

ORDINANCE NO. 98-03

**ORDINANCE OF THE BOARD OF DIRECTORS
OF PADRE DAM MUNICIPAL WATER DISTRICT
ADOPTING RULES AND REGULATIONS FOR THE
PADRE DAM MUNICIPAL WATER DISTRICT**

RECITALS

WHEREAS, Padre Dam Municipal Water District is organized and existing under the Municipal Water District Law of 1911, Water Code Section 71000 et seq.; and

WHEREAS, Padre Dam Municipal Water District may exercise the powers which are expressly granted by the Municipal Water District Law of 1911 or are necessarily implied therein; and

WHEREAS, the Municipal Water District Law of 1911 provides express authority to provide water and sewer service and recreational facilities; and

WHEREAS, Padre Dam Municipal Water District has proposed Rules and Regulations governing the provision of water and sewer service and recreational facilities; and

WHEREAS, the proposed Rules and Regulations will apply to potable and reclaimed water and sewer service and recreational facilities.

BE IT ORDAINED by the Board of Directors of Padre Dam Municipal Water District as follows:

- Section 1: That the Rules and Regulations of the District attached hereto as Exhibit "A", shall be adopted.
- Section 2: That all prior actions of the Padre Dam Municipal Water District adopting earlier ordinances regarding Rules and Regulations for water and sewer service and recreational facilities, attached hereto as Exhibit "B", are hereby rescinded.
- Section 3: That the Ordinance shall take effect in thirty (30) days from the date of its adoption.

PASSED AND ADOPTED, at a Regular Meeting of the Board of Directors of Padre Dam Municipal Water District held on the 28th day of April, 1998, by the following vote, to wit:

AYES: McMillan, Menshek, Robak

NOES:

ABSENT: Boswell, Dixon

/s/ Mark Robak

President

ATTEST:

/s/ Amy Pederson

Secretary

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Section 5. WATER SUPPLY SYSTEM
Regulations for Use of the System

5.1 WATER SUPPLY MANAGEMENT CONDITIONS

5.1.1 Policy

The District shall monitor the projected supply of water and the demand for water by customers within its service area. The District shall determine, in consultation with those agencies providing water to the District, when water management regulations are required in order to best manage water shortages and preserve water supplies for human consumption, and for health and sanitation reasons. In addition, restrictions upon the use of water shall be imposed upon all customers within the District to further preserve water supplies. (Refer to the Water Conservation Plan in this section.)

When it is determined that a particular condition of Water Supply Management, other than Condition 1, is required, the General Manager will issue a declaration announcing such condition to be in effect. The declared condition will be announced at the next regular meeting of the Board of Directors, at which time the Board shall ratify, modify, or rescind the declaration. A copy of the declaration, stating the current condition, shall be displayed at all appropriate customer service counters and made available for copying by the public.

The General Manager shall take all steps deemed to be appropriate and necessary to inform the public of any newly declared Water Supply Management Condition, except for Condition 1. A Water Supply Management condition will remain in effect until rescinded or changed to another condition.

The Water Supply Management Condition may affect the following water service situations:

- a) Out-of-District service
- b) Annexations to the District
- c) Issuance of new permanent meters
- d) Issuance of temporary meters
- e) Interruption of service to certain classifications of meters
- f) Issuance of facility availability and commitment forms

5.1.2 Definitions of Water Supply Management Conditions

5.1.2.1 CONDITION 1 - Normal or Unrestricted Water Supplies

Condition 1 is considered to be in effect at all times unless another condition is declared. Condition 1 will be in effect in periods when a normal supply and normal distribution capacity is available, and the District anticipates the ability to meet the unrestricted demands of its customers.

5.1.2.2 CONDITION 2 - Moderately Restricted Water Supplies

Condition 2 is in effect during periods when the District requires uniform reductions in water use by its customers. A specific conservation goal or other form of supply restriction may have been imposed upon the District by its supplier(s). The District's supplier allows for increases in water demands by the District based upon growth factors.

5.1.2.3 CONDITION 3 - Severely Restricted Water Supplies

Condition 3 is in effect during periods when the District requires uniform reductions in water use by its customers. A specific conservation goal or other form of restriction has been imposed by the District's supplier(s). The District's supplier does NOT allow for increases in water demands by the District based upon growth factors.

5.1.2.4 CONDITION 4 - Declared or Threatened Water Shortage Emergency

Condition 4 is in effect when either of the following circumstances exists. (Refer to the Water Conservation Plan in this section):

- a) The San Diego County Water Authority, the District's supplier, has declared the region to be in a WATER SHORTAGE EMERGENCY CONDITION due to drought.
- b) The General Manager has declared a WATER SHORTAGE EMERGENCY CONDITION to be in effect, or there is a high probability that such condition will be declared in the near future, based upon the finding and determination that a water supply emergency exists due to unexpected disruption of the supply, storage, distribution system, or facilities of the Metropolitan Water District of Southern California, the San Diego County Water Authority, Padre Dam Municipal Water District, or other agencies.

5.1.3 Out-of-District Water Service

During all Water Supply Management Conditions, the Board of Directors will consider on a case-by-case basis any appropriate restrictions on water service provided to property outside District boundaries.

5.1.4 Annexations to the District

During all Water Supply Management Conditions, the Board of Directors will consider on a case-by-case basis any requests for annexation of territory to the District for the purpose of obtaining water service.

5.1.5 Water Availability and Commitment Forms

During Water Supply Management Conditions 3 and 4, the District may modify water availability and water commitment forms, as described in the section regarding water and sewer services, to indicate the current Water Supply Management Condition. Completion of the District's portion of such forms does not guarantee the availability of water.

