



RESOLUTION NO. 2012-06

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DIRECTING COLLECTION AND REMITTANCE
OF THE ANNUAL WATER SUPPLY CHARGE TO FUND WATER SUPPLY
SERVICES, FACILITIES, AND ACTIVITIES THAT BENEFIT THE
CALIFORNIA-AMERICAN WATER DISTRIBUTION SYSTEM
IN ACCORD WITH DISTRICT ORDINANCE NO. 152**

FINDINGS

1. On June 27, 2012, the MPWMD Board approved the District's 2012-13 budget and set the aggregate amount to be raised by annual water supply charges for properties connected to the California-American Water Distribution System at \$3,700,000. Ordinance No. 152 was approved at second reading on June 27, 2012 and the Notice of Exemption to the California Environmental Quality Act was subsequently filed with the Monterey County Clerk. The MPWMD annual water supply charge authorized by Ordinance No. 152 takes effect on July 1, 2012.
2. Ordinance No. 152 authorized this resolution to implement the method used to collect the annual water supply charge from affected properties.
3. The annual charge is due and payable July 1 of each year. By this resolution, the District exercises its election to authorize charge payment in installments during the fiscal year, provided full payment is tendered prior to the end of that fiscal year.
4. The Findings stated in Ordinance No. 152 are incorporated here as if set forth in full, and form the basis for this resolution.
5. The annual water supply charge needed to fund District activities for water supply facilities and other related water supply expenditures pursuant to Ordinance No. 152 is \$3,700,000
6. Levy and collection of the annual water supply charge enabled by Ordinance No. 152 is required for sufficient funds to meet the purposes of that ordinance and to pay for water supply facilities and other related water supply expenditures.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Monterey Peninsula Water Management District Board of Directors:

Section One. The Findings set forth above are incorporated into this Resolution as if set

forth in full.

Section Two. A. The District requests and directs the Monterey County Assessor to collect and remit the annual water supply charge from those persons and/or properties required to pay by Ordinance No. 152, in two installments during the fiscal year in conjunction with the County Assessor's regular billing and collection from property owners, provided full payment is tendered during that fiscal year.

B. The County Assessor bills shall be generated every fiscal year (July 1 through June 30) and mailed in mid-October and payment may be made in two installments, due as follows:

1. 1st Installment - Due November 1st, Delinquent after 5:00 p.m. December 10th.
2. 2nd Installment - Due February 1st, Delinquent after 5:00 p.m. April 10th.

If either delinquency date falls on a Saturday, Sunday, or legal holiday, the hour and date of delinquency shall be extended to 5:00 p.m. the following business day.

C. If the annual water supply charge required by Ordinance No. 152 remains unpaid by 5:00 p.m. on June 30th, the payment shall be declared delinquent by the County Assessor, and the property shall be subject to default. A basic penalty of 10 percent shall be imposed for delinquent payment. A penalty of one-half of 1 percent per month shall be imposed for nonpayment of the charges and the basic penalty. Collection of the charge and penalties shall become a lien upon the real property and collectible at the same time and in the same manner as taxes and assessments are so collected upon such real property

D. Real property remaining in defaulted status for five or more years shall be subject to sale by the County Assessor. Thereafter the real property may be sold at public auction or otherwise conveyed to new ownership. At such time, unpaid annual water supply charges, interest and penalties shall be remitted to the District.

Section Three. The General Manager is directed and authorized to execute all documents and to perform all necessary acts to implement the effect of this Resolution.

Section Four. This Resolution shall take immediate effect.

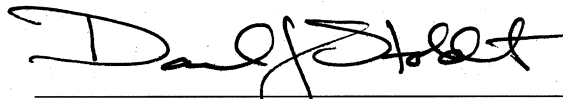
Section Five. If any subdivision, paragraph, sentence, clause or phrase of this Resolution is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this Resolution. It is the 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 a motion by Director Markey and second by Director Byrne the foregoing resolution is duly adopted this 27th day of June 2012 by the following votes.

Ayes: Markey, Byrne, Brower, Lehman, Lewis, Pendergrass, Potter
Nays: None
Absent: None

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 27th day of June 2012.

Witness my hand and seal of the Board of Directors this 27th day of June 2012.



David J. Stoldt, Secretary to the Board

COPY CERTIFICATION

I, Arlene M. Tavani, Deputy 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 Resolution No. 2012-06 duly adopted on the 27th day of June 2012.

Arlene M. Tavani
Arlene M. Tavani, Deputy Secretary to the Board

7-2-2012
Date