within the context of this title.

"Patio Cover" means a shade structure with a solid roof that is usually attached or detached to the primary building and is unenclosed (i.e. without walls) on at least three (3) sides when attached and all four (4) sides when detached, except for required vertical/roof supports. Patio covers fall under the accessory building classification and shall comply with all respects with the requirements of this title applicable to accessory buildings.

"Permitted" means allowed without a requirement for approval of a conditional use permit or temporary use permit.

"Person" includes any individual, city, county or city and county; partnership, corporation, cooperative, association, trust or any other legal entity, including the State of California and the Federal Government.

"Planning Commission" means the Planning Commission of the City of Newman.

"Planning Department" means the Planning Department of the City of Newman.

"Planning Director" means the Planning Director of the City of Newman.

"Porch" means a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

"Preexisting" means in existence prior to the effective date of the ordinance codified in this chapter.

"Preservation" means the act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site.

"Private open space" means an open area outside of a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

"Processing facility" means a building or enclosed space used for the collection and processing of recyclable material, and/or used motor oil, by such means as flattening, mechanical sorting, compacting, baling, shredding, grinding, crushing and cleaning.

1. A light-processing facility occupies less than 45,000 square feet and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.
2. A heavy-processing facility is any processing facility other than a light-processing facility.

"Project" means any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this chapter.

"Public utility service yard" means a site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps, spools of wire, pipe, conduit, transformers, cross-arms, utility poles or any other material, tool or supply necessary for the normal maintenance of the utility facilities.

"Railroad right-of-way" means a strip of land of a maximum width of 100 feet only for the accommodation of main lines or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

"Reconstruction" means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or a part thereof, as it appeared at a specific period of time.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Recyclable material" means reusable material including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. "Recyclable material" does not include refuse or hazardous materials, but may include used motor oil.

"Recycling facility" means a center for the collection and/or processing of recyclable materials.

"Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

"Residence" means a structure containing a dwelling unit designed for occupancy or occupied by one family or more.

"Residential care facility, large" means any use, including supportive and transitional housing, of a residential unit serving seven (7) or more persons on a twenty-four (24) hour per day basis. Also includes "dwelling, group." Also includes a State-authorized, certified or licensed family care home, foster home, or a group home serving seven (7) or more disabled persons or dependent and neglected children on a 24-hour-a-day basis.

"Residential care facility, *small*" means ~~a structure or dwelling unit used for residential purposes as defined in State law that is licensed by the State of California for six or fewer residents and is exempt from local regulation under the licensing provisions of State law~~ *any use, including supportive and transitional housing, of a residential unit serving six or fewer persons on a twenty-four (24) hour per day basis. A small residential care facility is a state mandated residential use of the property. Also includes "Dwelling, group." Also includes a State-authorized, certified or licensed family care home, foster home, or a group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a-day basis.*

"Residential property" means any unimproved or improved real property or portion thereof situated in the City limits, designed or permitted to be used for dwelling purposes, and shall include any/all additional buildings and structures located on said real property. This includes any real property being offered for sale, trade, transfer, or exchange as residential, whether or not it is legally permitted and/or zoned for such use.

"Residential, single-family attached" means a building containing two (2) or more independent and attached residential units, without common property governed by a homeowner's association. Also includes "Dwelling, two-family (halfplex). Also includes "Employee housing, small" and "Residential care facility, small." Also includes "Manufactured home."

"Residential, single-family detached" means a detached residential unit. Also includes "Employee housing, small and "Residential care facility, small." Also includes "Manufactured home."

"Rest homes or homes for the aged" means establishments or homes intended primarily for the care and nursing of invalids and aged persons, excluding cases of communicable diseases and surgical or obstetrical operations. Any premises licensed under Section 1253 or other applicable section of the Health and Safety Code of the State of California. The term shall not include nursing homes.

"Restaurant" means an establishment which serves food or beverages primarily to persons seated within the building. This includes cafes and tearooms and outdoor cafes.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

“Reverse vending machine” means an automated mechanical device that accepts at least one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A “reverse vending machine” may sort and process containers mechanically; provided, that the entire process is enclosed within the machine.

1. A single-feed reverse vending machine is designed to accept individual containers one at a time.
2. A bulk reverse vending machine is designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

“Reversed corner lot” means a corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.

“Room, habitable” means a room meeting the requirements of the Uniform Building Code and Uniform Housing Code for its intended use (e.g., sleeping, living, cooking, or dining), excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

“Rooming house.” See “boardinghouse.”

“School, elementary, middle or junior high or high” means public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.

“School, private or parochial” means an institution conducting regular academic instruction at kindergarten, elementary or secondary levels, operated by a nongovernmental organization.

“Screening” means the provision of a minimum six-foot-high living or nonliving buffer designed to diffuse noise, glare and negative visual impacts. Living screening shall have a minimum depth of three feet.

“Secondary residential unit.” See “accessory residential unit.”

“Seller” means any person, company, partnership, association, corporation or fiduciary having legal or equitable title or any interest in the property or the designated representative of the seller.

“Service station” means an occupancy engaged in the retail sales of gasoline, diesel or liquefied petroleum gas fuels, oil, tires, batteries and new accessories, and which provides for the servicing of motor vehicles and operations incidental thereto, including automobile washing, incidental waxing and polishing, tire changing and repairing (but not including recapping), battery service, charging and replacement (but not including repair or rebuilding), radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, and the testing, adjustment and replacement of motor parts and accessories.

“Setback line” means a line established by this title to govern the placement of buildings or structures with respect to lot lines, streets or alleys.

Shall. “Shall” is mandatory; “may” and “should” are permissive.

“Shared open space” means an open area within a residential development reserved for the exclusive use of residents of the development and their guests.

“Shopping center” means a unified group of retail businesses and service uses on a single site with common parking facilities. A “shopping center” may include pads for future buildings.

Side and Front of Corner Lots. For the purpose of this title the narrowest frontage of a corner lot facing the street is the “front,” and the longest frontage facing the intersecting street is the “side,” irrespective of the direction in which the dwelling faces.

“Sign approval” means an approval issued by the Planning Department to any person or entity authorized by this chapter to erect a sign, except as exempted. A building permit issued by the Building Department may also be required prior to a sign being lawfully erected.

“Sign area” means the entire face of a sign, including the surface and any framing, projections or molding, but not including the support structure. Where a sign consists of letters individually attached to or painted on the wall of a building or structure where there is no distinguishable frame or border, the sign area will be considered that area around all words and symbols enclosed by no more than eight lines.

Sign Types.

1. Business Identification Sign. A sign that serves to identify only the name and address of the premises, business, building or portion of building upon which it is located and includes no other advertising such as product lists, phone numbers and hours of operation. Such a sign may include a logo or business symbol.
2. Construction Sign. Signs located on a site during construction, which informs of new buildings, opening dates, leasing opportunities, and/or identifies the architects, engineers, contractors, and financiers.
3. Directional Sign. Any sign erected for the sole purpose of providing direction to the general public. Directional signs include, but are not limited to, signs that: denote the route to any city, community facility, historic place, or hospital; signs directing and regulating traffic; signs directing visitors to any tourist-oriented business; notices of any utility or transmission company necessary for the direction or safety of the public; and signs, notices or symbols as to the time and place of civic meetings.
4. Freestanding or Ground Sign. Any sign supported by structures or supports, placed or anchored in the ground and that is independent from any building or other structure.
5. Grand Opening Sign. A sign used by newly established businesses to inform the public of their location and services.
6. Ground Sign. A ground sign is a freestanding sign six feet or less in height.
7. Incidental Sign. A small sign pertaining to goods, products, services or facilities that are available on the premises where the sign occurs and intended primarily for the convenience of the public.
8. Nameplate Sign. A sign attached to a building that designates the name and/or address of a business, and/or the words “entrance” or “exit.”
9. Marquee. A permanent roofed structure attached to and supported by a building and projecting over public property.
10. Monument Sign. A specific type of ground sign supported from grade to the bottom of the sign with the appearance of having a solid base. These signs are generally located at the primary entry points to a project, and identify the name of a center or group of buildings rather than that of an individual tenant.
11. Off-Site Advertising on Billboard. Any sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or offered at the property on which the sign is located.
12. Open House Sign. A temporary sign that identifies a building for sale or lease which is open and available for inspection, and sets forth no other advertisement.
13. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or uses that depend on frequently changing events.
14. Projecting Sign. Any sign permanently attached to a building and projecting at not more than four feet over a sidewalk or other pedestrianway. A projecting sign shall be a single perpendicular plane located not less than eight feet or more than 12 feet above a sidewalk or pedestrian walkway. Projecting signs shall be made of wood or wood-like material and shall not be directly illuminated. Each sign area is limited to six square feet per face.

