

MANDATORY RELEASE OF CUSTOMER INFORMATION
FROM WATER DISTRIBUTION SYSTEMS

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

ORDINANCE NO. 28

WHEREAS, the Monterey Peninsula Water Management District (District) manages and regulates the use, reuse, reclamation, and conservation of water on the Monterey Peninsula; and

WHEREAS, the District has general authority to do every lawful act necessary to provide sufficient water for present and future use of the lands and inhabitants of the Monterey Peninsula; and

WHEREAS, the District is specifically authorized to establish rules and regulations to provide for the sale, distribution and use of water within its jurisdiction; and

WHEREAS, Water Distribution Systems serving the Monterey Peninsula retain recorded data respecting the production, storage, delivery and consumption of potable water supplies; and

WHEREAS, the District requires finite, contemporary, and accurate data to minimize water waste practices, to facilitate water conservation, to monitor water use patterns, and to validate and refine fee and charge schedules; and

WHEREAS, the District has determined that general and specific information relating to the records and records management procedures of water distribution systems with 50 or more connections, including the largest distributor, California American Water Company (Cal-Am), is necessary to enable the District to fulfill its statutory functions and obligations to the inhabitants of the Monterey Peninsula;

NOW THEREFORE, BE IT ORDAINED THAT:

1. DEFINITIONS

All references to the terms "water use records" or "water use data" made by this ordinance and Regulation IV of the District Rules and Regulations shall refer to data respecting water production, water storage, water delivery, and water consumption. The terms "water use records" or "water use data" shall not be construed to require a water distribution system to provide data or records on its internal financial matters or on its billing or accounts payable or accounts receivable.

2. WATER USE SURVEY DATA

Within ninety (90) days of the effective date of this ordinance, each water distribution system with fifty (50) or more connections shall notify the District of the name, address, and water use category of users included within the District's annual non-residential connection water use survey. Those water distribution systems shall further provide the District all periodic and cumulative water use data pertaining to these customers beginning with the 1986 - 1987 water year.

3. WATER WASTE DATA

All water distribution systems with fifty (50) or more connections shall provide in writing to District periodic and cumulative water use data on customers within the District's jurisdiction identified by the District as using water excessively or wasting water. This information is to be provided by the water distribution system within 30 days of a written request from the District.

4. HIGH WATER USE DATA

Within thirty (30) days of a written request from the District, each water distribution system shall identify by name and address the 10 highest water users within that water distribution system's service area. Upon request by the District, each water distribution system shall further provide to District all periodic and cumulative water use data on these high water use customers, beginning with the 1980-1981 water year.

5. WATER AUDIT DATA

Within thirty (30) days of the effective date of this ordinance, the Cal-Am water distribution system shall identify by name and address each customer found by the Cal-Am 1986 water consumption audit to have been assigned to an incorrect municipal jurisdiction and Cal-Am shall provide the District the periodic and cumulative water use data on these customers for the 1985-86 fiscal year. Similar information on other customer use data hereafter found to have been miscoded shall be supplied to the District within 30 days of discovery by Cal-Am.

6. DATA SYSTEMS MANAGEMENT

Within ninety (90) days of the effective date of this Ordinance, all water distribution systems with fifty (50) or more connections shall provide the District a comprehensive list of the nature and types of water use records and water

data reports maintained by it on a regular or special basis. The list is to include the following:

- a) The name of each water use record system;
- b) The categories of individual or business entities on whom water use records are maintained;
- c) The categories of water use records maintained;
- d) The manner or method by which each water use record is maintained.

Twenty four (24) months following the effective date of this ordinance, and every two (2) years thereafter, the District General Manager shall notify each water distribution of this provision, and upon receipt of that notice each water distribution system shall update and correct the information previously provided to the District.

7. DATA RETENTION SCHEDULES

Within ninety (90) days of the effective date of this Ordinance, all water distribution systems with fifty (50) or more connections shall inform the District of that water distribution system's water use record retention, destruction, and disposal practices and schedules, through the provision to the District of copies of any written policy, procedure or practice relating to the retention, destruction, or disposal of each water use record system it maintains.

8. DATA DESTRUCTION NOTIFICATION

All water distribution systems with fifty (50) or more connections shall notify the District general manager in writing at least 90 days prior to destruction or disposal of those water use records identified in writing by the District and allow the District the opportunity to transfer or copy such records for use by the District. The water distribution system shall have no duty to notify the District of records destruction or disposal in the event destruction or disposal is undertaken in accord with the record retention schedule provided to the district in accord with the preceding paragraph.

The District shall notify a water distribution system of its intent to copy specific records within 30 days following receipt of notice of intent to destroy or dispose of records or thirty (30) days prior to the scheduled destruction date where records are destroyed in accord with a record retention schedule. The District shall at that time inform the water distribution system of the methods and procedure it intends to use to transfer or copy the water use records. The choice of methods and procedures used to transfer or copy water use records shall be made solely by the District, but shall be

made in consultation with the water distribution system to assure an efficient transfer and to minimize disruption to the water distribution system. Transfer, copying, or extraordinary retention by the water distribution system of these records shall be done at the District's expense.

9. GENERAL WATER USE DATA

All water distribution systems with fifty (50) or more connections shall provide the District water use data in response to other reasonable requests made by the District General Manager. Such information is to be provided within 30 days of a written request from the District.

10. PRIVACY OF DATA

All water use data obtained by the District from a water distribution system by reason of this ordinance shall be used only for purposes consistent and compatible with the purposes for which the District exists. The District shall restrict access to and distribution of personally identifiable information consistent with privacy protections and requirements and trade secret protections. Personal information acquired by the District under this ordinance shall be available to District staff only on a need-to-know basis.

11. IMPLEMENTATION DATES

Unless otherwise provided, all water use data or water use records required to be provided by water distribution systems with fifty (50) or more connections to the District shall be provided within 30 days of adoption of this ordinance and on or before September 30 of each following water year. This Ordinance shall be in force and take effect thirty (30) days after final adoption.

12. ENFORCEABILITY

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, it being 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.

13. CONJUNCTIVE CONSTRUCTION

The provisions of this Ordinance shall not supercede any other provision of the Monterey Peninsula Water Management District Rules and Regulations, and shall be construed to apply conjunctively with the provisions of the Rules and Regulations.

14. PUBLICATION AS RULE 42

The provisions of Paragraphs One (1) through Eleven (11) of this Ordinance shall be published as Regulation IV of the District Rules and Regulations, and those paragraphs shall be denominated as Rule 42, Paragraphs a through k respectively.

On motion of Director Bernardi, and seconded by Director Williams, the foregoing Ordinance is duly adopted this 13th day of April, 1987 the following votes:

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

NAYES: None

ABSENT: None

I, Bruce Buel, 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 13th day of April, 1987.

Witness my hand and seal of the Board of Directors this 17th day of April, 1987.



Bruce Buel, Secretary to the Board