

ORDINANCE NO. 51

AN ORDINANCE OF THE
BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING AND EXTENDING WATER RATIONING FEES

ORDINANCE

Section One: Findings

In support of its adoption of this ordinance, the Board of Directors of the Monterey Peninsula Water Management District approves each finding set forth in this section.

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.

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, and has imposed mandatory rationing in response to its declaration of a water shortage emergency in accord with Section 332 of that Law.

The aggregate cost to the Water Management District to administer the mandatory rationing program was for fiscal year 1988 - 1989, was \$243,255, for fiscal year 1989 - 1990, was \$386,150, and for fiscal year 1990 - 1991 is projected to be \$720,507.

The revenue stream from the previously authorized water emergency surcharge is insufficient to meet rationing program costs. The total revenue estimated from that surcharge is \$400,900 as of June 30, 1990. To fund past expenditures and the anticipated costs of future administration, an additional 3.95% surcharge must be collected for a period of an additional eighteen (18) months; the previously authorized surcharge of 2.05% must also be extended for that same period of time.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this ordinance to amend and extend the collection of the Water Emergency Surcharge as established by Ordinance 37, and by Ordinance 49.

Section Three: Extension of Existing Water Emergency Surcharge

The period for collection of the 2.05% Water Emergency Surcharge previously authorized by Ordinance 37 of the Monterey Peninsula Water Management District shall be extended. That surcharge shall continue to be collected for a period of eighteen (18) months from the effective date of this ordinance, unless this surcharge is earlier terminated in full or in part by Resolution of the Board of Directors. Thereafter that surcharge shall no longer be collected.

Section Four: Amendment of Water Emergency Surcharge

In addition to the 2.05% Water Emergency Surcharge authorized by Ordinance 37 of the Monterey Peninsula Water Management District, the General Manager shall further cause the California American water distribution system to collect an additional 3.95% water emergency surcharge from each water customer within that public utility system and forward those proceeds to the District in order to fund costs of administration, enforcement, education, and other necessary activities relating to the water supply emergency. The General Manager shall cause an equivalent value surcharge (per unit of water) to be collected for these purposes by every other public utility or water distribution system within the District. Each public utility or water distribution system shall collect this amended water emergency surcharge from each water user for a period of eighteen (18) months, unless this surcharge is earlier terminated in full or in part by Resolution of the Board of Directors. Thereafter this surcharge shall no longer be collected.

Section Five: Modification of P.U.C. Rationing Standards

The General Manager shall take action as necessary to ensure that Rules of the California Public Utilities Commission enable any water distribution system to enforce or collect the fees, charges, or surcharges, as modified by this ordinance.

Section Six: Publication

The provisions of this ordinance shall be published in a newspaper of general circulation within the District, but shall not be published in the Rules and Regulations of the Monterey Peninsula Water Management District.

Section Seven: Effective Date

The provisions of this ordinance shall become effective at 12:01 a.m., October 1, 1990.

Section Eight: Conjunctive Application with the District
Rules and Regulations

The provisions of this ordinance are intended to compliment and to be read conjunctively with the Rules and Regulations and other ordinances of the Water Management District. All definitions used in the District Rules and Regulations shall apply to this ordinance.

Section Nine: Conjunctive Application with District
Ordinance No. 49

The provisions of this ordinance are intended to compliment and to be read conjunctively with the Phase III rationing rules set forth in Ordinance No. 49 of the Water Management District.

Section Ten: Severability

If any section, sub-section, sentence, clause, or phrase of this ordinance 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, subsection, 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.

On motion of Director Kenneth Long, and second by Director Paul Davis, the foregoing ordinance is adopted this 27th day of August, 1990, by the following vote:

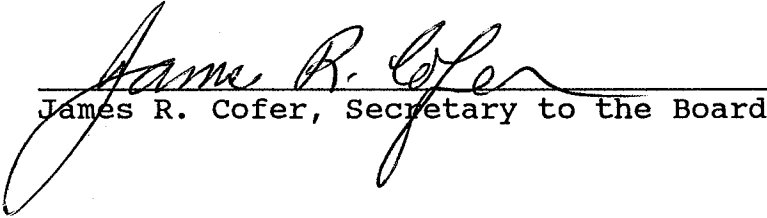
AYES: Directors Kenneth Long, Paul Davis, Dick Heuer, Dale Hekhuis, Karin Strasser Kauffman and Jim Hughes

NAYS: None

ABSENT: Director Morris Fisher

I, James R. Cofer, 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 this 27th day of August, 1990.

Witness my hand and seal of the Board of Directors this 28th day of August, 1990.


James R. Cofer, Secretary to the Board

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