

ORDINANCE #27**AN ORDINANCE OF
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
IMPOSING A CONNECTION SURCHARGE UPON
CERTAIN NEW WATER USERS**

WHEREAS, the Monterey Peninsula Water Management District has sought cooperation from local land use planning agencies to minimize cost and inconvenience related to the administrative processing of water use permits;

WHEREAS, a cooperative inter-governmental permitting process has been effected between the Monterey Peninsula Water Management District and the County of Monterey, and the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Sand City, and Seaside.

WHEREAS, the cooperative permit process has proved an effective means to monitor new water use, has given potential water use developers early and fair warning of permit costs associated with new water use, and has enabled an efficient and low cost means to collect connection fees which are needed to fund water supply development; and

WHEREAS, the city of Pacific Grove has not instituted a cooperative permit process to clarify the significant confusion which exists among water use developers as to connection fees; and whereas the failure of water use developers to cooperate with staff of the Monterey Peninsula Water Management District and their failure to comply with the permit processes adopted by the District has interfered with water use monitoring by the Monterey Peninsula Water Management District, and has made fee collections a difficult and expensive administrative burden, to the detriment of the public good; and

WHEREAS, the costs of reviewing municipal building permit information and transmitting extra correspondence to project developers who fail to cooperate with the initial permit process of the Monterey Peninsula Water Management District average \$25.00 per permit; and

WHEREAS, the costs of permit documentation, correspondence, enforcement and collection from project developers who fail to cooperate with the full permit process of the Monterey Peninsula Water Management District average \$150.00 per permit;

NOW, THEREFORE, BE IT ORDAINED:

- (A) Each individual undertaking a project which intensifies or develops the use of water from a water distribution system

shall be responsible for compliance with the water use permit process of the Monterey Peninsula Water Management District as required by the California Water Code - Appendix, Section 118-363. For each project undertaken within an area in which a cooperative permit process does not exist, and/or for each project which may not require a municipal permit, the Monterey Peninsula Water Management District staff shall forward notice of this requirement to the person and address shown on the application for a building permit maintained by each municipality, and to the person and address to whom property taxes are mailed for the site of the project.

- (B) Individuals who make application for either an expansion/extension permit or an amended permit in accord with Rules 20, 23, and 24 of the Monterey Peninsula Water Management District Rules and Regulations within 45 days of the mailing of the notice required by paragraph (A) above shall be exempt from the connection fee surcharges required by this Ordinance.
- (C) Individuals who fail to make application for either an expansion/extension permit or an amended permit in accord with Rules 20, 23, and 24 of the Monterey Peninsula Water Management District Rules and Regulations within 45 days of the mailing of the notice required by paragraph (A) above shall be required to pay, in addition to any other fee, charge, or surcharge, the administrative processing fee of \$25.00 per connection prior to the receipt of any permit or amended permit.
- (D) For those projects which are constructed without a valid permit or an amended permit from the Monterey Peninsula Water Management District, staff shall research the records of the municipal planning and/or building department, shall visit the site, shall attempt to contact the owner or contractor of the project, and shall rely on such further available information to estimate the water use which may be associated with the project based upon the revised Table 1 or Table 2 of Rule 24 as appropriate to the project. All assumptions made by staff regarding the project shall be made in favor of the highest possible water use. An estimated connection charge in accord with Rule 24 shall thereon be calculated by staff, and notice that this fee is due and payable shall be served by mail to the site address of the project, and a copy shall be mailed to the address shown on the application for the municipal building permit. Payment of all connection charges, surcharges, fees, and administrative processing fees, in full, shall be required within sixty (60) days of the date notice is mailed.
- (E) Staff shall accept applications for water use permits, and may recalculate the connection charge due thereon based upon the application and other information known to staff, during the sixty (60) days following the notice required by

paragraph (D) above. Thereafter the assumed connection charge shall be presumed the final charge and staff shall commence the collection of such charges, fees, surcharges, and administrative processing fees through appropriate legal proceedings. On the 61st day following the mailing of notice required by paragraph (D) above, and in addition to the fees required by paragraph (C) above, an additional administrative processing fee of \$150.00 per connection shall be added to the connection charge to reimburse the extra staff effort and expense incurred by noncompliance with the permit process of the Monterey Peninsula Water Management District.

(F) 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 or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or of any provisions of Monterey Peninsula Water Management District Ordinance 21, 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 any one or more subdivisions, paragraphs, sentences, clauses or phrases be declared invalid or unenforceable.

(G) It is the express intent of the Monterey Peninsula Water Management District, by the adoption of this Ordinance, to clarify the application of the District's administrative practices, and to address administrative issues not heretofore dealt with by the Monterey Peninsula Water Management District Rules and Regulations. Except for the adoption of administrative fees, the District does not intend to modify, amend, revoke, or supersede any provision of ordinances which have previously been adopted. Specifically, the provisions of Monterey Peninsula Water Management District Ordinance No. 21 are herewith not modified, revoked, or superseded by the provisions of this Ordinance. Should the provisions of this Ordinance be construed to amend, modify, revoke, or supersede the provisions of Monterey Peninsula Water Management District Ordinance 21 in such a fashion to affect the validity of Ordinance 21 as declared by the Monterey Superior Court in Case No. M 15851, it is the intent of the District that this Ordinance shall be null and void, and take no effect whatsoever, retroactive to its first adoption.

(H) Provisions A, B, C, D and E of this Ordinance shall be bound as Rule 65 of the published Rules and Regulations of the Monterey Peninsula Water Management District.

On motion of Director Bernardi, and seconded by Director Williams, the foregoing Ordinance is duly adopted this 9th day of February, 1987 the following votes:


AYES: Directors Strasser Kauffman, Heuer, Bernardi,
Lombardo and Williams

NAYES: Director Pendergrass

ABSENT: None

I, Bruce Buel, Secretary to the Board of Directors of
the Monterey Peninsula Water Management District, hereby certify
that the foregoing is a full, true and correct copy of an
ordinance adopted on the 9th day of February,
1987.

Witness my hand and seal of the Board of Directors this
10th day of February, 1987.


Bruce Buel, Secretary to the Board

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