



## CITY COUNCIL STAFF REPORT

DATE: December 7, 2016

LEGISLATIVE

SUBJECT: PROPOSED ORDINANCE AMENDING SECTION 5.78.030 OF THE PALM SPRINGS MUNICIPAL CODE TO INCORPORATE EDUCATION REQUIREMENTS ASSOCIATED WITH WATER EFFICIENT LANDSCAPING FOR LANDSCAPE RELATED BUSINESSES AS A PREREQUISITE TO OBTAINING A BUSINESS LICENSE.

FROM: David H. Ready, City Manager

BY: Marcus L. Fuller, Assistant City Manager/City Engineer

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### SUMMARY

The proposed ordinance amends Section 5.78.030 "Overseeding Education Requirement" of the Palm Springs Municipal Code, to require landscape related businesses to have had one employee complete a minimum four-hour course associated with grass overseeding alternatives and water efficient landscaping.

### RECOMMENDATION:

Waive the reading of the text in its entirety and read by title only and introduce on first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 5.78.030 "OVERSEEDING EDUCATION REQUIREMENT" OF THE PALM SPRINGS MUNICIPAL CODE, TO INCORPORATE REQUIREMENTS FOR REQUIREMENT FOR EDUCATION RELATED TO LANDSCAPING WATER EFFICIENCY."

### BACKGROUND

The Coachella Valley Association of Governments (CVAG) is requesting that each member city and the County adopt consistent valleywide regulations that require completion of a course about water efficient landscaping as a prerequisite for the issuance of a business license to landscape-related businesses. Last fall, CVAG staff began working with Coachella Valley Water District staff to create a program modeled after CVAG's existing Landscaper Overseeding Certification Ordinance and the online "smart scalping" course. The new course would focus on water use efficiency for professional landscapers, to increase their knowledge and use of best practices in water

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conservation. Since that time, CVAG staff has been working with CVWD, College of the Desert (COD), and other local water agencies to combine the water efficiency course with the existing Landscaper Overseeding Certification Program. By doing so, landscape professionals could be certified in best practices to meet regional goals to improve our air quality and increase water efficiency in a "one-stop shop" approach.

The original model ordinance for a landscapers' course on the overseeding alternative, known as smart scalping was developed and approved by the CVAG Executive Committee in July 2007 and subsequently adopted by CVAG member agencies. The smart scalping course has been offered since 2007 and continues to be a very effective part of our regional air quality program. The course is offered free of charge to landscape professionals and there is no cost to member agencies. In the first 18 months of the course approximately 630 overseeding certificates were issued. The smart scalping course is now offered online by College of the Desert, providing easy access for landscape professionals.

An amendment to the existing Landscaper Overseeding Certification Ordinance to add the requirements for water efficiency certification is attached for your review. This amendment has been reviewed by CVAG general counsel and CVWD staff. It was approved by the CVAG Executive Committee on June 6, 2016. The water efficiency course will be combined with the air quality course and will be free to participants.

CVWD staff has developed the water efficiency curriculum with their professional staff and is now working with COD to prepare the course to be offered online. The content of the course is complete; the current task is formatting the curriculum into an online class and translating a version to Spanish. COD will ultimately manage the course along with CVAG's existing online smart scalping course, also managed by COD. Educational outreach in coordination with CVWD, COD, CVAG member agencies, and other local water agencies is planned. The goal is to complete the curriculum by end of 2016.

By combining course material on overseeding and water efficiency, participants could be certified in one simple process. Thus, implementation of this program should require little to no staff time on the part of the City.