15. Reader Board. A sign constructed so that individual letters or other advertising material can easily be changed, used only by businesses, activities or uses that depend on frequently changing events.
16. Special Events Sign. A temporary sign advertising or pertaining to any civic, patriotic, or special event of a general public interest taking place within the County.
17. Subdivision Directional Sign. A sign providing direction to a land development project within the City.
18. Temporary Sign. Nonilluminated signs which are designed to be displayed for a short period of time; are not permanently affixed to a building or property; and/or are constructed of lightweight materials such as paper, cloth, cardboard, wallboard, etc.
19. Window Sign. Any sign that is painted, applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure.

"Signs" means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity, or communicate information of any kind to the public.

"Site" means a lot, or group of contiguous lots not divided by a street, other right-of-way, or City limit, that is proposed for development in accord with the provisions of this chapter, and is in a single ownership or under unified control.

"Site area" means the total horizontal area included within the property lines of a site.

"Specific plan" means a plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code authorizing specific plans.

"Storage containers" shall mean any container (metal or otherwise) previously used as a shipping/cargo container, including but not limited to: all trailers and/or shipping containers manufactured with or without axles and wheels; boxcars; box vans that have been disconnected from a chassis; busses; cargo containers; mobile storage trailers; passenger coaches; "portable on-demand storage structures (PODS)"; semi-truck trailers; storage structures or cargo boxes designed or once serving as commercial shipping or truck trailers or boxes; shed-like containers; streetcar bodies or similar enclosures and rolling stock; temporary storage units; tents; trains; truck/tractor trailers; the parking of tractor-trailers or separate tractors or cargo boxes and/or any and all other portable structure that can be or is used for the storage of personal property of any kind or other similar use as determined by the Community Development Department.

"Story" means the portion of a building included between the upper surface of a floor and the upper surface of the floor next above. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling of the roof above.

"Story, half" means any story in which the floor area covers less than half of the building footprint. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused under-floor space shall be considered a story.

"Street" means a public thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an "alley" as defined herein.

"Street line" means the boundary between a street right-of-way and property.

"Structural alterations" means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

"Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground, excluding swimming pools,

driveways, patios, parking spaces or nonpermanent structures such as tool sheds, hot tubs, spas and similar movable structures.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

"Swimming pools, fish ponds and hot tubs" means water-filled enclosures having a depth of 18 inches or more used for swimming or recreation or as a landscape feature.

"Trailer court" means land or premises used or intended to be used, let or rented for occupancy by one or more trailers, camp cars or movable dwellings, rooms or sleeping quarters of any kind, including trailer parks and mobile home parks.

"Trailer sales lot" means an open area where trailers are sold, leased or rented, and where no repairs, repainting or remodeling are done.

"Trailer, utility" means a vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property.

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

"Transmission line" means an electric power line bringing power to a receiving or distribution substation.

"Travel trailer" means a vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with provisions of the State Vehicle Code, designed for human habitation, with no footing or foundation other than wheels and temporary stabilizing units, with exterior dimensions less than eight feet in width and less than 40 feet in length. The terms "camper" and "motor home" are included within the meaning of the term "travel trailer."

"Travel trailer parks" means a parcel, or contiguous parcels of land under single ownership, designed or intended to be used to accommodate travel trailers on a transient basis (one month continuous occupancy or less).

"Use" means the purpose for which land or a building is designed, arranged or intended or for which either land or building is or may be occupied or maintained.

"Use, accessory" means a use incidental or subordinate to and devoted exclusively to the main use of a lot or a building located on the same lot.

"Use, conditional" means a use which is listed as a conditional use in any given district in this title. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

"Use, permitted" means a use which is listed as a permitted use in any given district in this title. Permitted uses need not meet special requirements as a condition precedent to be allowed to establish in a given district.

"Used" means arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

"Visible" means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

"Visitor-serving use" means a use that is oriented toward serving the traveling public including, but not limited to, hotels, motels, gas stations, and restaurants.

"Wetland" means an area that is inundated or saturated by water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

"Window, required" means an exterior opening in a habitable room meeting the area requirements of the Uniform Building Code and Uniform Housing Code.

"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward.

Yard Types.

1. Corner Side Yard. A side yard on the street side of a corner lot.
2. Yard, Front. A yard extending across the front of the lot between the side lot lines and measured from the front line of the lot to the nearest line of the building; provided, however, that if any Official Plan line has been established for the street upon which the lot faces, the front yard measurement shall be taken from such Official Plan line to the nearest line of the building.
3. Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building.
4. Yard, Side. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

"Zoning Ordinance" means the Zoning Ordinance of the City of Newman, as amended. (*Ord. 2016- , 07-12-2016;* Ord. 2010-2 § 1, 2-9-2010; Ord. 2009-8 § 1, 7-28-2009; Ord. 2000-1 §§ 1, 2, 3, 5-23-2000; Ord. 97-17, 10-28-1997)

Section 4.

Title 5 (Zoning), Chapter 5.03 (Single-Family Residential District), Section 5.03.020 (Permitted uses) of the Newman City Code is amended as follows:

5.03.020 Permitted uses.

Unless otherwise governed by this title, the following uses shall be permitted in R-1 Single-Family Residential Districts:

A. ~~Single-family dwelling~~ *Residential, single family detached*.

B. Fenced or enclosed swimming pools for either individual, family use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement.

C. Accessory structures and uses located on the same site with a permitted use, if constructed concurrently with or subsequently to the main use.

D. A "small family day care home" as defined by the State Health and Safety Code, which provides family day care to six or fewer children, including children who reside in the home.

E. ~~A State-authorized, certified or licensed family care home, foster home or group home serving six or fewer mentally disabled, or otherwise handicapped persons, or dependent and neglected children.~~ *Residential care facility, small*

F. The keeping of household animals (pets) shall be as follows: for one-family residences, three dogs maximum, three cats maximum, two rabbits, domestic birds and other small caged animals, excluding fowl, are permitted where the total number of animals in one place of residence shall not exceed 10. (*Ord. 2016-XX, 07-12-2016;* Ord. 97-17, 10-28-1997)

Section 5.

Title 5 (Zoning), Chapter 5.04 (R-2/R-2S Duplex/Medium Density Single-Family Residential District), Sections 5.04.020 (R-2 permitted uses) and 5.04.021 (R-2S permitted uses) of the Newman City Code are amended as follows:

5.04.020 R-2 permitted uses.
Unless otherwise governed by this title, the following uses shall be permitted in the R-2 Zoning District:

A. Accessory buildings.
B. Animals. The keeping of household animals (pets) shall be as follows: for one-family residences, three dogs maximum, three cats maximum, two rabbits, domestic birds and other small caged animals, excluding fowl, are permitted where the total number of animals in one place of residence shall not exceed five.
C. Duplexes~~ and halfplexes~~.
D. ~~Single-family dwellings~~ *Residential, single family attached*.
E. *Residential, single family detached. (Ord. 2016-XX, 07-12-2016;* Ord. 2011-3, 5-24-2011; Ord. 97-17, 10-28-1997)

5.04.021 R-2S permitted uses.
Unless otherwise governed by this title, the following uses shall be permitted in the R-2S Zoning District:

A. Accessory buildings.
B. Animals. The keeping of household animals (pets) shall be as follows: for one-family residences, three dogs maximum, three cats maximum, two rabbits, domestic birds and other small caged animals, excluding fowl, are permitted where the total number of animals in one place of residence shall not exceed five.
C. ~~Single-family dwellings~~ *Residential, single family detached. (Ord. 2016-, 07-12-2016;* Ord. 2011-3, 5-24-2011)

Section 6.
Title 5 (Zoning), Chapter 5.05 (R-3 Multiple-Residential District District), Sections 5.05.020 (Permitted Uses) and 5.05.060 (Special Use Property Development Standards) of the Newman City Code are amended as follows:

5.05.020 Permitted uses.
Unless otherwise governed by this title, the following uses ~~shall be permitted~~ *are allowed by right (i.e., no discretionary permit is required that would constitute a "project" for the purposes of complying with the California Environmental Quality Act)* in the R-3 Zoning District:
A. Accessory buildings.
B. Animals. For multiple-family residences, including mobile homes in mobile home parks, one dog maximum, one rabbit maximum, two cats maximum, domestic birds and other small caged animals are permitted where the total number of animals in one place of residence shall not exceed five.
C. Apartments.
D. Duplexes~~ and halfplexes~~.
E. ~~Single-family dwellings~~ *Residential, single family attached.*
F. Residential, single family detached.
G. Triplexes. (*Ord. 2016-XX, 07-12-2016;* Ord. 97-17, 10-28-1997)

5.05.060 Special use property development standards.
In addition to, and in supplement of other provisions of this chapter, the following special property development standards shall be applied as follows:

A. Single-family dwellings and halfplexes are subject to the regulations set forth in the R-2 District.

B. Duplexes, triplexes, apartments or dwelling group:

1. Minimum building site required: 6,000 square feet for interior lots and 6,500 square feet for corner lots for each dwelling.