5.1.6 Water Service Interruptions

Water service interruptions may occur during Water Supply Conditions 3 or 4, during which the District may temporarily remove or lock off meters or otherwise interrupt service to certain classifications of water services not assigned for human consumption without prior notification. Whenever feasible, the District will notify all holders of such meters in advance of the service interruption or the impending possibility.

5.1.6.1 Interruption of Irrigation and Agricultural Services

District provided irrigation and agricultural services may be subject to interruption or discontinuance during Water Supply Management Condition 4. In addition, during a declared WATER SHORTAGE EMERGENCY CONDITION, certain restrictions will apply to outdoor irrigation. Refer to the Water Conservation Plan in this section. The District reserves the right to discontinue service without prior notification to any irrigation or agricultural meter supplying water that violates WATER SHORTAGE EMERGENCY CONDITION restrictions.

5.1.6.2 Interruption of Temporary Services

Service to existing construction or other temporary water meters may be subject to removal, lock-off, or discontinuance during Water Supply Management Condition 4, unless the water is used for human consumption or for public health, safety, or welfare.

In addition, during a declared WATER SHORTAGE EMERGENCY CONDITION, certain restrictions apply to outdoor water use. Refer to the Water Conservation Plan in this section. The District reserves the right to discontinue, without notice, any service for a construction or

other temporary meter supplying water that violates such restrictions.

5.2 FIRE SPRINKLER SERVICES

The Fire Protection agency having jurisdiction over the property will set the fire service requirements.

5.2.1 Residential Services

A residential fire sprinkler system will be served by the residential water meter, unless a separate service is necessary to provide the required fire flow.

5.2.2 Commercial Services

In order to provide service to a commercial fire sprinkler system, the District will install an unmetered water service line to either the road right-of-way or the District's easement line. The property owner shall be responsible for the expense of such installation, and also for installing a backflow prevention device as may be required by the District or the Department of Health Services.

5.2.3 Restrictions

Water from an unmetered fire sprinkler service shall not be used for any purpose other than extinguishing a fire or testing of the fire protection system. Upon evidence of a violation of this provision, the District shall install a meter of the appropriate size and design.

5.2.4 Water Rates

Should the District require the installation of a meter due to violation of use restrictions listed in these Rules and Regulations, the customer shall pay all installation, meter, and capacity fees, and County Water Authority fees. The cost of all water used for any purpose other than fire protection shall be charged to the customer at twice the normal commodity rate.

Also see the section on "Customer Accounts, Customer Account Billing Periods" for standard fire service charges.

5.3 FIRE HYDRANTS

The Fire Protection agency having jurisdiction over the property will set the fire hydrant

requirements, including the location, flow and type.

5.3.1 General

All fire hydrants located on District water pipelines are the property of the District. However, the expense of installation, repair, or relocation are the responsibility of the fire district or the property owners concerned, except by specific agreement approved by the Board.

5.3.2 Fire Hydrant Flow Tests

Only the District will access a fire hydrant for the purpose of performing a flow test. Upon a customer's request, the District will provide the necessary flow test and data provided the flow test will not cause potential property damage and that the Regional Water Quality Control Board's discharge requirements can be met. The customer will be required to pay the current fee for the hydrant flow tests. For current rates, *refer to the section regarding fees and charges.*

5.4 CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

5.4.1 Incorporation of State Regulations

Cross-connection regulations issued by the California Department of Public Health are contained within the California Administrative Code, a copy of which is on file at the offices of the District, are hereby incorporated by reference into the Rules and Regulations of the District. Any future amendment of the State regulations shall be deemed included as part of the Rules and Regulations.

5.4.2 Cross-Connections Prohibited

Cross-connections affecting the water supply or water supply system of the District are prohibited. Any existing cross-connections shall be eliminated by disconnection or by installation of a reduced pressure backflow prevention device. The District shall approve only those devices tested and approved by the Foundation for Cross-connection Control and Hydraulic Research of the University of Southern California.

For new services requiring a backflow prevention device, the service shall not be turned on until the device has been installed.

5.4.3 Cross-Connections Questionnaire and Inspection

The District may at any time require existing customers, as well as applicants for new water service, to complete a questionnaire supplied by the District regarding possible cross-connections, potential or actual hazards and backflow prevention devices. The questionnaire shall be completed and returned within ten (10) days of the request by the District, and failure to comply may result in termination of water service.

By accepting water service, the customer grants to the District the right to enter his or her property for the purpose of inspection to determine whether any potential or actual hazard exists, and whether any backflow prevention device is necessary.

5.4.4 Testing and Maintenance

The customer is responsible for the installation, maintenance, testing, and repair of backflow prevention devices and related fixtures regardless of location, whether pre or post meter, if device has been installed to meet backflow prevention requirements for customer property.

All new backflow prevention assemblies shall be tested within five (5) working days after installation of meter. Thereafter, the customer is responsible for having such devices tested annually. The District will send a reminder notice of testing. Copies of all test results, maintenance, and repair reports shall be forwarded to the District within sixty (60) days of being done.

All backflow prevention device tests shall be performed by a tester who meets certification requirements of the Southern California Foundation for Cross-connection Control or the American Water Works Association, or who meets requirements of any other agency using a certification process approved by the District, e.g., County of San Diego or State of California. Inspection reports shall be forwarded to the District. The District will supply a list of testers certified to perform such tests upon request.

5.4.5 Enforcement of Cross-Connection Regulations

Failure of a customer to install, test, and maintain a backflow prevention device as may be required by the District, or to otherwise comply with the provisions of this subsection, shall be grounds for immediate termination of water service to the customer's property. The General Manager is authorized to terminate such services.

5.5 WATER CONSERVATION PLAN

The District's Water Conservation Plan is divided into two sections consisting of Part I and Part II.

