

ORDINANCE NO. 91

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 toilet retrofit credits and other water credits from publicly owned and operated facilities to be transferred to a jurisdiction's public water credit account.
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 voluntary toilet retrofits and other non-mandated permanent water saving methods at a publicly owned and operated facility, to credit a public water credit account of one or more jurisdictions.

Section Three: Water Users Affected

A. Systems and Water Users Affected. The retrofit credits allowed by this Ordinance shall apply to the California-American (Cal-Am) Water Company, and all Cal-Am sub-units, including Water West and Rancho Fiesta Mutual systems, with the exceptions of Carmel Valley Mutual and Ryan Ranch.

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 and shall amend Rule 11:

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, providing that there has not been a previous requirement by the District to retrofit the facility.

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

3. "Public Water Credit Account" - shall mean a separate account maintained by the District to track to amount of Public Water Credits available to a jurisdiction. The Public Water Credit account shall also include commercial water credits that have been transferred to a jurisdiction. Water used from this account shall not be assessed a connection charge by the District. Processing fees shall apply to permits issued using a Public Water Credit.

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. Before undertaking a retrofit project, the jurisdiction shall request consideration of public water credits by making a written request to the District with the appropriate processing fees. The application shall identify the property, the types of water savings proposed and an analysis of the proposed savings compared against existing uses, and shall list a contact person. Projects may be sponsored by more than one jurisdiction.

B. After receipt of a complete Public Water Credit application, 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 prior to documentation of a public water credit.

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.

E. There shall be no connection charge assessed for the capacity for water used pursuant to any Public Water Credit. Connection charges, however, shall apply to the capacity for water use which exceeds the Public Water Credit. No refund shall accrue by reason of water use reduction, or abandonment of capacity, whether or not reflected by a Public Water Credit. Processing fees shall apply to permits issued using a Public Water Credit.

Section Six: Effective Date

This Ordinance shall be given effect at 12:01 a.m., July 1, 1998.

Section Seven: Review and Sunset Provision for this Ordinance

The standards enacted by this Ordinance to allow public water credits shall not sunset 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 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 Pendergrass, and second by Director Potter, the foregoing Ordinance is adopted upon second reading this 15th day of June, 1998, by the following vote:

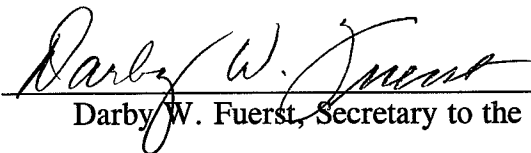
AYES: Directors Pendergrass, Potter, Chesshire and Hughes

NAYS: Director Ely

ABSENT: Directors Edwards and Ernst

I, Darby W. Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing Ordinance was duly adopted this 15th day of June, 1998.

Witness my hand and seal of the Board of Directors this 27th day of August, 1998.



Darby W. Fuerst, Secretary to the Board