2. Minimum average lot width: 60 feet for interior lots and 65 feet for corner lots.

3. Minimum Street Frontage. The City Planning Commission shall be responsible for determining the minimum street frontage based on the buildable area of the lot, access requirements and good design. However, in no case shall the Planning Commission approve lots having less than 35 feet of street frontage.

4. Minimum lot area per unit: 1,500 square feet of lot per dwelling unit.

5. Minimum front yard setback: 15 feet from property line.

6. Minimum rear yard setback: 15 feet from property line.

7. Minimum side yard setbacks: Five feet from property line. However, a corner lot shall have a side yard abutting a street of not less than 10 feet from the property line.

8. Maximum lot coverage: 80 percent of the total lot area. Lot coverage shall specifically include all buildings and structures and paved parking areas.

9. Maximum building height: 35 feet.

C. Rooming and boardinghouse, lodge, club, rest home and nonresidential uses (use permit required):

1. Minimum building site required: 7,500 square feet for interior and/or corner lots.

2. Minimum average lot width: 60 feet for interior lots and 65 feet for corner lots.

3. Minimum Street Frontage. The City Planning Commission shall be responsible for determining the minimum street frontage based on the buildable area of the lot, access requirements and good design. However, in no case shall the Planning Commission approve lots having less than 35 feet of street frontage.

4. Minimum front yard setback: 15 feet from property line.

5. Minimum rear yard setback: 15 feet from property line.

6. Minimum side yard setbacks: Five feet from property line. However, a corner lot shall have a side yard abutting a street of not less than 10 feet from the property line.

7. Maximum lot coverage: 80 percent of the total lot area. Lot coverage shall specifically include all buildings and structures and parking areas.

8. Maximum building height: 35 feet.

D. Affordable Housing Sites, which are herein defined as sites re-zoned to R-3 for the purpose of implementing a housing program contained the General Plan Housing Element, must comply with Government Code §65583.2(h) and (i). The following regulations apply to Affordable Housing Sites:

1. Owner-occupied and rental multifamily residential use is allowed by right (i.e., no discretionary permit is required that would constitute a "project" for the purposes of complying with the California Environmental Quality Act).

2. The minimum allowable development density is 20 units per acre. (Ord. 2016-XX, 07-12-2016; Ord. 97-17, 10-28-1997)

Section 7.

Title 5 (Zoning), Chapter 5.06 (C-1 Retail Business District), Section 5.06.040 (Conditional uses – Commission approval required) of the Newman City Code is amended as follows:

5.06.040 Conditional uses – Commission approval required.

Any principal permitted use which is not conducted entirely within a building shall be required to obtain a conditional use permit. In addition, the following uses, and uses determined to be similar, may be permitted in the Retail Commercial (C-1) Zoning District subject to approval of a conditional use permit:

Auto repair, auto body shop and/or auto paint shop.

Automobile sales and related service not entirely contained within a building.

Automotive parts and accessories, sales and service.

Bars, taverns, nightclubs, and cocktail lounges.

Bowling alleys and skating rinks.

Car and truck rentals.

Car washes, automatic and self-service.

Card, pool and billiard rooms and arcades.

Churches and other religious institutions.

Convenience food stores and markets, with gasoline filling stations.

Electronic or mechanical game centers.

Equipment or party rental with outdoor storage.

Fast food restaurants and restaurants with drive-through service.

Gasoline filling stations, with or without auto service.

Hotels and motels.

Mini-storage facilities.

Motorcycle sales and service, new and used.

Off-street parking lots, when not serving a use located on the site.

Parking lots, and/or garages.

Pet clinic (or animal hospital) with no overnight boarding.

Print shops.

Private clubs, lodge halls and meeting facilities.

Secondhand shops.

Warehousing.

Wholesale operations primarily serving the local community.

Residential care facility, small located in buildings previously used for residential purposes or in the rear of buildings or above the ground floor.

Residential uses which are compatible with the Retail Commercial District such as residential uses in buildings previously used for residential purposes, owner-occupied residential uses located in the rear of buildings or above the ground floor. (*Ord. 2016-XX, 07-12-2016;* Ord. 97-17, 10-28-1997)

Section 8.

Title 5 (Zoning), Chapter 5.09 (M Light Industrial/Business Park District), Section 5.09.020 (Permitted Uses) of the Newman City Code is are amended as follows:

5.09.020 Permitted uses.

The following uses, and uses determined to be similar, shall generally be permitted in the Light Industrial/Business Park (M) Zoning District when conducted entirely within a building or entirely screened with a solid fence or wall, with the exception of motor vehicle and mobile home sales lots and commercial and industrial truck parking areas~~:~~. *Emergency shelters are allowed by right (i.e., no discretionary permit is required that would constitute a "project" for the purposes of complying with the California Environmental Quality Act).*

Administrative, business and professional offices.

Agricultural cultivation as a temporary use.

Assembly of the following:

Electrical equipment, such as radio, stereo, video and related electronic equipment.

Small electrical appliances, optical goods, precision equipment.

Automobile, truck, farm equipment, motorcycle and trailer accessories and parts manufacture and assembly, including sales, repairing and painting of same.

Bakeries, wholesale and distribution.

Banks and savings and loan offices.

Bottling plants.

Box factories and cooperage.

Brick, tile and clay products manufacture.

Building maintenance services.

Building materials manufacture and assembly, including composition wall boards, partitions, panels and prefabricated structures.

Building supply and/or hardware sales.

Business support services.

Cabinet or woodworking shop and furniture manufacture.

Can, bottle, glass and container manufacture.

Canvas products manufacture.

Ceramics products manufacture, using only previously pulverized clay.

Cold storage plants.

Communication services.

Dry-cleaning plants and commercial laundries.

Electroplating.

Emergency shelter.

Equipment rental agencies.

Food and food products manufacture.

Frozen food distributors.

Heating, plumbing, ventilation and air conditioning shops.

Laboratories, including commercial, testing, research and testing labs.

Light manufacturing, assembly, and packaging facilities or uses which have no objectionable noise, odor, or nuisance factors.

Lumber and building material yards.

Machine shop and machine tool manufacture, including metal lathes, metal stamping machines and woodworking machines.

Machinery manufacture, including heavy electrical, agricultural and construction machinery.

Manufacture, repair and assembly of the following:

- Business machines.
- Cutlery.
- Electrical supplies and motors.
- Hand tools.
- Hardware.
- Optical goods.
- Precision instruments.

Scientific, medical and dental instruments.

Sheet metal products.

Signs.

Tool and die.

Toys and musical instruments.

Mini-storage and public storage facilities.

Moving agencies and storage warehouses.

Off-street parking lots and garages.

Paper products manufacture.

Parcel delivery terminals and offices.

Printing and publishing plants, printing, lithography and engraving services.

Product distribution centers.

Public buildings, facilities and uses.

Public utility uses and facilities.

Research and development offices and laboratories.

Tattoo parlors.

Service stations and car washes.

Warehouses and warehousing.

Wholesaling operations, which primarily serve the local community.

Other uses which, in the judgment of the Planning Commission, are similar to and no more objectionable than any of the uses set forth in this section. (*Ord. 2016-XX, 07-12-2016;* Ord. 98-4 § 1, 8-25-1998; Ord. 97-17, 10-28-1997)

Section 9.

Title 5 (Zoning), Chapter 5.14 DBO Density Bonus Overlay, of the Newman City Code shall be amended and replaced in its entirety with the following:

Chapter 5.14
RESIDENTIAL DENSITY BONUS PROVISIONS

Sections:

5.14.010 Intent and Purpose.
5.14.020 Definitions
5.14.030 Types of Bonuses and Incentives Allowed.
5.14.040 Additional Density Bonus for Donations of Land.
5.14.050 General Provisions Governing Density Bonus Calculations.
5.14.060 Incentives and Concessions for Affordable Housing.
5.14.070 Waivers and Modifications of Development Standards.
5.14.080 Parking Incentives.
5.14.090 Standards for Density Bonus Housing Developments.

