



COUNTY OF SAN JOAQUIN

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April 22, 2015

TO: Jessica Bean, State Water Resources Control Board

FROM: Michael R. Cockrell, Director of Emergency Operations

SUBJECT: COMMENTS ON REGULATORY CONCEPTS OF EXECUTIVE ORDER

Our County is submitting comments on proposed regulatory framework for the Governor's April 1, 2015 Executive Order (EO).

- **Homeowner Associations**: The EO did not tighten up the loop hole of the previous actions to control punishment by homeowner associations. The current rules is that they cannot punish owners during the drought, however, when the State Proclamation is terminated, can the homeowner association then take action? This framework should address long-term clauses these associations have. HOA's typically preclude the homeowner from installing "non-living" ground cover. Furthermore, they often refuse to allow, by way of their CCR's, homeowners to remove the front lawn and replace with a drought resistant landscape (i.e. rock gardens, crushed gravel pathways, etc.). Without these constraints being removed, homeowners are faced with a minor penalty from the water agency or a large fine or even a lien from the HOA. If the end result is changing the water use habits of homeowners, the roadblock to making this change is placed there by the HOA. That roadblock must be removed.
- **Sec. 864(a)(2) Use of hose**: Should relate to any use of hose, no matter if the item being washed is a motor vehicle, boat, camper, airplane, mower, etc. Communities cannot use this section if washing in a parking lot, this would be permitted, as in a community car wash fundraising event, since it is not washing landscapes and not a driveway or sidewalk.
- **Sec. 864(a)(7) ornamental turf**: In addition to "turf", this should also include barren soil on public street medians. If grasses are removed or allowed to die, and if no other shrubs, trees, or landscaping, then the irrigation system should not be allowed to operate.
- **Sec. 864(a)(8) Newly constructed homes and buildings**: Needs to define the constructed date. Is this when a permit was posted, or when a final building official cleared inspection? If after a major fire or disaster damage, is re-build considered?
- **Sec. 865(c)(3-10) Tier-1**: Establish a "Tier-1" for underserved communities, or approved waived "Tier-2" water suppliers.
- **Sec. 865(c)(2) Prop 218**: A urban (or non-urban) water supplier may consolidate usage for a commercial, industrial, institutional, or other local government, having multiple facilities within the same water supplier area.
- **Sec. 865(f)(1) Prop 218**: Many small non-urban water suppliers and water districts are prevented by 218 from adjusting rates because small numbers can reject rate adjustment through protest.

Can the process for consolidating small districts be streamlined and simplified? Are “surcharges” not limited by Prop 218? If not, what is the legal basis for adding a “surcharge”?

- **Sec. 866 (b) Informational order:** Would local government property (not commercial, industrial, or institutional) also need to comply if not served by a water supplier?

If you have any questions on this submittal, please contact me at (209)-953-6208

Thank you for the opportunity to submit comments.