Part I, entitled "NORMAL AND WATER SHORTAGE CONDITIONS," contains water use

restrictions and enforcement measures to be in effect at all times, as well as during water supply shortages.

Part II, entitled "WATER SHORTAGE EMERGENCY CONDITIONS," contains more severe water use restrictions and stronger enforcement measures, which are to be used during periods of severe water supply reductions by the District's suppliers, or during periods of temporary disruption of water supply, storage, distribution, or other operations.

In order to further conserve water supplies within the District during periods when the existing water conservation goal is a percentage reduction of thirty (30) % or greater, the District may take measures to restrict the issuance of new water meters, water availability certificates and water commitment certificates, water supply for construction purposes, out-of-District water service, and annexations to the District.

5.5.1 Part I. Normal and Water Shortage Conditions

5.5.1.1 Declaration of Policy

The California Water Code permits public entities that supply water at retail to adopt and enforce water conservation programs to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity.

The Board of Directors of Padre Dam Municipal Water District hereby establishes a comprehensive water conservation program, pursuant to Sections 375 et seq. of the California Water Code, based upon the need to conserve water supplies within the District, and to avoid or minimize the effects of any future water supply shortages.

5.5.1.2 Findings

The Board finds and determines that the conditions prevailing within San Diego County and within the District require available water resources to be put to a maximum beneficial use. The Board further finds and determines that a water shortage could exist, based upon one or more of the following conditions:

- a) A general water supply shortage occurs, or may occur, due to increased demand on limited supplies.
- b) The distribution or storage facilities of the Metropolitan Water District of Southern California, the San Diego County Water Authority, the District, or other agencies becomes temporarily or permanently inadequate or disrupted.
- c) The Metropolitan Water District of Southern California has adopted an Incremental Interruption and Conservation Plan (IICP) and Drought Management Plan to allocate

available water supplies to its member agencies during drought conditions. The San Diego County Water Authority has adopted Ordinances to implement water use targets and allocations within the requirements of the MWD Plans. These Plans are subject to revision as needed by MWD. The District has adopted Ordinances to comply with the current MWD Plans and implement certain water conservation measures necessary to meet targeted allocations required by the IICP.

5.5.1.3 California Environmental Quality Act Exemption

The Board finds that this Water Conservation Plan, and actions taken pursuant to this plan, are exempt from the California Environmental Quality Act, as specific actions necessary to prevent or mitigate an emergency, pursuant to Public Resources Code and the California Environmental Quality Act Guidelines.

5.5.1.4 Application

The provisions of this section of the Rules and Regulations shall apply to all water served to the District's residents and customers for property within the District.

5.5.1.5 Enforcement of Normal Water Use Restrictions

The following enforcement measures will be taken upon a violation of the Normal Water Use Restrictions contained in this section of the Rules and Regulations by any customer(s) of the District:

- a) Any violation of the water use restrictions contained herein, and reported to the District, will result in a letter generated by the Customer Services Department, notifying the customer of the violation, with a record of the offense being kept and noted on the customer's account.
- b) A second reported violation at the same address, observed by a District employee, will result in the mailing of a registered or certified letter that includes a bill assessing a penalty, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.
- c) A third reported violation at the same address, observed by a District employee, will result in the mailing of a registered or certified letter that includes a bill assessing a penalty, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.
- d) A fourth reported violation at the same address, observed by a District employee, will

result in the mailing of a registered or certified letter that includes a bill assessing a penalty, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.

- e) Any additional violations will result in the appropriate limitation of service by use of a flow restrictor at the service address, or discontinuance of service at that address. Reinstatement of service must be obtained in person at the District Administration Office.

In addition to the foregoing enforcement measures, any violation of the provisions contained in this section of the District's Rules and Regulations is a misdemeanor, as provided in the California Water Code. Upon conviction thereof, such person shall be punished by imprisonment in the County jail for not more than thirty (30) days, or by fine not exceeding one thousand dollars (\$1,000) as specified in the Water Code, or by both.

In addition to any other enforcement remedies of the District, water service to any customer, who uses water in violation of any provision hereof, may be discontinued or appropriately limited by the District.

5.5.1.6 Authorization to Implement Water Conservation Plan

The General Manager is hereby authorized and directed to implement the provisions of this Water Conservation Plan, as contained in this section of the Rules and Regulations. Additionally, the General Manager shall take any appropriate actions necessary to achieve water conservation goals.

The water conservation goals of the District shall be expressed as a percentage reduction of prior water usage, as determined by the District or its supplier. These percentages shall be communicated as a water conservation goal to be achieved by the District as a whole.

The effective date for each new level of percentage reduction for the District shall be the date established by the General Manager, in accordance with the San Diego County Water Authority's implementation of each IICP level. The setting of each new percentage reduction shall be effective without further action by the Board of Directors.

In addition to the water use restrictions contained in this section of the Rules and Regulations, the District has adopted an inclining block rate structure designed to encourage water conservation by charging higher rates for larger quantities of water used. This rate structure also provides for decreases in water use allowances for each rate level, depending upon the percentage reduction goals set for the District by its supplier.

The General Manager is authorized to implement the conservation rate structure, and decrease the water use allowances, in accordance with the level of the District's water use reduction

goals without further action by the Board.

The General Manager is authorized to take steps to ensure that the applicable water use restrictions contained herein are enforced at all times.

5.5.1.7 Normal Water Use Restrictions

No person shall knowingly use water or permit the use of water supplied by the District for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Water Conservation Plan.

The following measures are **MANDATORY**, and **SHALL APPLY AT ALL TIMES**, except where reclaimed water or private well water is used, and will be enforced by the measures stated herein.