5.14.100 Application Requirements.
5.14.110 Application Review.
5.14.120 Developer Affordable Housing Agreement.

5.14.010 Intent and purpose.

This Chapter is being enacted: a) to provide incentives for the production of housing for very low income, low income, moderate income and senior citizen households; b) to provide incentives for the creation of rental housing serving lower and moderate income households; and c) to implement sections 65915, 65915.5, and 65917 of the California Government Code as required by section 65915(a). In enacting this Chapter, the city also intends to implement the goals, objectives, and policies of the city's general plan housing element to encourage the construction of affordable housing in the city. It is also the city's intent to encourage the development of rental housing to serve an economically diverse community. Accordingly, the city desires to provide a density bonus upon the request of an applicant when the applicant includes affordable or senior citizen restricted units in a project. This Chapter implements the laws for density bonuses and other incentive and concessions available to qualified applicants under Government Code sections 65915 through 65918. In the event these Government Code sections are amended, those amended provisions shall be incorporated into this Chapter as if fully set forth herein.

5.14.020 Definitions.

For purposes of this Chapter, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this Chapter its most reasonable interpretation.

A. "Affordable ownership cost" means the average annual housing costs, including mortgage payments, property taxes, homeowner's insurance, and homeowners' association dues, if any, which do not exceed the following:

1. Very low income households: 50 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.
2. Lower income households: 70 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.
3. Moderate income households: 110 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 35 percent.

B. "Affordable rent" means the annual rent, including utilities and all fees for housing services, which does not exceed the following:

1. Very low income households: 50 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.
2. Lower income households: 60 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.

C. "Affordable units" means dwelling units that are affordable to very low, lower, or moderate income households as defined by this Chapter or by any federal or state housing program and are subject to rental, sale, or resale restrictions to maintain affordability.

D. "Applicant:" means a developer or organization applying for a density bonus who seeks and agrees to construct a qualified housing development on or after the effective date of this Chapter pursuant to Section 65915, subdivision (b), of the California Government Code.

E. "Area median income" means the median income for Stanislaus County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or a successor provision.

F. "Assumed Household Size Based on Unit Size" means a household of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

G. "Common interest development" means as defined in Section 1351 of the California Civil Code a common interest development may include a community apartment project, a condominium project, a planned development, or a stock cooperative.

H. “Density Bonus” means a density increase over the otherwise allowable zoning maximum residential density on a site as of the date of application by the applicant to the city, granted pursuant to Chapter 5.14.

I. “Density bonus units” means dwelling units granted pursuant to Chapter 5.14 which exceed the otherwise allowable zoning maximum residential density for a housing development.

J. “Household income” means the combined adjusted gross household income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.

K. “Very low income household” means as defined in California Health & Safety Code Section 50105, very low income persons and families are those whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 which is 50 percent of area median income, adjusted for family size and revised annually.

L. “Lower income household” means as defined in California Health & Safety Code Section 50079.5 lower income persons and families are those whose incomes do not exceed the qualifying limits for low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 which is 70 percent of area median income, adjusted for family size and revised annually.

M. “Moderate income household” means persons and families of low or moderate income" means persons and families whose income does not exceed 120 percent of area median income, adjusted for family size by the department in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

N. “Housing development” means one or more groups of projects to construct dwelling units in the planned development of the city. Housing development also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the city and consisting of dwelling units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available dwelling units. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

O. “Incentive and concessions” means regulatory concessions as listed in Section 5.14.060 of this Chapter.

P. “Market rate unit” means a dwelling unit which is not an affordable unit or an inclusionary unit.

Q. “Maximum residential density” means the maximum number of dwelling units permitted by the Zoning Code and Land Use element of the general plan or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and community development element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the community development element of the general plan, the general plan density shall prevail. The maximum allowable density is based on the date an application for a housing development is deemed complete. This definition is used to calculate a density bonus pursuant to this Chapter.

R. “Senior citizen housing development” means senior citizen housing as defined in Section 51.3 (a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units) and Section 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

S. “Specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete. Mere inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

5.14.030 Types of bonuses and incentives allowed.

A. Very low and lower income housing and senior citizen housing. Upon written request to the city, an applicant for a housing development is eligible for one density bonus of twenty percent (20%) over the maximum residential density (except in the case of senior citizen housing, as provided below), provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:

1. Very Low Income Households. Five percent (5%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low income households; or

2. Lower Income Households. Ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to lower income households; or

3. Senior Citizen Housing Development. For senior citizen housing developments, the density bonus shall be twenty percent (20%) of the number of senior housing units provided.

B. Moderate income housing. Upon written request to the city, an applicant for a housing development is eligible for one density bonus of five percent (5%) over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:

1. At least ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate income households; and

2. The housing development is a common interest project as defined by section 1351 of the California Civil Code; and

3. All of the dwelling units in the housing development are offered for sale to the public.

C. Higher density bonus for greater contribution of affordable units: Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, lower, and moderate income housing units exceeds the base percentage established in subsection A or B of this section, as follows:

1. Very low income units. For each one percent (1%) increase above five percent (5%) in affordable units for very low income households, the density bonus shall be increased by two and one-half percent (2.5%) up to a maximum of thirty-five percent (35%), as follows:

Table 1: Very Low Income Units

Percentage of Very Low Income Units	***Percentage of Density Bonus***
5	*20.0*
6	*22.5*
7	*25.0*
8	*27.5*
9	*30.0*
10	*32.5*
11	*35.0*

2. Lower income units. For each one percent (1%) increase above ten percent (10%) in the affordable units for lower income households, the density bonus shall be increased by one and one-half percent (1.5%) up to a maximum of theory-five percent (35%), as shown in Table 2:

Table 2: Lower Income Units

Percentage of Very Low Income Units	***Percentage of Density Bonus***
10	*20.0*
11	*21.5*

12	*23.0*
13	*24.5*
14	*26.0*
15	*27.5*
16	*29.0*
17	*30.5*
18	*32.0*
19	*33.5*
20	*35.0*

3. Moderate income units. For each one percent (1%) increase above ten percent (10%) in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent (1%) up to maximum thirty-five percent (35%), as shown in Table

Table 3: Moderate Income Units

Percentage of Very Low Income Units	***Percentage of Density Bonus***
10	*5*
11	*6*
12	*7*
13	*8*
14	*9*
15	*10*
16	*11*
17	*12*
18	*13*
19	*14*
20	*15*
21	*16*
22	*17*
23	*18*
24	*19*
25	*20*
26	*21*
27	*22*
28	*23*
29	*24*
30	*25*
31	*26*
32	*27*
33	*28*
34	*29*
35	*30*
36	*31*
37	*32*

Percentage of Very Low Income Units	*Percentage of Density Bonus*
38	*33*
39	*34*
40	*35*

D. Continued affordability. Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:

1. Very low income and low income household units shall remain affordable to the designated income group for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.

2. Moderate income household units shall remain affordable for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program applicable to the dwelling units.

3. Notwithstanding the foregoing, very low, low, and moderate income units in housing developments qualified for a density bonus that are located in or found by the redevelopment agency to benefit a redevelopment project area shall remain at an affordable level for a period of not less than forty five (45) years for owner occupied units, and not less than fifty five (55) years for rental units, in accordance with applicable provisions of the California community redevelopment law (Health and Safety Code section 33000 et seq.). Upon resale, the city shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The equity sharing agreement shall include the following provisions:

a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy as defined in subsection (4)(c)2 of this section, and its proportionate share of appreciation, as defined in subsection (4)(c)3 of this section, which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code section 33334.2(e).

b. The city's initial subsidy shall be equal to the fair market value of the home at the time of the initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

c. The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

E. Specification of basis for density bonus. Each applicant who requests a density bonus pursuant to this section, shall elect whether the bonus will be awarded on the basis of subsection (1)(a), (1)(b), (1)(c) or (2) of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low income affordable housing units, lower income affordable housing units or moderate income affordable housing units, or the development's status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.

