

ORDINANCE NO. 88

AN ORDINANCE OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT MODIFYING THE TOILET RETROFIT REBATE PROGRAM

FINDINGS

1. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. The Water Management District approved a retrofit rebate program as one alternative when it adopted the Action Plan for Water Supply Alternatives in February 1996. The Action Plan addressed the need for water supply projects to meet the water supply needs of the Monterey Peninsula following voter rejection of District financing for the New Los Padres Water Supply Project in November 1995.
4. California State Water Resource Control Board Order No. WR 95-10, issued in July 1995, ruled that California-American Water Company (Cal-Am) did not have a legal right to take approximately 69 percent of the water currently supplied to Cal-Am users. The SWRCB has set specific goals to reduce water diversions from the Carmel River Basin.
5. Under SWRCB Order No. WR 95-10 Cal-Am has been ordered to reduce its historical diversion from the Carmel River Basin by 20 percent in Water Year 1997 and each subsequent year.
6. Despite requests for voluntary water conservation in the community, it is unlikely that Cal-Am water use will meet the conservation goal set by the SWRCB for Water Year 1996-97.
7. Cal-Am received Public Utilities Commission approval in 1997 to contribute to the District's rebate program. Cal-Am will contribute \$164,000 to fund rebates in Fiscal Year 1997-98.
8. The replacement of existing facilities is a categorical exemption under Class I, Section 15301 of the California Environmental Quality Act (CEQA). A Notice of Exemption has been filed in compliance with CEQA.

9. Toilet retrofitting has proven to be an effective method to reduce water demand. The rebate program provides an incentive to retrofit to people who might not otherwise replace older toilets with more water efficient models.
10. This ordinance shall amend the existing Rebate Program Ordinance to eliminate reference to "dwelling units" and shall make the rebate program available to all qualifying properties, including residences, apartments, and commercial buildings.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the Rebate Program Amendment Ordinance of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this ordinance to define and amend the rules and standards for the toilet retrofit rebate program as set forth in Ordinance No. 85. The purpose of this ordinance is to continue and expand the voluntary Toilet Retrofit Rebate Program as approved in the Action Plan for Water Supply Alternatives adopted by the Board of Directors in February 1996. This amendment to the Rebate Program Ordinance expands the program to non-residential water users.

The Toilet Retrofit Rebate Program is designed to facilitate toilet replacements that might not otherwise occur. The program offers rebates of up to \$100 per toilet retrofitted. Participation in the rebate program is voluntary. The rebates offered by this program will be available as long as funds are available in the rebate account.

Section Three: Eligible Properties

A. The following additions (in bold) and deletions (in strike-out) shall be made to Section Four of Ordinance No. 85:

A. Qualifying Criteria. This ordinance shall apply to ~~dwelling units~~ **properties** supplied by a water distribution system that derives water from the Monterey Peninsula Water Resources System. The following water distribution systems derive their source of supply from the

Monterey Peninsula Water Resources System:

- California-American (Cal-Am) Water Company, all Cal-Am subunits, including Rancho Fiesta Mutual and Water West systems, with the exceptions of Carmel Valley Mutual and Ryan Ranch.
- Cañada Woods Water Company
- Carmel Valley Road II
- Carmel Greens Agricultural
- Chaney/Schaffer
- Fair Weather
- Good Neighbor
- Jones/Areias
- Old River Ranch
- Rancho San Carlos Road
- Riverside RV Park
- Schut/Jones
- Seaside Municipal
- Selle
- Clark-Wells Fargo
- Sleepy Hollow (Potable)
- any water distribution system which receives its source of supply from one or more subunits of the Monterey Peninsula Water Resources System.

B. Exceptions. The following ~~eligible dwelling units~~ **properties** shall not qualify for a toilet retrofit rebate:

1. **Properties** ~~Dwelling units~~ subject to Rule 144 (transfer of ownership or expansion in use requiring retrofit to ultra-low water using fixtures).
2. **Properties** ~~Dwelling units~~ for which a water permit was issued between 1985 and 1987 whereby a connection charge reduction was allowed due to voluntary installation of ultra-low flush toilets.

3. **Properties** which were required to retrofit as a condition of a water rationing variance (Rule 92).

~~4. Dwelling units owned by a federal, state or local government entity.~~

B. The following text shall be added to Section Four of Ordinance No. 85:

D. Limitation on Rebates. Rebates shall not be issued for the replacement of more than twenty (20) toilets on a non-residential site.

C. The following additions (in bold) and deletions (in strike-out) shall be made to Section Twelve of Ordinance No. 85:

The rebate process shall apply to ~~toilet installations completed~~ **toilets purchased and installed in a residential unit** on or after December 12, 1996. **Non-residential rebates shall apply to toilets purchased and installed after July 1, 1997.**

Section Four: Application

The following addition (in bold) shall be made to Section Seven of Ordinance No. 85:

A completed application for rebate shall include the name and address of the applicant, property owner's name **and written authorization (if the property is not owner occupied)**, telephone numbers, Assessor's Parcel Number (required in the City of Carmel), water account number, date of retrofit, brand and model of toilet installed, name of installer and the receipt for the purchase. Application forms shall be provided by the District.

Section Five: Publication and Application

The provisions of this ordinance shall not be published in the permanent Rules and Regulations of the Monterey Peninsula Water Management District, but shall be separately distributed together with those Rules. This ordinance shall be read in conjunction with and complement the provisions of Ordinance No. 85 and the District's Rules and Regulations, provided, however that the provisions enacted by this measure shall take precedence over 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 August 21, 1997.

Section Seven: Sunset

This ordinance shall not have a sunset date.

Section Eight: Severability

If any subdivision, 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 Potter, and second by Director Burkleo, the foregoing ordinance is adopted upon this 21st day of July, 1997, by the following vote:

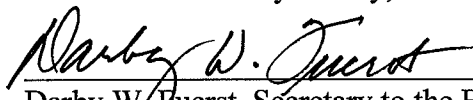
AYES: Directors Potter, Burkleo, Hughes, Haddad, Ely and Pendergrass

NAYS: None

ABSENT: Director Ernst

I, Darby 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 on the 21st day of July, 1997.

Witness my hand and seal of the Board of Directors this 22nd day of July, 1997.



Darby W. Fuerst, Secretary to the Board