CVWD has also been working with the State Water Resources Control Board (SWRCB) on a settlement related to an alleged violation by CVWD of the Emergency Regulation for Statewide Urban Water Conservation. At their April 2016 meeting, the CVAG Executive Committee authorized a letter of support for this settlement which was sent to the State Water Resources Control Board. Under the proposed settlement agreement, CVWD has agreed to implement a Landscaper Certification Program that will focus on water use efficiency. CVWD and the SWRCB have also agreed that the \$61,000 fine paid by CVWD will be suspended pending completion of the water conservation project. The settlement is described in the notice from the SWRCB:

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[http://www.waterboards.ca.gov/public\\_notices/comments/docs/notice\\_cwd\\_settlement.pdf](http://www.waterboards.ca.gov/public_notices/comments/docs/notice_cwd_settlement.pdf).

At this time, staff is requesting City Council to approve an Ordinance amending Section 5.78.030 of the Palm Springs Municipal Code, to incorporate a requirement to complete education on not only grass overseeding alternatives, but also including a course on landscape water efficiency.

The changes recommended to Section 5.78.030 are show in legislative format below:

5.78.030 Overseeding education requirement Education Requirements.

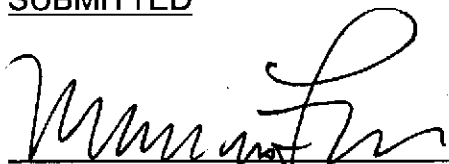
All landscape related business, including any business providing services or nursery products related to or used for landscape installation, maintenance, or design, shall be required to present with an application for business license, or the renewal of a business license, pursuant to Palm Springs Municipal Code Chapter 3.40, proof to the satisfaction of the cityCity that at least one employee of the business has, within the twelve months immediately preceding twelve-month periodthe application, successfully completed a tweminimum four-hour course administereddeveloped by the Coachella Valley Association of Governments, the South Coast Air Quality Management District, the Coachella Valley Water District, and local stakeholders, on grass overseeding alternatives to traditional scalping and landscaping water efficiency.

At its November 15, 2016, meeting the Sustainability Commission reviewed the requested change to the education requirements for landscape related businesses, and recommended to the City Council that it adopt the changes.

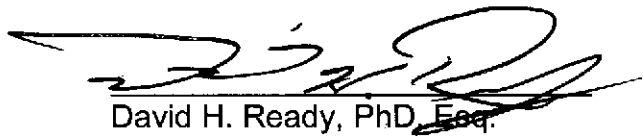
FISCAL IMPACT:

The costs associated with developing the program with College of the Desert are being funded by the Coachella Valley Water District.

SUBMITTED



Marcus L. Fuller, MPA, P.E., P.L.S.  
Assistant City Manager/City Engineer



David H. Ready, PhD, Esq.  
City Manager

Attachments:  
Ordinance (1)

ORDINANCE NO. \_\_\_\_\_.

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 5.78.030 "OVERSEEDING EDUCATION REQUIREMENT" OF THE PALM SPRINGS MUNICIPAL CODE, TO INCORPORATE REQUIREMENTS FOR REQUIREMENT FOR EDUCATION RELATED TO LANDSCAPING WATER EFFICIENCY.

*CITY ATTORNEY SUMMARY*

*This Ordinance amends Section 5.78.030 of the Palm Springs Municipal Code to require landscape related businesses to show proof that at least one employee has completed required education regarding grass overseeding alternatives and landscaping water efficiency.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Section 5.78.030 of the Palm Springs Municipal Code is hereby amended and restated to read as follows:

**5.78.030 Education Requirements.**

All landscape related business, including any business providing services or nursery products related to or used for landscape installation, maintenance, or design, shall be required to present with an application for business license, or the renewal of a business license, pursuant to Palm Springs Municipal Code Chapter 3.40, proof to the satisfaction of the City that at least one employee of the business has, within the twelve months immediately preceding the application, successfully completed a minimum four-hour course developed by the Coachella Valley Association of Governments, the South Coast Air Quality Management District, the Coachella Valley Water District, and local stakeholders, on grass overseeding alternatives to traditional scalping and landscaping water efficiency.

SECTION 2. EFFECTIVE DATE. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED THIS, \_\_\_\_ DAY OF \_\_\_\_\_,  
2016.

\_\_\_\_\_  
ROBERT MOON, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California