5.14.040 Additional density bonus for donations of land.

A. Land suitability. Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development approval qualified for a density bonus pursuant to section 5.14.030 of this Chapter also donates land to the city in accordance with this section, the applicant shall be entitled to an additional density bonus. Applicants donating land to the city shall be eligible for an additional fifteen percent (15%) density bonus at the site of the housing development if the donated land is suitable for the construction of very low income units equaling at least ten percent (10%) of the market rate units being constructed for the project. The density bonus provided pursuant to this section shall be

in addition to any density bonus granted pursuant to section 5.14.030 of this Chapter, up to a maximum combined density bonus of thirty-five percent (35%).

B. Qualification criteria. To qualify for the additional density bonus described in subsection 1 of this section, the donation of land must meet all of the following criteria:

1. The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to section 5.14.030 of this Chapter; and

2. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and

3. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten percent (10%) of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and

4. The donated land is at least one acre in size or is large enough to permit development of at least forty (40) units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and

5. No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent design review to the extent authorized by California Government Code section 65583.2 subsection (i) if the design is not reviewed by the city prior to the time of transfer; and

6. The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with subsection 5.14.030 subsection (4) of this Chapter, which deed restriction shall be recorded upon the donated property at the time of its transfer; and

7. The land will be transferred to the city, or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to that developer; and

8. The land is within the boundary of the proposed housing development or within one-fourth (1/4) mile of the boundary of the proposed housing development; and

9. No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low income units shall be identified.

C. Additional density bonus based on greater suitability of land for very low income housing. For each one percent (1%) increase above the minimum ten percent (10%) in the number of very low income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent (1%), up to a maximum of thirty-five percent (35%), as follows:

Table 4: Land Donation

Percentage of Very Low Income Units That Can Be Accommodated On Donated Land	***Percentage of Additional Density Bonus***
10	*15*
11	*16*
12	*17*
13	*18*
14	*19*
15	*20*
16	*21*
17	*22*

18	*23*
19	*24*
20	*25*
21	*26*
22	*27*
23	*28*
24	*29*
25	*30*
26	*31*
27	*32*
28	*33*
29	*34*
30	*35*

5.14.050 General provisions governing density bonus calculations.

A. For the purposes of any provisions in this Chapter, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.

B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.

C. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.

D. For the purposes of this Chapter, the "total units" or "total dwelling units" in a housing development does not include those units added by any density bonus.

Table 5: Density Bonus Summary

Types of Affordable Units Providing Eligibility for A Density Bonus	***Minimum Percent***	***Bonus Granted***	***Additional Bonus for Each 1% Increase in Affordable Units***	***Percent of Affordable Units Required for Maximum 35% Bonus***
Very Low Income	*5%*	*20%*	*2.5%*	*11%*
Lower Income	*10%*	*20%*	*1.5%*	*20%*
Moderate Income	*10%*	*5%*	*1%*	*40%*
Senior Citizen Housing	*Qualified development*	*20% of the units*	-	-
Land Donation for Very Low Income Housing	*Land donated can accommodate 10% of market rate units, plus housing development qualified for density bonus as an affordable or senior project.*	*15%*	*1%*	*30% of market rate units (assuming housing development provides 5% very low income units)*

5.14.060 Incentives and concessions for affordable housing.

A. Definition of a qualified incentive or concession. A qualifying project shall be entitled to at least one but no more than three of the following incentives identified by state law:

1.A reduction in the parcel development standards (e.g. coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements and/or parking requirements). Development standard means any ordinance, general plan element, specific plan, condition, law, policy, resolution, or regulation. In no case may the city apply a development standard that will have the effect of precluding the construction of affordable units. A waiver or modification to development standards may be requested by the applicant, and shall be approved unless such waiver or modification creates an adverse impact as described in subsection (3), below.

2.Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses will reduce the cost of the housing project, and the nonresidential land uses are compatible with the housing project and existing or planned development in the area where the proposed development will be located.

3.Other regulatory incentives or concessions proposed by the applicant or the city that will result in identifiable, financially sufficient and actual cost reductions.

B. Number of incentives or concessions. The number of incentives shall be based on the percentage of affordable units in the project:

1.One (1) incentive or concession shall be entitled for projects where at least five percent (5%) of the total units are for very low income households, ten percent (10%) of the total units are for lower income households, or ten percent (10%) of the total units in a common interest development are sold to moderate income households.

2.Two (2) incentives or concessions shall be entitled for projects where at least ten percent (10%) of the total units are for very low income households, twenty percent (20%) of the total units are for lower income households, or at least twenty percent (20%) of the total units in a common interest development are sold to moderate income households.

3.Three (3) incentives or concessions shall be entitled for projects where at least fifteen percent (15%) of the total units are for very low income households, thirty percent (30%) of the total units are for lower income households, or thirty percent (30%) of the total units in a common interest development are sold to moderate income households.

Table 6: Incentives and Concessions Summary

Affordable Units or Category	***Percent of Affordable Units***		
Affordable Housing Types:			
Very Low Income	*5%*	*10%*	*15%*
Low Income	*10%*	*20%*	*30%*
Moderate Income	*10%*	*20%*	*30%*
Maximum incentive(s)/concession(s)[1, 2, 3]	*1*	*2*	*3*

Notes:

[1] *An incentive or concession may be requested only if an application is also made for a density bonus.*

[2] *Incentives or concessions may be selected from only 1 category (very low, lower, or moderate).*

[3] *No incentives or concessions are available for land donation.*

C. Findings to deny incentive or concession. The city shall grant the incentive or concession requested by the applicant unless the city makes a written finding based upon substantial evidence of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units; or

2. The concession or incentive would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse without rendering the development unaffordable to low and moderate-income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies, or conditions; or

3. The incentive or concession would be contrary to state or federal law.

D. Exceptions. This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this section require the city to grant an incentive or concession found to have a specific adverse impact.

E. Amendment, zone change. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

5.14.070 Waivers and modifications of development standards.

A. Applicants granted a density bonus pursuant to section 5.14.030 of this Chapter may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this Chapter. The applicant may also request a meeting with the city to discuss such request for waiver and modifications.

B. In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of section 5.14.030 of this Chapter, at the densities or with the concessions or incentives permitted by this Chapter.

C. A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to section 5.14.060 of this Chapter.

D. The city may deny a request for any waiver, modification or reduction of development standards if the wavier, modification or reduction would have a specific adverse impact.

5.14.080 Parking incentives.

A. Upon the written request of the applicant for a housing development meeting the criteria for a density bonus under section 5.14.030 of this Chapter, the city shall not require a vehicular parking ratio that exceeds the following:

1. Zero to one bedroom units: One onsite parking space.

2. Two (2) to three (3) bedroom units: Two (2) onsite parking spaces.

3. Four (4) and more bedroom units: Two and one-half (2 1/2) parking spaces.

B. Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through on street parking. For purposes of this Chapter, the parking ratios set forth in this section shall be deemed a concession or incentive available to the applicant under section 5.14.060 of this Chapter.

5.14.090 Standards for density bonus housing developments.

A. Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of this city code.

B. For developments with multiple market rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market rate unit mix.

C. All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a

density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

5.14.100 Application requirements.

A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development.

B. For affordable units qualifying the housing development for a density bonus, the application shall include the following information:

1.A site plan identifying the base project without the density bonus, number and location of all inclusionary units, affordable units qualifying for the project for a density bonus, and proposed density bonus units; and

2.Proposed category(ies) qualifying the housing development for a density bonus; and

3.Level of affordability of all affordable and inclusionary units and proposals for ensuring affordability, if applicable; and

4.A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.

5.If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in section 5.14.040 of this Chapter can be made.

C. Upon submission of the application to the city, the Planning Director or designee shall determine if the application is complete and conforms to the provisions of this Chapter. No application for a first approval for a housing development requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this Chapter.

D. A request for a minor modification of an approved application may be granted by the City Manager or designee if the modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable

1. Housing plan shall be processed in the same manner as the original application.

5.14.110 Application review.

A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this Chapter shall be reviewed as part of the first approval of the housing development by the approval body with authority to approve the housing development, unless additional review by the Planning Commission or City Council is required. An applicant proposing a housing development pursuant to this Chapter, may submit a preliminary application prior to the submittal of any formal request for approval of a housing development.

B. Within ninety (90) days of receipt of the preliminary application the city shall provide to an applicant, a letter which identifies project issues of concern (the maximum financial assistance that the Planning Director can support when making a recommendation to the City Council), and the procedures for compliance with this Chapter. The Planning Director shall inform the applicant that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives pursuant to section 5.14.060 of this Chapter shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the Planning Director, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

C. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:

1.The housing development is: a) eligible for a density bonus, and/or b) any concessions, incentives, waivers, modifications, or reduced parking standards requested conform to all requirements of this Chapter, and c) supported by a financing mechanism for all implementation and monitoring costs.