- 1) At no time shall water be wasted or used unreasonably.
- 2) Water shall not be allowed to leave the customer's property by drainage onto adjacent properties or public or private roadways or streets, due to irrigation or neglect.
- 3) Customers shall be required to repair all water leaks within forty-eight (48) hours of knowledge that a leak exists.
- 4) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate safety, sanitation, or health hazards. Such hazards are those defined by the regulatory health and safety agency having jurisdiction in the area.
- 5) The use of a hand-held hose, without an automatic shut-off nozzle, for spraying, lawn watering, vehicle washing, or structure washing is prohibited.
- 6) Lawn watering or irrigation, other than by hand or by drip methods, is prohibited, EXCEPT between the hours of 4:00 p.m. and 9:00 a.m. the following morning.
- 7) Restaurants shall not serve water to their customers except when specifically requested.

5.5.2 Part II, Water Shortage Emergency Conditions

5.5.2.1 Authority to Declare Water Shortage Emergency Condition

The California Water Code permits the governing body of a distributor of a public water supply to declare a Water Shortage Emergency Condition to prevail within its service area, whenever it

finds and determines that there is an emergency caused by drought, or by a threatened or existing water shortage, or that the ordinary demands and requirements of water consumers cannot be fulfilled without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

5.5.2.2 Determination and Declaration

In the event that the District's supplier, the San Diego County Water Authority, declares the region to be in a Water Shortage Emergency Condition due to a drought, the Rules and Regulations and the restrictions set forth in the Water Conservation Plan on the delivery and consumption of water within the District shall apply, upon confirmation and declaration of the condition by the Board of Directors in the manner provided in the California Water Code.

Upon the finding and determination that a water supply shortage exists due to an unexpected disruption of the water supply, storage, distribution system, or facilities of the District or other agencies, the General Manager may declare a Water Shortage Emergency Condition to be in effect; and may require compliance with the Rules and Regulations and restrictions set forth in the Water Conservation Plan, and such other restrictions as may be appropriate. At the next regular meeting of the Board of Directors, it shall ratify, modify, or rescind the declaration.

5.5.2.3 Duration of Declaration

The Water Shortage Emergency Condition shall remain in effect until rescinded by the General Manager or the Board of Directors.

5.5.2.4 Application

The provisions contained herein for Water Shortage Emergency Conditions shall apply to all water served to the District's residents and customers for property within the District.

5.5.2.5 Enforcement of Water Shortage Emergency Conditions

The following enforcement measures will be taken upon violation of the Emergency Water Use Restrictions contained herein by any customer(s) of the District:

- a) Any violation of the Emergency Water Use Restrictions contained herein, and reported to the District, will result in a letter generated by the Customer Services Department, notifying the customer of the violation, with a record of the offense being kept and noted on the customer's account.
- b) A second reported violation at the same address, observed by a District employee, will result in the mailing of a registered or certified letter that includes a bill assessing a

penalty double the amount assessed for a second violation of Normal Water Use Restrictions, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.

- c) A third reported violation at the same address, observed by a District employee, will result in the mailing of a registered or a certified letter that includes a bill assessing a penalty double the amount assessed for a third violation of Normal Water Use Restrictions, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.
- d) A fourth reported violation at the same address, observed by a District employee, will result in the mailing of a registered or certified letter that includes a bill assessing a penalty double the amount assessed for a fourth violation of Normal Water Use Restrictions, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.
- e) Any additional violations will result in the appropriate limitation of service by use of a flow restrictor at the service address, or discontinuance of service at that address. Reinstatement of service must be obtained in person at the District Administration Office.

In addition to these enforcement measures, any violation of the provisions contained in this section of the District's Rules and Regulations is a misdemeanor, as provided in the California Water Code.

In addition to any other remedies of the District for the enforcement of these Rules and Regulations, service of water shall be discontinued or appropriately limited to any customer who wilfully uses water in violation of any provision hereof.

5.5.2.6 Authorization to Implement Emergency Provisions

The General Manager is hereby authorized and directed to implement the emergency provisions contained herein. Additionally, the General Manager shall take any appropriate actions necessary to achieve the water conservation goals set for the District in cases of supply shortages or emergencies.

The water conservation goals for the District shall be expressed as a percentage reduction of prior water usage, as determined by the District or by its supplier. These percentages shall be communicated as a water conservation goal to be achieved by the District as a whole.

The General Manager shall take steps to ensure that the water use restrictions contained herein are enforced at all times.

5.5.2.7 Emergency Water Use Restrictions

The following restrictions in the use of potable water have been established by the Board of Directors of the San Diego County Water Authority, and are to be implemented in the event said Board declares the existence of a WATER SHORTAGE EMERGENCY CONDITION. These restrictions will be enforced by the District during these conditions.

- a) **Turf Irrigation** - The irrigation of turf is prohibited except under the following circumstances:
- (1) When irrigating active public park and school ground areas, no more than twice weekly.
 - (2) When irrigating turf at day care centers as required by license, no more than twice weekly.
 - (3) When used to maintain public safety, e.g., fire protection.
 - (4) When using reclaimed water, gray water, or private well water.
 - (5) When irrigating turf at public parks with trees and shrubs interspersed amidst turf that is supported by the same irrigation system, provided that the area of irrigation is within the drip line of each tree or shrub, and irrigation occurs no more than once every two (2) weeks.
- b) **Ground Cover Irrigation** - The irrigation of ground cover plants is prohibited except under the following circumstances:
- (1) When used for fire protection.
 - (2) When irrigating ground cover areas interspersed with trees and shrubs that are supported by the same irrigation system.
 - (3) When used for preservation of existing ground cover that is designed to stabilize slopes.
- Irrigation of ground cover, as allowed under (2) and (3) above, is restricted to once every fourteen (14) days.
- c) **Irrigation of Trees, Shrubs, and Agricultural Areas** - The outdoor irrigation of trees, shrubs and plants other than turf or ground cover is allowed only by use of a hand-held hose with a positive shut-off nozzle, a bucket, or a micro-irrigation system or equipment. Sprinkler systems may be used only for irrigation of agricultural production areas, active public park and school ground areas, ground cover areas required for stabilization of slopes, and other areas irrigated for the purpose of maintaining public safety, e.g., fire protection.

