

ORDINANCE NO. 75

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT ALLOWING PUBLIC WATER CREDITS

FINDINGS

1. This ordinance shall amend the process by which the Monterey Peninsula Water Management District expands the water allocation of local jurisdictions.
2. This ordinance amends existing standards and procedures for the tracking of water credits and shall amend the Rules and Regulations of the District.
3. This ordinance shall allow both retrofit credits and other water credits to be transferred to a jurisdiction's general allocation.
4. The following District Rule shall be added by this ordinance: Rule No. 25.7, ("Public Water Credits").

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the Public Water Credit Ordinance of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this Ordinance to modify the standards for the issuance of water permits during this time of limited water supply. This Ordinance shall allow water saved through toilet retrofits and other permanent water saving methods at a publicly owned and operated facility, to credit an allocation of one or more jurisdictions.

Section Three: Water Users Affected

A. Systems and Water Users Affected. The transfer of public water credits allowed by this Ordinance shall originate from publicly owned facilities in each of the following water distribution systems deriving their source of supply from the Monterey Peninsula Water Resource System:

- California-American (Cal-Am) Water Company, and all Cal-Am sub-units including Water West and Rancho Fiesta Mutual
- Seaside Municipal
- Bell/Vandevort
- Clark/Wells Fargo
- Fair Weather
- Old River Ranch
- Los Robles Road
- Rancho San Carlos Road
- Riverside Park
- Shulte/Jones
- Selle
- Sleepy Hollow Mutual Potable
- any water system which derives its source of supply from one or more subunits of the Monterey Peninsula Water Resource System

Section Four: Definitions

A. Unless the context specifically indicates otherwise, the following phrases shall be given the definitions set forth below for the purpose of this Ordinance:

1. "Public Water Credit" - shall mean an amount of water saved by permanent quantified reduction in water use at a publicly owned and operated facility. Public Water Credits shall include toilet retrofits and any other means of permanently reducing water demand at a public facility.

2. "Public" - shall mean a facility owned and operated by a public agency.

B. Unless the context specifically indicates otherwise, all words and phrases used in this Ordinance shall be given definitions as set forth in Rule 11 of the District Rules and Regulations, or as set forth in Ordinance No. 59.

Section Five: **Application for Public Water Credits**

The following shall be published in the District Rules and Regulations as Rule 25.7, Public Water Credits:

A. A jurisdiction shall request consideration of public water credits by making a written request to the District. The request shall identify the property, the types of water savings proposed, and a contact person. Projects may be sponsored by more than one jurisdiction.

B. District staff (1) shall verify that the water use reductions are permanent, and (2) shall quantify the amount of credit available. Credit shall be granted for reductions caused by both toilet retrofits and other credits as outlined in Rule 25.5. Fifteen-percent (15%) of the water saved will be deducted before the credit is applied to an allocation. No time limit shall be applied to the use of public water credits allowed by this Ordinance.

C. When the public water credit is less than 5 acre-feet, the jurisdiction(s) may elect to postpone accounting for the required fifteen-percent 15% reduction until the next allocation becomes available. Requests for postponement must be made in writing to the District.

D. Upon completion of the proposed retrofit and verification by District staff, the jurisdiction(s) shall be credited for the amount of water saved according to the procedure outlined in Rule 25.5. Credit may include water saved through toilet retrofits. Credits are not available for retrofits which occurred prior to the effective date of this ordinance.

E. The transfer of a public water credit to an allocation shall not affect the connection charge assessed for a water permit. Water permits for all debits to an allocation will continue to require payment of connection charges for all increases in use.

Section Six: **Effective Date**

This Ordinance shall be given effect at 12:01 a.m., May 17, 1995.

Section Seven: **Review and Sunset Provision for this Ordinance**

The standards enacted by this Ordinance to allow public water credits shall not have continuing effect, but shall have a sunset date of July 1, 1998, unless the District allocates a new supply of water, in which case this Ordinance may be rescinded by action of the District's Board of Directors.

Section Eight: Publication and Application

The provisions of this Ordinance shall 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; provided however, that the provisions enacted by this measure shall take precedence and supersede any contradictory provision of those rules. Section titles and captions are provided for convenience and shall not be construed to limit the application of the text.

Section Nine: Severability

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 unenforcability shall not affect the validity or enforcement of the remaining portions of this Ordinance, 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 one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director Heuer, and second by Director Haddad, the foregoing Ordinance is adopted upon second reading this 17th day of April, 1995, by the following vote:

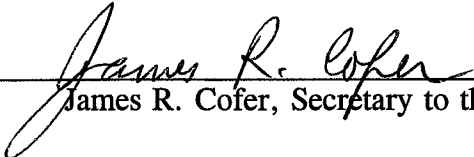
AYES: Directors Farina, Hughes, Heuer, Pendergrass, Karas and Haddad

NAYS: None

ABSENT: Director Burkleo

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 17th day of April, 1995.

Witness my hand and seal of the Board of Directors this 24th day of April, 1995.



James R. Cofer, Secretary to the Board