2.If the density bonus is based all or in part on dedication of land, the application meets the qualifications and findings stated in section 5.14.040 of this Chapter.
3.If a waiver or modification is requested, the applicant has shown that the waiver, modification or reduction of development standards meets the qualifications and findings stated in section 5.14.070 of this Chapter.

D. If the findings stated in subsection (3) of this section can be made, and a request for an incentive or concession is otherwise consistent with this Chapter, the approval body may deny a concession or incentive based upon written findings of any of the factors stated in section 5.14.060 of this Chapter for the denial or disqualification of a concession or incentive. (5) If the required findings stated in subsection (3) of this section can be made, and a request for a waiver or modification is otherwise consistent with this Chapter, the approval body may deny the requested waiver or modification based upon written findings of any of the factors stated in section 5.14.070 of this Chapter for the denial or disqualification of a waiver or modification.

E. Nothing in this section shall be interpreted to require the city to grant an incentive or concession or to waive or reduce development standards if that incentive, concession, waiver, or reduction has a specific adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

F. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed pursuant to pursuant to Section 5.27.030 (Appeals) of Chapter 5.27 (Interpretation, Administration, and Enforcement) the Newman City Code. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

5.14.120 Developer affordable housing agreement.

A. Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director, who shall formulate a recommendation to the planning commission for final approval. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this Chapter and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.

B. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest.

Section 10.

Title 5 (Zoning), Chapter 5.16 (Development Regulations), Section 5.16.020 (Availability of essential services) of the Newman City Code shall be amended as follows:

5.16.020 Availability of essential services.

Unless otherwise addressed by other approval processes (i.e., major subdivisions, conditional use permits), all development shall comply with the following:

A. All projects that require the additional use of or new facilities for essential services (including, but not limited to, sanitary sewers, water lines, storm drains, fire hydrants, public streets, street lighting and similar services, such as police and fire facilities, schools and/or other capital facilities) shall obtain preliminary approval as required by the agency providing such service prior to issuance of a building permit, or final land use permit if no building permit is required.

B. The non-availability of essential services may be grounds for denying permits for additional development until such services are available. *During any period of threatened or actual shortage of*

essential services that are provided by the city, the city shall have the right to apportion its available capacity among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Such apportionment shall grant priority to housing with units affordable to lower income housing.

C. The City is not obligated to extend or supply essential services if capacity is not available, obligated or reserved. If capacity is available, the extension of services shall be made by, and at the cost of, the developer.

D. All service extensions shall be designed and installed in full conformance with City standards or the standards of the providing agency, as appropriate.

E. All service extensions shall be subject to review, permit and inspection as required by other policies or ordinances of the City or the service provider.

All development proposals shall be reviewed to assure consistency with the circulation policies and standards contained in the General Plan. (*Ord. 2016-XX, 07-12-2016;* Ord. 97-17, 10-28-1997)

Section 11.

Title 5 (Zoning), Chapter 5.23 (General Regulations, Conditions, and Exceptions), Section 5.23.030 (Accessory buildings), of Title 5 (Zoning) of the Newman City Code shall be amended as follows:

5.23.030 Accessory buildings.

A. An accessory building may be erected as an integral part of a principal building, connected by a breezeway or similar structure, or detached from the principal building.

1. Where an accessory building is attached to the main building, it shall be made structurally part of and have a common roof with the main building, and shall comply with all respects with the requirements of this title applicable to the main building.

B. An accessory building must be constructed subsequent to, or concurrently with, the construction of the principal building on the site.

C. No more than two accessory buildings, including a detached garage or carport, may be erected on a residentially zoned lot.

D. No accessory building shall be permitted to be erected within the required front yard.

E. A detached accessory building shall be located on the rear one-half of the lot and at least six feet from any dwelling/building existing or under construction on the same lot or any adjacent lot.

1. In the case of a detached patio cover, no minimum separation from the primary dwelling shall be required unless otherwise stipulated by Building or Fire Codes.

F. In the case of a corner lot abutting upon two streets, no accessory building shall be erected or altered so as to project beyond the front yard required on any adjacent lot, nor shall it be located closer to either street line than is permitted for the main building on the lot.

G. An accessory building shall not exceed 12 feet in height.

H. Detached accessory buildings shall be placed no closer than five feet from a side or rear lot line.

I. Accessory buildings exceeding 120 square feet shall require approval of the Building Official prior to their placement or construction on a lot.

J. Except in the case of a single-family dwelling, any garage or carport required by provisions of Chapters 5.03, 5.04 and 5.05 NCC, or required by the conditions of any use permit or variance, shall be constructed so that no entrance or open side faces or opens onto a street line of any lot or parcel, unless such entrance or open side can be closed by means of a door, or doors, or similar device. (*Ord. 2016- , 07-12-2016;* Ord. 97-17, 10-28-1997)

Section 12.

Title 5 (Zoning), Chapter 5.23 (General Regulations, Conditions, and Exceptions), Section 5.23.040 (Accessory Residential Units), of Title 5 (Zoning) of the Newman City Code shall be amended as follows:

5.23.040 Accessory residential units.

A. The purpose of this section is to allow for accessory residential units within under-utilized single-family dwelling units and lots, but at the same time preserve the existing residential neighborhood character.

B. One accessory residential unit shall be permitted within, attached to, or detached from a detached single-family residence upon the issuance ~~of a conditional use permit~~ by the ~~Planning Commission~~ *Building Official of all permits required for compliance with the California Building Standards Code as adopted and amended by the City* and provided that all of the following requirements are met:

1. Zoning Districts. The lot containing the detached single-family unit shall be located within a residential zoning district.
2. Lot Size. The minimum lot size on which an accessory residential unit may be developed shall be 6,000 square feet.
3. Occupancy. The owner of the property shall reside within either the principal dwelling unit or the accessory residential unit, and the other unit may be occupied by a family member and/or offered as a rental unit. Occupancy of the accessory unit shall be limited to no more than two individuals.
4. Garage Entrances. Residential garage entrances opening on any front or side lot line shall be located not less than 20 feet from said lot line.
5. Parking Setbacks. A garage, carport or other parking space required herein shall not be located within five feet of an alley or within three feet of any meter, hydrant or similar facility; except no setback from any alley is required for garages without access or other openings to a public street and directly adjacent to and accessible to an alley. This exemption shall not apply to lots abutting any C, I or M District.
6. Off-Street Parking. In addition to the off-street parking required for the principal dwelling unit, one additional off-street parking space shall be provided for the accessory unit.
7. Placement of Additional Space. The additional parking space for the accessory unit shall not be placed within the required front yard setback unless the Planning Director finds that:
    a. There is no other reasonable place on the property for the additional parking space to be located;
    b. Appropriate landscaping and/or berming is provided to mitigate any possible adverse visual impacts;
    c. Notification of property owners within 300 feet of the site has not resulted in any significant objections.
8. Size of Accessory Unit. The accessory residential unit shall not exceed 640 square feet in floor area or 40 percent of the floor area of the principal dwelling unit, whichever is the smallest.
    a. The garage or carport area of the principal dwelling shall not be counted when determining floor area.
9. Minimum Floor Area. The minimum floor area requirements specified by this title for a residential dwelling shall apply to the principal residence. The principal residence shall retain at least one bedroom.
10. Accessory Residence. The accessory residence may consist of a studio or a one-bedroom unit and shall comply with the minimum floor area requirements of this title and the Uniform Building Code.
11. Architectural *Style* ~~and Site Plan Review~~. The *architectural style, building material types, and color schemes of the second unit shall be the same as principal residence*. ~~Architectural Review Committee shall perform design and site plan review as part of the conditional use permit process~~.

12. Property Development Standards. All of the property development standards for the applicable zoning district, such as lot coverage, usable open space, building height and setbacks shall be maintained unless specifically provided for herein.
13. Utility Meters. A separate utility meter shall be installed for an accessory residential unit.
14. Outside Stairways. No outside stairway shall be permitted to access the principal dwelling or an accessory residential unit.
15. Water Supply and Sewage Treatment Capacity. Adequate water supply and sewage treatment capacity shall be available to serve the accessory residential unit prior to approval of a building permit.

C. The Planning Director may conduct an annual compliance review to ascertain that the occupancy requirements of this section are being complied with.

