

ORDINANCE NO. 86

AN ORDINANCE OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT RESCINDING PRIOR MODIFICATION TO JURISDICTIONAL ALLOCATIONS

FINDINGS

1. The Monterey Peninsula Water Management District enacted Ordinance No. 84 on August 19, 1996. Water Management District Ordinance No. 84 allocated 134 acre-feet of water among the Jurisdictions within the District and allocated 16 acre-feet of water in a special community reserve for the exclusive benefit of the Community Hospital of the Monterey Peninsula. The water allocated by Ordinance No. 84 derived from a portion of the potable water freed by reason of the Pebble Beach Community Services District/Carmel Area Wastewater District Wastewater Reclamation Project.
2. A lawsuit (Save Our Peninsula Committee & Ed Leeper vs. MPWMD) was filed which alleges that Ordinance No. 84 was enacted in violation of CEQA. Petitioners seek a court order to set aside and nullify Ordinance 84, and its allocation of 150 acre-feet of water. The administrative record in that action has not yet been prepared.
3. On October 28, 1996 the Water Management District updated its Strategic Plan and set goals and objectives through June 1997. Among the specific objectives to be accomplished on or before June 30, 1997, was the need to update water allocation assumptions, and to develop a formula to allocate available water supplies (if any) to member jurisdictions. This effort entails a comprehensive evaluation of all water supplies available for allocation, and differs from more recent piece-meal review and allocation of incremental supplies. The comprehensive evaluation of water allocation assumptions will necessarily include review of the 150 acre-foot increment of water allocated by Ordinance No. 84.
4. Pending the update of water allocation assumptions, the annual production limit for the Cal-Am water system shall remain at the pre-Ordinance No. 84 level of 17,621.15 acre-feet per year. The annual production limit for non-Cal-Am water users and other water systems which derive their source of supply from the Monterey Peninsula Water Resources System shall remain at 3,045.71 acre-feet per year as defined in Ordinance No. 83.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Statement of Purpose.

This Ordinance repeals Water Management District Ordinance No. 84, and thereby rescinds the modification to jurisdictional allocations set by that ordinance.

Section Two: Repeal of Ordinance No. 84.

Water Management District Ordinance No. 84 is hereby repealed.

Section Three: Publication and Application

Rule 33 A shall be republished in the permanent Rules and Regulations of the Monterey Peninsula Water Management District as it existed before enactment of Ordinance No. 84. The modification caused by Ordinance No. 84 is hereby nullified.

Section Four: Effective Date

This ordinance shall be given effect at 12:01 a.m., on December 13, 1996.

Section Five: Sunset Provision for this Ordinance

This Ordinance shall have no sunset provision.

Section Six: Severability

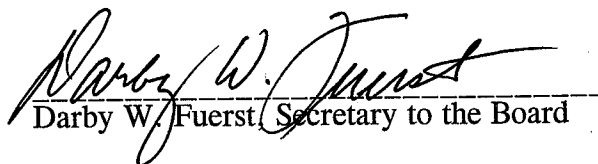
If any subdivision, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or of 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 Ernst, the foregoing ordinance is adopted this 12th day of December, 1996, by the following vote:

AYES: Vice Chairperson Ely, Directors Ernst, Haddad, Hughes and Karas
NAYS: Director Pendergrass
ABSENT: Chairperson Burkleo

I, Darby W. Fuerst, 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 12th day of December, 1996.

Witness my hand and seal of the Board of Directors this 18th day of December, 1996.


Darby W. Fuerst, Secretary to the Board