

ORDINANCE NO. 67

**AN ORDINANCE OF THE
BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ALLOCATING USER FEES**

FINDINGS

1. This ordinance shall reallocate the existing user fee established by Ordinance No. 55 and modified by Ordinance No. 61, so as to increase user fee revenue available for the Five Year Mitigation Program.
2. This ordinance shall modify accounting for the 1.11 percent user fee established by Ordinance No. 55 and modified by Ordinance No. 61, so that those fee revenues are no longer exclusively dedicated to conservation activities but instead shall allow use for District programs relating to conservation, rationing, irrigation, erosion control, mitigation, and/or water augmentation expenses, provided that all such expenses shall be required to confer benefit and or service to existing water users. This ordinance shall cause neither a reduction nor an increase in fees, but shall instead modify the means by which use of those fees are monitored and allocated.
3. This ordinance shall not change the aggregate amount of the existing user fee which is 7.125 percent of the Cal-Am water bill.
4. This ordinance is required to permit continuation of mandated and essential District programs despite reduction in revenues resulting from unexpected loss of property taxes and user fees.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the 1992 User Fee Reallocation Ordinance of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this User Fee Reallocation Ordinance as legal authority to modify existing distribution of the present 7.125 percent user fee.

This ordinance, however, shall not modify the aggregate amount of the current user fee.

Section Three: User Fee Reallocation

- A. This ordinance shall modify the accounting and allocation of the aggregate user fee presently collected to fund water conservation programs of the District, and instead allow the use, allocation and accounting of that same fee to District programs relating to conservation, rationing, irrigation, erosion control, mitigation, water planning, and/or water augmentation program expenses, provided that all such expenses must be confer benefit and/or service to existing water users. This ordinance shall cause neither a reduction nor an increase in fees, but shall instead modify the means by which use of those fees are monitored and allocated.
- B. The amount of revenue reallocated shall be equal to 1.11 percent collected on the Cal-Am water bill as established by the District in Ordinance No. 55 and modified by Ordinance No. 61 in July 1992.
- C. This ordinance shall republish the authorization to collect user fees in the same manner and amounts as previously authorized by Ordinance. This fee shall not be exclusively dedicated to a single activity or program, but instead may be allocated at the discretion of the Board provided that all such expenses shall confer benefit and/or service to existing water users. These services may include, but shall not be limited to conservation, rationing, irrigation, erosion control, mitigation, water supply planning, and water augmentation program expenses. Unincumbered fee revenue in any single year may be placed in the capital project sinking fund and may later be used to fund expenses associated with planning for, acquiring and/or reserving augmented water supply capacity (including engineering, hydrologic, legal, geologic, fishery, appraisal, financial, and property acquisition endeavors).
- D. A similar reallocation shall be made to user fees collected from other district water distribution systems of fifty (50) connections or more.

Section Four: Effective Date

This ordinance shall have an effective date of January 1, 1993.

Section Five: Publication and Application

The provisions of this ordinance shall not cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District. This ordinance shall be read in conjunction with and compliment those provisions of the District's Rules and Regulations.

Section Six: 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 Long, and second by Director Karas, the foregoing ordinance is adopted this 16th day of November, 1992, by the following vote:

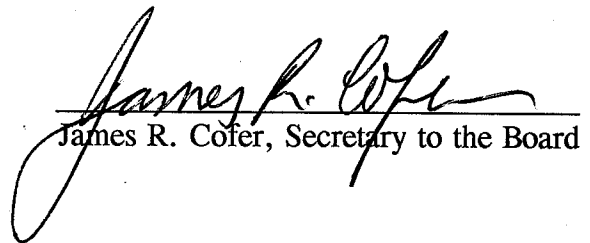
AYES: Directors Farina, Heuer, Pendergrass, Hekhuis, Long, Karas and Hughes.

NAYS: None.

ABSENT: None.

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 16th day of November, 1992.

Witness my hand and seal of the Board of Directors this 8th day of December, 1992.


James R. Cofer, Secretary to the Board