D. Accessory residential units constructed without City approval, prior to adoption of these provisions, may be made legal through the ~~conditional use~~ *building* permit process *as* set ~~forth for new accessory residential units~~ *by the Building Official*. Applications shall be evaluated for compliance with the adopted standards. ~~The Planning Commission may impose conditions upon the use to bring it into compliance with these provisions. In an effort to legalize the use and encourage provision of affordable housing, an amnesty period is created to end on January 1, 1999~~. (*Ord. 2016- , 07-12-2016;* Ord. 97-17, 10-28-1997)

Section 13.

All other sections and provisions of Titles 1 and 5 shall remain in full force and effect.

Section 14.

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

Section 15.

That a duly noticed public hearing was held by the City Council.

Section 16.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June, 2016 by Council Member _____ , and adopted at a regular meeting of said City Council held on the 12th day of July, 2016 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Agenda Item: 10.c.

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of June 28, 2016

AMENDMENT TO THE SHERMAN RANCH DEVELOPMENT AGREEMENT

RECOMMENDATION:

Adopt Ordinance 2016- , an Ordinance approving the Third Amendment to the Sherman Development Agreement and authorize staff to publish a summary of said ordinance.

BACKGROUND:

In September 2004, the Planning Commission reviewed a proposed Development Agreement for the Sherman Ranch subdivision. (The original project was approved by the Planning Commission in 1999.) Following the recommendation of the Planning Commission, the City County adopted Ordinance No. 2004-03 approving the Sherman Ranch Development Agreement in October 2004. Subsequent to these actions, the City adopted a Substitute Reimbursement and Settlement Agreement (SRSA) to settle 'complete and full satisfaction of ... the total amounts for which Developer remains eligible to receive reimbursement...'

In January 2010, the Developer filed a lawsuit in Stanislaus County Superior Court alleging Breach of Contract, Unjust Enrichment, Common Counts, Conversion and Breach of Fiduciary Duty. While the City remained confident in its legal position, settlement talks to end the lawsuit were initiated. Through diligent work and mutual cooperation, both sides agreed to a settlement agreement in December 2010. Final execution of the Settlement agreement required modification to the Development Agreement. The changes were approved as the First Amendment to the Development Agreement in April 2011.

In June 2014, the City Council approved the Second Amendment to the Development Agreement that extended affordability clauses that were a result of the SRSA. The timelines for these programs have since expired and are no longer available.

A public hearing was held on this matter at the previous (June 14th) City Council meeting. During the Public Hearing, no one offered any comments. Upon conclusion of the hearing, the City Council waived the first reading and introduced the ordinance approving the Third Amendment to the Development Agreement. It should be noted that additional lots have been added to the list of lots attached to the agreement. All proposed lots are located within the Sherman Ranch subdivision.

ANALYSIS:

The proposed change in this third amendment would allow an increase in the lot coverage from the existing 40% to up to 45% to accommodate popular floor plans. A similar action was taken by the Council in the Hearthstone Ranch subdivision whereby the lot coverage was increase to 50% to accommodate the larger homes that were popular at the time. In this case, the increase in lot coverage would be applicable to single-story homes on the lots identified on the accompanying exhibit. If the lot coverage is exceeded, the purchaser of the property will be required to sign a document acknowledging the floor plan has exceeded the lot coverage and they will be unable to construct any additional structures including, but not limited to, additions, secondary units, and/or storage sheds. All lots where two-story units are constructed shall maintain a 40% lot coverage requirement.

In response, the Developer has agreed to donate $1,000, for each lot where the lot coverage exceeds 40%, to the City to be used towards the development of a memorial honoring out veterans. The donation will be made in honor of his father. Mr. Harold D. Mothersell served as a member of the Army's 12th Armored Infantry Division and fought in the Battle of the Bulge; where we was wounded and earned a Purple Heart.

FISCAL IMPACT:

Approval will not have a fiscal impact on the City's budget. It will however, allow the City to begin collecting funds towards the development of a Veteran's memorial to be developed as part of the plaza project.

CONCLUSION:

Staff recommends the Council approve the attached Ordinance approving the Third Amendment to the Sherman Ranch Development Agreement.

ATTACHMENTS:

1. Ordinance Approving Third Amendment to the Sherman Ranch Development Agreement.
2. Third Amendment to the Sherman Ranch Development Agreement

Respectfully submitted,

Michael Holland
City Manager

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING A THIRD AMENDMENT TO THE SHERMAN RANCH DEVELOPMENT AGREEMENT

WHEREAS, The City of Newman and SCM Hearthstone entered into a Development Agreement by and between the City of Newman and SCM Hearthstone, LLC Homes Relating to the Development known as Sherman Ranch, on November 12, 2004; and;

WHEREAS, The City Council approved the First Amendment to the Sherman Ranch Development Agreement on Tuesday, April 12, 2011; and;

WHEREAS, The City Council approved the Second Amendment to the Sherman Ranch Development Agreement on May 27, 2014; and;

WHEREAS, The City Council conducted a Public Hearing on June 16, 2016, to consider and review the Third Amendment to Sherman Ranch Development Agreement; and

WHEREAS, Notice of the Public Hearing before the City Council was given in the time and in the manner required by State Law and City Code; and

WHEREAS, This Amendment would not directly result in any physical land use changes or impacts to the environment; and

WHEREAS, The City Council has determined the best interests of the City of Newman and of its residents would be served by the approval of this Amendment; and

WHEREAS, The City Council has independently considered all evidence; and

WHEREAS, The City Council of the City of Newman hereby finds that said Amendment is consistent with the objectives, policies, general land uses, and programs specified in the Newman General Plan; and

WHEREAS, The City of Newman determined that Environmental Review has been addressed through the previously certified Final Environmental Impact Report (FEIR) for the Newman 2030 General Plan and the Expanded Initial Study prepared for the Sherman Ranch Subdivision. Section 15162 of CEQA guidelines specifies that no additional environmental work is needed where an EIR is prepared unless:

1. Subsequent changes to the project require important revisions; or
2. Substantial changes occur to the circumstances or settings; or
3. New information of substantial importance becomes available; and

WHEREAS, Staff is of the opinion that no circumstances, as outlined in Section 15162 exists and that no further environmental documentation is required. Applicable mitigation measures are incorporated as conditions of approval. The proposed resolution includes statements which confirms that the previously certified Environmental Impact Report prepared for the Newman General Plan addresses CEQA pursuant to Section 15162 of the CEQA Guidelines; and

WHEREAS, In independently reaching this conclusion, the City Council has considered all of the evidence, including the conclusions and recommendations of the planning department; and

WHEREAS, the City Council of the City of Newman finds that said CEQA Compliance has

been addressed on the previously certified Environmental Impact Report and the Sherman Ranch Development Agreement will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor detrimental to the general welfare of the residents of Newman as a whole; and

WHEREAS, The City Council of the City of Newman finds that said amendment will not adversely affect the orderly development of property or the preservation of property values; and

WHEREAS, Pursuant to Government Code Section 65865(c), the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements, and amendments thereto. This Amendment has been processed, considered, and executed in accordance with those City rules and regulations; and

WHEREAS, The Amendment has adhered to, and is consistent, with the requirements of the Development Agreement Statute; and

WHEREAS, The City finds that the Developer has a legal or equitable interest in the property subject to the Development Agreement; and

WHEREAS, The City Council has considered all of the evidence, including the conclusions and recommendations of the City's Planning Department.

NOW, THEREFORE, BE IT ORDAINED By the City Council of the City of Newman as follows:

Section 1. The recitals above are true and correct, and the City Council hereby makes the findings set forth herein.

Section 2. The City Council of the City of Newman hereby approves the Third Amendment to the Sherman Ranch Development Agreement, Attachment "A" and finds that said Amendment is consistent with the requirement of Government Code Section 65814, et seq.

Section 3 The Mayor and City Clerk of the City of Newman are authorized and directed to execute and record said Third Amendment to the Sherman Ranch Development Agreement.

Section 4. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 6. This ordinance shall become effective thirty (30) days after its final passage.

Section 7. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published in the West Side Index in accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced by Council Member _____, and the title thereof read at the regular meeting of the City Council of the City of Newman held on, June 14, 2016, and by a unanimous vote of the Council Members present, further reading was waived.

