

Presented by staff at  
7/10/14 Meeting Item 3

MPWMD Attachment 2

**DRAFT  
ORDINANCE NO. 162**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING THE WATER PERMIT PROCESS FOR  
PRIMARY AND SECONDARY PUBLIC SCHOOL DISTRICTS**

**FINDINGS**

1. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. There are three public school districts (local educational agencies) in the Monterey Peninsula Water Management District, each with a public service mandate to provide primary and secondary educational facilities and opportunities for the children of the Water Management District.
4. The right to a public education in California is a fundamental right fully guaranteed and protected by the California Constitution. Article 9, Section 5, of the California Constitution states: "The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established."
5. The 2013-14 California budget package replaces the previous K-12 finance system with a new Local Control Funding Formula (LCFF). For school districts and charter schools, the LCFF creates base, supplemental, and concentration grants in place of most previously existing K-12 funding streams, including revenue limits and most state categorical programs. For county offices of education, the LCFF creates separate funding streams for oversight activities and instructional programs. As a condition of receiving these funds, the local educational agencies must progress toward an average class enrollment of no more than 24 pupils in kindergarten through grade three. School Districts that haven't already achieved this goal will be looking to additional classrooms to reduce class sizes.

6. Public educational agencies do not receive local land use approvals, and often bypass the Water Permit requirement. Extensive time and effort is required after Project completion to retrospectively issue a Water Permit. Under the current MPWMD rules, the Public School District Site must have sufficient Water Use Credit to offset the Adjusted Water Use Capacity of a project or must receive water from a Jurisdiction's Allocation.
7. Water saving projects at public school district facilities often result in significant water savings. Adding a definition for Public School District Site allows Water Credit to be used to offset Intensifications of Use at other school district facilities.
8. Best Management Practices (BMPs) are conservation measures or a series of measures that are useful, proven, cost-effective, and generally accepted among conservation experts to reduce water consumption and protect water quality.
9. Implementing Best Management Practices is proven effective at reducing consumptive use of water on a Site.
10. Best Management Practices proposed by this ordinance meet or exceed requirements imposed on other existing Non-Residential Users to mitigate potential Intensification of Use caused by one or more Projects on a Public School District Site.
11. This ordinance adds definitions to Rule 11 for Public School District and Public School District Site.
12. This ordinance amends Rule 24 to designate a neutral Adjusted Water Use Capacity when a Public School District Site achieves Best Management Practices as defined by added Rule 142-F.
13. This ordinance amends Rule 25.5 to authorize Water Use Credit for removal of established sports fields.
14. This ordinance amends Rule 142 by adding Best Management Practices specific to Public School District Sites.
15. This ordinance shall amend and republish the Rules and Regulations of the Water Management District.

NOW THEREFORE be it ordained as follows:

## ORDINANCE

### Section One:        Short Title

This ordinance shall be known as the **2014 Public School District Water Permit Ordinance** of the Monterey Peninsula Water Management District.

### Section Two:        Purpose

This ordinance sets forth a process for public school districts to obtain Water Permits that enable facility updates and improvements.

### Section Three:      Amendments to Rule 11, Definitions

The following definitions shall be added to Rule 11 as shown in *bold italic* type face.

*Public School District* – “*Public School District*” shall be defined as a local public education agency responsible to provide educational services and support to children in both primary and secondary education levels. Within MPWMD, the Carmel Unified School District, Monterey Peninsula Unified School District, and Pacific Grove Unified School District meet this definition.

*Public School District Site* – “*Public School District Site*” shall mean all facilities and properties owned by a single Public School District that are located within the MPWMD and that are supplied water by California American Water.

### Section Four:        Amendment to Rule 24, Calculation of Water Use Capacity and Connection Charges

Rule 24-B-1-h shall be added as follows, with added language shown in *bold italic* type face.

*h. All projects at Public School District Sites shall be considered to have a neutral Adjusted Water Use Capacity when the entire Public School District Site has met Rule 142 Water Efficiency Standards for Public School District Sites.*

### Section Five:        Amendment to Rule 25.5, Water Use Credits and On-Site Water Credits

Rule 25.5-E shall be amended as follows, with added language shown in *bold italic* type face.

E. The following types of Permanent Abandonment of Capacity shall qualify for a Water Use Credit under this Rule:

1. Demolition of a building or use that has been recognized by the District as being a lawful water use;
2. Permanent disconnection of a lawful water use from a Water Distribution System;
3. Residential removal of water fixtures;
4. Permanent installation of non-Mandated water fixtures or appliances;
5. *Removal of established Lawn on sports fields at a Public School District Site.*

**Section Five: Amendment to Rule 142, Water Efficiency Standards**

Rule 142-F shall be added as shown in bold italics (*bold italics*):

*F. Public School District Sites that meet or exceed the following Best Management Practices shall be considered BMP compliant:*

1. *High Efficiency Toilets or Ultra High Efficiency Toilets;*
2. *Urinals shall be Pint or Zero Water Consumption Urinals. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;*
3. *Showerheads shall flow at a maximum of 1.5 gallons per minute, be tamper resistant, and have automatic shut off valves timed at three minutes;*
4. *Public lavatory faucets shall emit a maximum of 0.5 gallon of water per minute at 60 psi;*
5. *Public Lavatory Sinks equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallon per cycle;*

6. *High Efficiency Clothes Washers shall be installed when a Clothes Washer is installed;*
7. *High Efficiency Dishwashers or High Efficiency Commercial Dishwashers shall be installed and maintained;*
8. *Instant-Access Hot Water System(s) shall be installed for hot water access points to ensure that hot water is available within ten (10) seconds;*
9. *All hot water pipes shall be insulated if feasible;*
10. *Sodium chloride (salt) water softeners shall be discouraged. Alternate technologies, such as potassium chloride with demand-initiated regeneration shall be recommended;*
11. *Water Efficient Pre-Rinse Spray Valves in food service facilities;*
12. *Ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. shall be air-cooled;*
13. *Cooling Towers shall be equipped with pH sensing conductivity controllers that are used to increase the number of cycles that can be achieved;*
14. *Irrigation System Efficiency.*
  - (a) *Weather-Based Irrigation System Controllers shall be installed, used and maintained on Sites where there is an Irrigation System.*
  - (b) *Weather-Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.*
  - (c) *Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.*
  - (d) *Rotating Sprinkler Nozzles or systems with similar irrigation efficiency shall be utilized for turf irrigation.*
  - (e) *Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.*

- (f.) *Irrigation Systems shall operate with at least 70 percent efficiency.*
- (g.) *Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.*
- (h.) *Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.*
- (i.) *All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by the Water Distribution System Operator.*

**Section Six:**                    **Publication and Application**

The provisions of this ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

**Section Seven:**                    **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. on the 30th day after it has been enacted on second reading.

This Ordinance shall not have a sunset date.

**Section Eight:**                    **Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion by Director Pendergrass, and second by Director Edwards, the foregoing ordinance is adopted upon this \_\_\_ day of \_\_\_\_\_, 2014 by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the \_\_\_ day of \_\_\_\_\_ 2014.

Witness my hand and seal of the Board of Directors this \_\_\_ day of \_\_\_\_\_ 2014.

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David J. Stoldt, Secretary to the Board

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