- d) Irrigation Watering Hours - Outdoor irrigation is prohibited except during the hours between 4:00 p.m. and 9:00 a.m. unless using a micro-irrigation system or equipment, irrigating agricultural production, or using reclaimed water, gray water, or private well water. Anyone using such alternative water sources shall post appropriate signs along public rights-of-way indicating the type of water usage.
- e) Hosing or Spraying of Outdoor Paved or Hard Surfaces - Hosing or spraying of paved or hard surfaces, including but not limited to sidewalks, driveways, patios, streets, and parking areas, is prohibited except for compelling public health or safety reasons using a hose equipped with a positive shut-off nozzle.

Spraying of hard surfaces during irrigation activities is also prohibited.

- f) Water Run-off due to Outdoor Water Use or Leaks - All water run-off, except natural run-off from property, is prohibited. Any leaks discovered in irrigation or plumbing systems shall be repaired promptly.

- g) Filling or Draining of Pools and Spas - Filling of new residential swimming pools and spas is prohibited, except under one of the following circumstances:

- (1) The owner can produce and demonstrate a conservation offset.
- (2) The owner can produce evidence that private well water will be used.

Draining of existing pools is prohibited except under orders of appropriate local health or building officials.

- h) Recreational and Ornamental Lakes and Ponds - The filling or refilling of recreational and ornamental lakes and ponds is prohibited unless reclaimed or other non-potable water is used, and appropriate signs are posted indicating such use to the public.
- i) Golf Course Irrigation - The irrigation of golf course fairways and rough areas with potable water or any blend thereof is prohibited. The use of potable water supplied by the District on golf courses is limited to irrigating tees and greens. Golf courses irrigating with reclaimed water or other non-potable water shall post appropriate signs indicating such use to the public.
- j) Restaurants - Restaurants shall serve water to their customers only upon request.
- k) Ornamental Fountains - Operation of ornamental fountains is prohibited except when non-potable or reclaimed water is used, and where signs are posted to notify the public of such use.
- l) Washing of Vehicles - Washing of vehicles is prohibited except as follows:

- (1) In commercial car washes;
 - (2) Commercial vehicles for reasons of public health and safety;
 - (3) Water salvaged from indoor use is used, e.g., "warm up" water from showers, sinks, and/or lavatories; or
 - (4) By mobile high-pressure/low volume service.
- m) New Service Connections - Except as to property for which a building permit has been issued, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no water availability or commitment forms to provide potable water service shall be issued, except on the following conditions:
- (1) The water commitment form includes a notice that a severe water shortage or water shortage emergency condition prevails, resulting in a water moratorium, and no water service is currently available;
 - (2) The water supply is necessary to protect the public health, safety, and welfare;
 - (3) It can be demonstrated that no net increase in water use will occur; or
 - (4) A conservation offset is provided.

5.5.2.8 Definitions of Water Conservation Terms

"Active Park and School Ground Areas" - Areas designated by public agencies and private schools for specific sport and recreational activities, and areas traditionally used for active play or recreation where turf is an integral part of the activity.

"Conservation Offset" - The implementation of proven conservation techniques, which when installed, will result in a reduction equal to demand of the proposed use. Calculation of demand and savings shall be performed or verified by the member agency of the San Diego County Water Authority or its General Manager, based upon non-drought conditions.

"Fire Protection" - Actions for prevention or suppression of fires as directed by the Fire Marshal or Fire Prevention Officer having jurisdiction over the local area involved.

"Gray Water" - Household wastewater other than toilet water, i.e., water from the laundry, shower, tub, and bathroom basins. The use of gray water is prohibited except upon declaration of approved use by the San Diego County Department of Health Services, and according to issued rules and regulations.

"Micro-irrigation Systems/Equipment" - Low pressure, low volume methods of water application. Such devices include drip emitters, T-tape, micro-sprayers, mini-sprinklers, twirlers, and spaghetti tubing. Pop-up sprinklers are not considered low volume, low-pressure irrigation systems/equipment.

"Potable Water" - Water supplied by the Water Authority and delivered by a member agency that meets established drinking water standards.

"Reclaimed Water" - Water or wastewater that has been sufficiently treated to meet State of California, Title 22, Water Reclamation Criteria regulations and is suitable for a direct beneficial or controlled use such as irrigation, commercial, and industrial uses, but not suited for drinking.

"Recreational and Ornamental Lakes and Ponds" - Bodies of water other than swimming pools, water storage reservoirs for potable water or irrigation purposes, or pools that maintain rare plant or animal species.

Section 5 Rules and Regs

ORDINANCE NO. 99-04

ORDINANCE OF THE PADRE DAM MUNICIPAL WATER DISTRICT ADOPTING RULES AND REGULATIONS REGARDING FEES AND CHARGES IMPOSED BY THE SAN DIEGO COUNTY WATER AUTHORITY AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR WHOLESALE WATER AND WATER RELATED SERVICES AND FEES AND CHARGES IMPOSED BY THE CITY OF SAN DIEGO FOR METROPOLITAN SEWERAGE SYSTEM SERVICES

RECITALS

WHEREAS, Padre Dam Municipal Water District is organized and operates pursuant to the California Municipal Water District Law of 1911, commencing with section 71000 of the California Water Code; and

WHEREAS, Padre Dam Municipal Water District is the retail water purveyor within its service area; and

WHEREAS, the San Diego County Water Authority is Padre Dam Municipal Water District's only wholesale water purveyor; and