On motion of Council Member _____ seconded by Council Member _____, the foregoing ordinance was duly passed by the City Council of the City of Newman at a regular meeting thereof held on June 28, 2016, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Mayor of City of Newman

ATTEST:

_____
City Clerk of City of Newman

RECORDING REQUESTED BY:
City of Newman

WHEN RECORDED RETURN TO:
City of Newman
Attn: Mike Maier, City Clerk
938 Fresno Street
P. O. Box 787
Newman, CA 95360

THIRD AMENDMENT TO SHERMAN RANCH DEVELOPMENT AGREEMENT

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT ("Third Amendment") is made and entered into this 29th day of June, 2016, by and between the SCM Sierra Creek,, LLC, a Nevada limited liability company, successor in interest to SCM Hearthstone, LLC and The Villas Communities, LLC ("Developer") and the City of Newman, a municipal corporation ("City"), pursuant to the authority of Section 6864 et seq. of the Government Code of the State of California.

RECITALS

A. To ensure the timely, efficient, orderly and proper development of the Project known as Sherman Ranch, on November 12, 2004, SCM Hearthstone, LLC and City entered into that certain Development Agreement for Sherman Ranch ("Development Agreement") pursuant to which City granted Developer a vested right to develop the Project.

B. The parties entered into a First Amendment to Sherman Ranch Development, dated April 12, 2011 ("First Amendment"), recorded with the Stanislaus County Recorder on April 10, 2014, as Document Number 2014-0022077-00, in which the parties extended the term of the Development Agreement and added additional provisions to the Development Agreement which clarified and specified certain rights of Developer associated with the Project.

C. The parties entered into a Second Amendment to Sherman Ranch Development, dated June 11, 2014 ("Second Amendment"), recorded with the Stanislaus County Recorder on September 15, 2014, as Document Number 2014-0060539-00.

D. SCM Sierra Creek, LLC, is the successor in interest to SCM Hearthstone, LLC and The Villas Communities, LLC and Owner of the remaining lots in Sherman Ranch Units 2 and 4 subject to the provisions stated herein, and will be the party to this Third Amendment.

F. The parties desire again to add additional provisions to the Development Agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Newman as follows:

1. The recitals above are true and correct and hereby made a part of this Third Amendment.

2. All capitalized terms not defined herein shall have the meanings ascribed to them in the Development Agreement, the First Amendment, and the Second Amendment.

3. The City agrees to increase the lot coverage for each of the lots on Exhibit A up to a maximum of 45% when a single-story residence is constructed on the property. When the lot coverage is equal to or greater than 40% at the time of issuance of the building permit, the future property owners shall not be allowed to construct any additions, secondary units and\or storage sheds. The lot coverage of all two-story residential units shall be 40% as set forth in the original Development Agreement.

4. The Developer agrees to make a $1,000 donation in the name of Harold D. Mothersell Jr. to the City to be used towards the development of a Veterans Memorial for each of the lots where the lot coverage exceeds 40%. Said donation shall be submitted to City prior to final inspection.

5. The Developer agrees to pay all costs associated with the development and processing of the amendment to the Development Agreement.

6. The City recognizes that time is important to the developer and agrees to process said amendment in a timely manner.

7. The Developer shall produce and purchasers shall sign a recorded document disclosing the lot coverage at the time of purchase and that the purchasers understand their house utilizes all the allowable lot coverage and thereby are not allowed to construction any additions, secondary units and/or storage sheds on their property. The City shall approve the form of said document prior to its use.

8. Except as modified by this Third Amendment, the Development Agreement, the First Amendment, and the Second Amendment shall remain unchanged and in full force and effect.

9. This Third Amendment may be executed in any number of counterparts with the same effect as if the parties had all signed the same document and which together shall constitute one and the same instrument.

10. Facsimile, electronically scanned, and photocopied signatures shall be as valid as original signatures only for purposes of demonstrating execution of the Third Amendment until such time as originally executed documents can be circulated. Said originally executed documents shall be binding and shall constitute evidence of the execution of this Third Amendment for all purposes.

IN WITNESS WHEREOF, the parties have hereunder set their hand on the day and year first written above.

CITY OF NEWMAN, a municipal corporation

By: _____
Michael E. Holland, City Manager

ATTEST:

By: _____
Mike Maier, City Clerk

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

SCM SIERRA CREEK, LLC

By: _____
Steve C. Mothersell, Sr., President

APPROVED AS TO FORM:

By: _____

Exhibit A

Lot	Address	Lot Sq Ft	APN	Subdivision
53	447 Northampton Way	6,470	049-054-036-000	SHERMAN RANCH 02
54	443 Northampton Way	6,600	049-054-037-000	SHERMAN RANCH 02
55	439 Northampton Way	6,600	049-054-038-000	SHERMAN RANCH 02
56	435 Northampton Way	6,600	049-054-039-000	SHERMAN RANCH 02
57	431 Northampton Way	6,600	049-055-009-000	SHERMAN RANCH 02
58	429 Northampton Way	6,600	049-055-008-000	SHERMAN RANCH 02
59	425 Northampton Way	6,600	049-055-007-000	SHERMAN RANCH 02
60	421 Northampton Way	6,600	049-055-006-000	SHERMAN RANCH 02
66	711 Southington Way	8,488	049-055-017-000	SHERMAN RANCH 02
67	715 Southington Way	7,700	049-055-018-000	SHERMAN RANCH 02
68	719 Southington Way	7,700	049-055-019-000	SHERMAN RANCH 02
69	801 Southington Way	8,319	049-055-020-000	SHERMAN RANCH 02
70	805 Southington Way	8,609	049-055-021-000	SHERMAN RANCH 02
71	809 Southington Way	8,728	049-055-022-000	SHERMAN RANCH 02
72	813 Southington Way	8,249	049-055-023-000	SHERMAN RANCH 02
73	817 Southington Way	8,205	049-055-024-000	SHERMAN RANCH 02
77	744 Big Ben Ct	7,715	049-055-028-000	SHERMAN RANCH 02
78	740 Big Ben Ct	7,340	049-055-029-000	SHERMAN RANCH 02
79	736 Big Ben Ct	7,389	049-055-030-000	SHERMAN RANCH 02
80	732 Big Ben Ct	7,164	049-055-031-000	SHERMAN RANCH 02
81	728 Big Ben Ct	6,825	049-055-032-000	SHERMAN RANCH 02
85	729 Big Ben Ct	6,730	049-055-036-000	SHERMAN RANCH 02
86	731 Big Ben Ct	7,010	049-055-037-000	SHERMAN RANCH 02
105	448 Northampton Way	7,423	049-054-043-000	SHERMAN RANCH 02
106	444 Northampton Way	7,150	049-054-042-000	SHERMAN RANCH 02
107	440 Northampton Way	6,600	049-054-041-000	SHERMAN RANCH 02
108	436 Northampton Way	6,600	049-054-040-000	SHERMAN RANCH 02
109	432 Northampton Way	6,600	049-055-010-000	SHERMAN RANCH 02
110	428 Northampton Way	6,600	049-055-011-000	SHERMAN RANCH 02
111	424 Northampton Way	6,600	049-055-012-000	SHERMAN RANCH 02
112	420 Northampton Way	6,600	049-055-013-000	SHERMAN RANCH 02
113	416 Northampton Way	6,600	049-055-014-000	SHERMAN RANCH 02
114	412 Northampton Way	6,600	049-055-015-000	SHERMAN RANCH 02
115	408 Northampton Way	7,150	049-055-016-000	SHERMAN RANCH 02
273	414 Red Lion Way	6,052	049-059-005-000	SHERMAN RANCH 04
274	410 Red Lion Way	5,375	049-059-006-000	SHERMAN RANCH 04
275	406 Red Lion Way	5,069	049-059-007-000	SHERMAN RANCH 04
276	347 Red Lion Way	4,960	049-059-008-000	SHERMAN RANCH 04
277	344 Red Lion Way	4,960	049-059-009-000	SHERMAN RANCH 04
278	340 Red Lion Way	4,960	049-059-010-000	SHERMAN RANCH 04
279	279 Red Lion Way	4,960	049-059-011-000	SHERMAN RANCH 04
280	332 Red Lion Way	5,315	049-059-012-000	SHERMAN RANCH 04
284	304 Strands Ct	4,971	049-059-016-000	SHERMAN RANCH 04
285	300 Strands Ct	5,709	049-059-017-000	SHERMAN RANCH 04
286	1105 Soho Way	4,960	049-059-018-000	SHERMAN RANCH 04
287	1109 Soho Way	4,960	049-059-019-000	SHERMAN RANCH 04
288	1113 Soho Way	4,960	049-059-020-000	SHERMAN RANCH 04
289	1117 Soho Way	4,960	049-059-021-000	SHERMAN RANCH 04
290	1121 Soho Way	5,287	049-059-022-000	SHERMAN RANCH 04