

ORDINANCE NO. 29

**AN ORDINANCE OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ESTABLISHING A FEE FOR
WATER CONSERVATION ACTIVITIES**

FINDINGS

1. In support of its adoption of this ordinance, the Board of Directors of the Monterey Peninsula Water Management District (the Water Management District) approves each finding set forth in this part.
2. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the water resources of the Monterey Peninsula. The California Legislature has declared a shortage of water resources and a need for conserving the supplies of water for this community.
3. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Section 325 and 328 of the Monterey Peninsula Water Management District Law.
4. The Water Management District is planning a major water supply project to augment the available water resources of

the community, and although this project will be reviewed as an advisory measure on the November 1987 ballot, water will not be available from this project until at least 1992.

5. The total water resource presently available for consumption by the California-American Water Company (Cal-Am), excepting non-revenue deliveries such as fire flows, is 18,600 acre feet per year. The February 1987 sales report of Cal-Am shows annual water sales at 16,879.86 acre feet, or 90% of all water resources available for sale by Cal-Am.
6. The Water Management District has adopted a regional water conservation goal to reduce present water consumption demand by 9% (1,620 acre feet per year) by 1990 to stretch the limited available resource pending development of increased water supplies. Conservation efforts will provide an interim water supply, reduce drought vulnerability, ease environmental impacts of water production, and reduce sewer flows.
7. Specific conservation programs provide direct and tangible benefits to water consumers by lowering water delivery charges and causing energy savings. Further benefits accrue by increasing water supplies and lowering drought vulnerability. These benefits exceed the costs of the conservation program of \$15 per conservation kit.

8. The aggregate cost to the Water Management District of the conservation program will be \$96,000 during fiscal year 1987-1988, and \$76,000 each year for four (4) years thereafter. This revenue stream shall be funded by the charges fixed by this ordinance, and collected by district water utilities on their water bills for a total period of five years.
9. Prior charges have been authorized by the Water Management District to be collected by district water distribution systems. Those revenues shall be reduced by \$50,000 per year, and water utilities shall no longer collect that amount of those charges.
10. Section Two of Article XIII B of the California Constitution provides for the reduction of fee schedules as a means to dispose of tax proceeds in excess of the Water Management District's appropriations limit.
11. The net effect of the parallel charge reduction and charge implementation shall cause no change in the cost of water to the water utility consumer.
12. No municipal unit's allocation shall be changed by reason of conservation practices. It is the intention of the District that each city and the county shall determine how to use the water saved by conservation.

THEREFORE, BE IT ORDAINED, by the Board of Directors of the Monterey Peninsula Water Management District as follows:

1. CHARGE REDUCTION

The General Manager shall cause each district water distribution system which collects charges for the Carmel River Management Plan (CRMP) to reduce fees so that the aggregate collection of program fees is changed from \$170,000 per year to \$120,000 per year.

2. CHARGE IMPLEMENTATION

The General Manager shall cause district water distribution systems of fifty (50) connections or more to implement a water conservation fee which will produce an aggregate revenue stream to the Water Management District of \$96,000 during fiscal year 1987-1988, and of \$76,000 each four (4) years thereafter, for a total period of five (5) years. This fee shall be a surcharge on each water distribution system bill, and be effected in a manner to distribute the charge as equitably among water users as practicable based upon quantity of use.

3. REVENUES IN EXCESS OF APPROPRIATIONS LIMIT

The General Manager shall cause any tax proceeds received by the Water Management District in excess of that amount appropriated in compliance with California Constitution, Article XIII B to reduce and offset, in full or in part, the water conservation fee authorized by Section (2), Charge Implementation, of this ordinance.

4. EFFECTIVE DATE AND SUNSET DATE

This ordinance shall be effective as of July 1, 1987. The General Manager shall cause the conservation fees authorized by this ordinance to be collected beginning July 1, 1987, and ending June 30, 1992. After June 30, 1992 this ordinance shall no longer have any force or effect.

5. CONJUNCTIVE APPLICATION

The provisions of this ordinance are intended to compliment and be read conjunctively with the Rules and Regulations of the Water Management District. All definitions used in those Rules and Regulations shall apply to this ordinance. This ordinance shall not be construed to limit or supercede any of those Rules and Regulations.

6. SEVERABILITY

If any section, sub-section, sentence, clause, or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases may be declared invalid.

7. NON-PUBLICATION IN RULES

The provisions of this ordinance shall not be published as part of the Rules and Regulations of the Water Management District.

On motion of Director Patricia Bernardi and second by Director Nick Lombardo, the foregoing ordinance is duly adopted this 11th day of May, 1987 by the following votes:

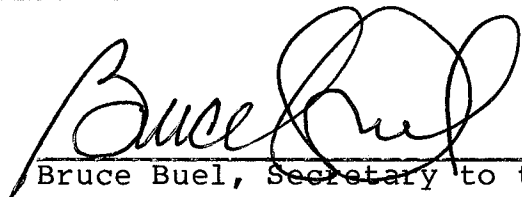
AYES: Directors Pendergrass, DeBerry, Heuer, Bernardi, Lombardo and Williams

NAYES: None

ABSENT: Director Strasser Kauffman

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 duly adopted on the 11th day of May, 1987.

Witness my hand and seal of the Board of Directors this 29th day of May, 1987.


Bruce Buel, Secretary to the Board

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(rev:4/13/87)