WHEREAS, the San Diego County Water Authority currently purchases all of its wholesale water from the Metropolitan Water District of Southern California; and

WHEREAS, the Padre Dam Municipal Water District is a Participating Agency in the Metropolitan Sewerage System, administered by the City of San Diego, which provides wastewater conveyance, treatment and disposal services; and

WHEREAS, the Board of Directors of Padre Dam Municipal Water District has evaluated the pass through of all future San Diego County Water Authority and Metropolitan Water District of Southern California fees and charges for wholesale water and water related services to its water customers as an equitable means of collecting such wholesale fees and charges; and

WHEREAS, the Board of Directors of Padre Dam has evaluated the pass through of all future Metropolitan Sewerage System fees and charges for wastewater conveyance, treatment and disposal services to its sewer customers as an equitable means of collecting such fees and charges for wastewater conveyance, treatment and disposal services; and

WHEREAS, the Board of Directors called a public hearing for September 14, 1999 at 6:00 p.m. at the office of Padre Dam Municipal Water District, 10887 Woodside Avenue, Santee, California for the purpose of receiving public comments on this Ordinance. The Board authorized and directed the District Secretary to give notice of the public hearing, and notice was given by publication in a newspaper of general circulation within the District once a week for two successive weeks commencing at least fourteen (14) days prior to the public hearing, and by giving mailed notice to real property owners and customers at least 45 days prior to the public hearing. The District Secretary was further authorized and directed to make available for public inspection at least ten (10) days prior to the public hearing, this Ordinance authorizing the pass through of all

future San Diego County Water Authority and Metropolitan Water District of Southern California fees and charges for wholesale water and water related services and Metropolitan Sewerage System fees and charges for wastewater conveyance, treatment and disposal. On September 14, 1999 at the time and place set for public hearing, this Ordinance was considered and the Board heard and considered the comments of all persons appearing at the hearing and all written comments submitted prior to the time of the hearing.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of Padre Dam Municipal Water District as follows:

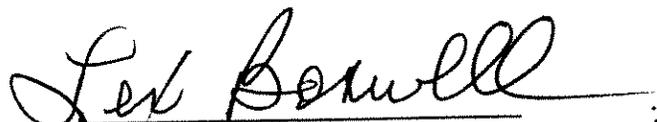
- Section 1. The matters set forth in the recitals to this Ordinance are true and correct statements.
- Section 2. The Board of Directors of Padre Dam Municipal Water District evaluated the pass through of all future San Diego County Water Authority and Metropolitan Water District of Southern California fees and charges for wholesale water and water related services to Padre Dam Municipal Water District water customers.
- Section 3. The Board of Directors of Padre Dam Municipal Water District evaluated the pass through of all future Metropolitan Sewerage System fees and charges for wastewater conveyance, treatment and disposal to Padre Dam Municipal Water District sewer customers.
- Section 4. The Board finds that the pass through of wholesale water and water related service fees and charges is an equitable means of collecting the wholesale water and water related service fees and charges imposed by the San Diego County Water Authority and the Metropolitan Water District of Southern California.
- Section 5. The Board finds that the pass through of wastewater conveyance, fees and charges is an equitable means of collecting the Metropolitan Sewerage System wastewater conveyance, treatment and disposal fees and charges imposed by the City of San Diego.
- Section 6. Section 10.1.1 of Padre Dam Municipal Water District Rules and Regulations, a copy of which is attached as Exhibit A, is hereby adopted to pass through all wholesale water and water related service fees and charges and, upon Board action, the General Manager of Padre Dam Municipal Water District is hereby authorized and directed to pass through all future San Diego County Water Authority and Metropolitan Water District of Southern California fees and charges for wholesale water and water related services to Padre Dam Municipal Water District water customers.
- Section 7. Section 10.1.2 of Padre Dam Municipal Water District Rules and Regulations, a copy of which is attached as Exhibit B is hereby adopted to pass through all Metropolitan Sewerage System wastewater conveyance, treatment and disposal charges and, upon Board action, the General Manager of Padre Dam Municipal Water District is hereby authorized and directed to pass through all future Metropolitan Sewerage System fees and charges for wastewater

conveyance, treatment and disposal to Padre Dam Municipal Water District sewer customers.

Section 8. This Ordinance shall take effect thirty (30) days following its adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Padre Dam Municipal Water District held on the 14th day of September, 1999, by the following vote, to-wit:

AYES:	Boswell, Dixon, McMillan, Robak
NOES:	None
ABSTAIN:	None
ABSENT:	Menshek


President

ATTEST:


Secretary



EXHIBIT A

10.1.1 **PASS THROUGH CHARGES (SAN DIEGO COUNTY WATER AUTHORITY AND METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA)**

Upon action of the Board of Directors, the General Manager is authorized and directed to pass through all future San Diego County Water Authority and Metropolitan Water District of Southern California fees and charges for wholesale water and water related services to District water customers.

EXHIBIT B

10.1.2 PASS THROUGH CHARGES (SEWER)

Upon Board action, the General Manager is hereby authorized and directed to pass through all future and Metropolitan Storage System fees and charges for wastewater conveyance, treatment and disposal to District sewer customers.

