

## ORDINANCE NO. 76

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT PROVIDING FOR FEE PLANS

#### FINDINGS

1. This ordinance amends existing standards and procedures for the issuance of water connection permits, and shall amend the Rules and Regulations of the District.
2. This ordinance would authorize the District to delay the collection of fees for qualifying projects until the property changes use, or in the alternative as approved by the Board, to allow collection of fees over a specified time as determined by the Board.
3. The following District Rule is amended by this ordinance: Rule 24-N (Fee Payment Plans).

NOW THEREFORE be it ordained as follows:

#### ORDINANCE

**Section One:**            **Short Title**

This Ordinance shall be known as the "1995 Fee Plan Ordinance" of the Monterey Peninsula Water Management District.

**Section Two:**            **Statement of Purpose**

The Monterey Peninsula Water Management District enacts this 1995 Fee Plan Ordinance as legal authority to modify existing standards and procedures pertaining to the review and issuance of water connection (expansion/extension) permits, and to modify the manner in which select connection charges are calculated and collected. This ordinance shall modify the existing Rules and Regulations of the District.

**Section Three:**            **Water Distribution Systems Affected**

This ordinance shall apply to each water connection (expansion / extension) permit issued by the District.

**Section Four:**            **Modification of Rule 24-N, "Prohibition of Permit Fee Payment Plans"**

The following provisions in bold and underscore shall be added as Rule 24-N, "Permit Fee Payment Plans" to the District Rules and Regulations:

**1.**     Except as may be required by operation of law, **or as approved by the Board of Directors pursuant to Rule 24-N-2 below,** the District shall not authorize a payment plan for fees and charges due for the issuance of a water permit. This shall mean that no permit shall be issued by the District unless all required fees and charges have first been paid in full to the District. In any circumstance where a permit has been issued on less than full payment of all fees and charges due from that parcel, that permit shall immediately be suspended and thereafter revoked in accord with Rule 27. Revocation of a water use permit shall cause removal or limitation of water service to that connection.

**2.**     **Notwithstanding any provision of Rule 24-N-1, the Board of Directors may authorize delayed payment for projects which are solely undertaken by California non-profit public benefit corporations provided each such plan shall ensure, by recorded deed restriction which includes the consent of each property owner, that all fees and charges due for the issuance of a water permit, together with deferred interest at the rate to be set by the Board, shall be paid in full in the event project ownership or occupancy is transferred to any entity other than a California non-profit public benefit corporation. This provision is intended for use only in the presence of a substantial financial hardship to the project proponent such that the development of the project would be jeopardized by the present assessment of the full fees and charges due for the issuance of a water permit.**

**Section Five:**            **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 Six:**            **Effective Date**

This ordinance shall be given effect at 12:01 a.m. on June 26, 1995. The modifications of permit processes and/or fee calculation methods made by this Ordinance shall be given prospective effect only. No refund or credit shall be allowed for any permit issued prior to the effective date.

**Section Seven: 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 unenforceability 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 Karas, and second by Director Haddad, the foregoing ordinance is adopted upon this 15 day of May, 1995, by the following vote:

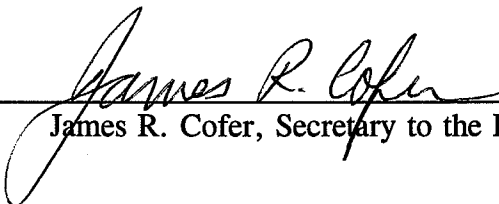
**AYES:** Directors Burkleo, Haddad, Karas and Pendergrass

**NAYS:** Directors Farina, Heuer and Hughes

**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 on the 15 day of May, 1995.

Witness my hand and seal of the Board of Directors this 30 day of May, 1995.

  
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James R. Cofer, Secretary to the Board