ORDINANCE NO. 99-05

**ORDINANCE OF THE PADRE DAM MUNICIPAL
WATER DISTRICT AMENDING RULES AND REGULATIONS
REGARDING RATES AND CHARGES
FOR WHOLESALE WATER SERVICE**

RECITALS

WHEREAS, Padre Dam Municipal Water District is organized and operates pursuant to the California Municipal Water District Law of 1911, commencing with section 71000 of the California Water Code; and

WHEREAS, Padre Dam Municipal Water District is the wholesale water purveyor within its service area; and

WHEREAS, the Padre Dam Municipal Water District has the authority to establish water rates and charges for property within the District's boundaries in accordance with Water Code sections 71610 and 71614; and

WHEREAS, the Board of Directors of the Padre Dam Municipal Water District has been presented with data showing the estimated reasonable costs of providing wholesale water service and showing the revenue sources available to cover the costs of providing such water service; and

WHEREAS, the Board of Directors called a public hearing for September 14, 1999 at 6:00 p.m. at the office of Padre Dam Municipal Water District, 10887 Woodside Avenue, Santee, California, for the purpose of receiving public comments on this Ordinance. The Board authorized and directed the District Secretary to give notice of the public hearing, and notice was given by publication in the newspaper of general circulation within the District once a week for two (2) weeks commencing at least fourteen (14) days prior to the public hearing, and by giving mailed written notice of the proposed rate modification to owners of parcels and customers on which the fee or charge is proposed for imposition forty-five (45) days prior to the public hearing. On September 14, 1999 at the time and place set for public hearing, this Ordinance was considered and the Board heard and considered the comments of all persons appearing at the hearing and all written comments submitted prior to the time of the hearing.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of Padre Dam Municipal Water District as follows:

- Section 1. The matters set forth in the recitals to this Ordinance are true and correct statements.
- Section 2. The Board of Directors finds that the revenue derived from the water rates established by this Ordinance (1) does not exceed the funds required to provide water services, (2) shall not be used for any other purpose than that for which the charge was imposed, (3) does not exceed the proportional cost of the service attributable to each customer, (4) provides a service which is immediately available to the customer, and (5) is not levied for general governmental purposes.

Section 3. The Board of Directors finds that the rates and charges for water service established by this Ordinance are for the purpose of (a) paying the expenses of the District; (b) providing for repairs and depreciation of works; (c) providing a reasonable surplus for improvements, extensions and enlargements; (d) paying the interest on any bonded debt; (e) providing a sinking or other fund for the payment of the principal of such bonded debt as it becomes due; and (f) repaying advances together with interest at a rate not to exceed the interest value of money to the District.

Section 4. In accordance with the California Environmental Quality Act Guidelines, Section 15061, the Board of Directors finds and determines that the water rate(s) established by this Ordinance is exempt from CEQA for the following reasons:

- a. The water rate(s) is not a "project," as defined by Guidelines, section 15378;
- b. Rates and charges are exempt in accordance with Guidelines section 15273.

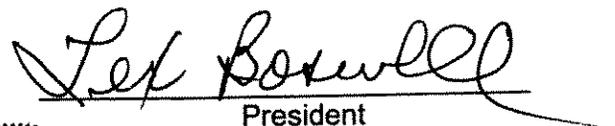
Section 5. The Board of Directors of Padre Dam Municipal Water District evaluated and approves rate increases for wholesale water service as found on Exhibit A.

Section 6. The General Manager of the Padre Dam Municipal Water District is hereby authorized and directed to modify the Rules and Regulations of Padre Dam Municipal Water District establishing rates and charges for water in accordance with Exhibit A and is further authorized and directed to collect such charges.

Section 7. This Ordinance shall take effect as of the January 2000 billing cycle.

ADOPTED AND APPROVED by the Board of Directors of Padre Dam Municipal Water District on September 14, 1999, by the following vote, to-wit:

AYES: Dixon, McMillan, Robak
NOES: Boswell
ABSTAIN: None
ABSENT: Menshek


President

ATTEST:


Secretary



EXHIBIT A

10.2 - WHOLESALE WATER RATES

WHOLESALE WATER RATES (Sec. 2.3) Ord. No. 98-04, 6/29/98 Effective January 1999 January, 2000

Wholesale Water	\$ 516.00 \$550.00 per acre foot
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INFRASTRUCTURE ACCESS CHARGE (I.A.C.) (Sec. 2.3) Ord. No. 98-04, 6/29/98 Effective January 1999
January, 2000

	Equivalent Meters	Bi-monthly Charge	Bi-monthly Billing
Padre Dam Municipal Water District	24,989 23,875	\$2.00	\$ 48,766* \$ 47,750
Lakeside Water District	5,722 5,493	\$2.00	\$ 11,444* \$ 10,986
Riverview Water District	2,268 2,271	\$2.00	\$ 4,536* \$ 4,542
Totals	92,979 31,639	\$2.00	\$ 64,746 \$ 63,278

* Collected from Padre Dam Municipal Water District, Lakeside Water District and Riverview Water District and paid to San Diego County Water Authority.

ORDINANCE NO. 99-06

**ORDINANCE OF THE PADRE DAM MUNICIPAL
WATER DISTRICT AMENDING RULES AND REGULATIONS
REGARDING RATES AND CHARGES FOR WATER SERVICE**

RECITALS

WHEREAS, Padre Dam Municipal Water District is organized and operates pursuant to the California Municipal Water District Law of 1911, commencing with section 71000 of the California Water Code; and

WHEREAS, Padre Dam Municipal Water District is the wholesale water purveyor within its service area; and

WHEREAS, the Padre Dam Municipal Water District has the authority to establish water rates and charges for property within the District's boundaries in accordance with Water Code sections 71610 and 71614; and

WHEREAS, the Board of Directors of the Padre Dam Municipal Water District has been presented with data showing the estimated reasonable costs of providing wholesale water service and showing the revenue sources available to cover the costs of providing such water service; and

WHEREAS, the Board of Directors called a public hearing for September 14, 1999 at 6:00 p.m. at the office of Padre Dam Municipal Water District, 10887 Woodside Avenue, Santee, California, for the purpose of receiving public comments on this Ordinance. The Board authorized and directed the District Secretary to give notice of the public hearing, and notice was given by publication in the newspaper of general circulation within the District once a week for two (2) weeks commencing at least fourteen (14) days prior to the public hearing, and by giving mailed written notice of the proposed rate modification to owners of parcels and customers on which the fee or charge is proposed for imposition forty-five (45) days prior to the public hearing. On September 14, 1999 at the time and place set for public hearing, this Ordinance was considered and the Board heard and considered the comments of all persons appearing at the hearing and all written comments submitted prior to the time of the hearing.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of Padre Dam Municipal Water District as follows:

- Section 1. The matters set forth in the recitals to this Ordinance are true and correct statements.
- Section 2. The Board of Directors finds that the revenue derived from the water rates established by this Ordinance (1) does not exceed the funds required to provide water services, (2) shall not be used for any other purpose than that for which the charge was imposed, (3) does not exceed the proportional cost of the service attributable to each customer, (4) provides a service which is immediately available to the customer, and (5) is not levied for general governmental purposes.

Section 3. The Board of Directors finds that the rates and charges for water service established by this Ordinance are for the purpose of (a) paying the expenses of the District; (b) providing for repairs and depreciation of works; (c) providing a reasonable surplus for improvements, extensions and enlargements; (d) paying the interest on any bonded debt; (e) providing a sinking or other fund for the payment of the principal of such bonded debt as it becomes due; and (f) repaying advances together with interest at a rate not to exceed the interest value of money to the District.

Section 4. In accordance with the California Environmental Quality Act Guidelines, Section 15061, the Board of Directors finds and determines that the water rate(s) established by this Ordinance is exempt from CEQA for the following reasons:

- a. The water rate(s) is not a "project," as defined by Guidelines, section 15378;
- b. Rates and charges are exempt in accordance with Guidelines section 15273.

Section 5. The Board of Directors of Padre Dam Municipal Water District evaluated and approves rate increases for wholesale water service as found on Exhibit A.

Section 6. The General Manager of the Padre Dam Municipal Water District is hereby authorized and directed to modify the Rules and Regulations of Padre Dam Municipal Water District establishing rates and charges for water in accordance with Exhibit A and is further authorized and directed to collect such charges.

Section 7. This Ordinance shall take effect as of the January 2000 billing cycle.

ADOPTED AND APPROVED by the Board of Directors of Padre Dam Municipal Water District on September 14, 1999, by the following vote, to-wit:

AYES: Boswell, Dixon, McMillan, Robak
NOES: None
ABSTAIN: None
ABSENT: Menshek



President

ATTEST:



Secretary



EXHIBIT A

BILLING PERIOD COMMODITY CHARGES (Sec. 8.2.1. & 8.2.2)

Normal Water Commodity Rates (Sec. 8.2.1) * Ord. No. 98-05, 6/23/98, Effective January 1, 1999 ~~Effective January 1999~~
January, 2000

Block	Bi-Monthly Allowances (per EDU) Western (100 gal units)	Rate Per 100 Gallons	Bi-Monthly Allowances (per EDU) Eastern (100 cf units)	Rate Per 100 Cubic Feet
Life Line	0 - 150	0.2970 .2410	0 - 20	1.6096 1.6484
Standard I	151 - 800	0.2562 .2605	21 - 107	1.7401 1.7820
Standard II	801 - up	0.2819 .2866	108 - up	1.9141 1.9602

* Automatic pass-through for any CWA/MWD changes.

Conservation Water Commodity Rates (Sec. 8.2.2)

Mandatory Penalty Conservation — Ord. No. 98-09, 6/23/98 Effective January 1999 ~~January, 2000~~

Block	Allowance (EDU) Western (100 gal units)	Rate Per 100 Gallons	Allowance (EDU) Eastern (100 cf units)	Rate Per 100 Cubic Feet
Life Line	* % reduction	0.1777 .1808	* % reduction	1.2069 1.236
Standard I	* % reduction	0.3991 .3387	* % reduction	2.262 2.317
Standard II	* % reduction	0.3946 .4012	* % reduction	2.6795 2.744

* Mandatory reduction from "Normal" Allowances as directed by Water Supply Agency (See table above)

RECYCLED WATER RATES (Sec. 8.2.3) (85% of the Standard I "Normal Rate") * Ord. No. 98-05, 6/23/98 Effective January 1999 ~~January, 2000~~

Western Service Area	Eastern Service Area
\$0.2178 .2214 per 100 gallons	N/A

* Automatic pass-through for any CWA/MWD changes.

EXHIBIT A

10.8 - CUSTOMER ACCOUNTS - WATER AND SEWER RATES AND FEES

WATER SYSTEM CHARGES (Sec. 8.2.4) ~~Ord. No. 99-05, 6/29/96 Effective January 1999~~ January, 2000

Meter Size	Bimonthly Charge	Bi-Monthly Infrastructure Access Charge
5/8 Inch	\$17.00 \$18.00	\$2.00
3/4 Inch	19.00 20.00	2.00
1 Inch	26.00 27.00	3.20
1½ Inch	42.00 43.00	6.00
2 Inch	60.00 61.00	10.40
3 Inch	110.00 111.00	19.20
4 Inch	167.00 168.00	32.80
6 Inch	326.00 327.00	60.00
8 Inch	326.00 327.00	104.00
10 Inch	326.00 327.00	156.00

ORDINANCE NO. 91-6

ORDINANCE OF THE SAN DIEGO COUNTY
WATER AUTHORITY ("AUTHORITY") RESCINDING
ORDINANCE 91-4 AND ESTABLISHING
RULES, REGULATIONS, AND RESTRICTIONS
SO THAT AVAILABLE WATER SUPPLIES ARE
ALLOCATED AMONG MEMBER AGENCIES FOR THE GREATEST
PUBLIC INTEREST AND BENEFIT

WHEREAS, this 1991 water year (October 1, 1990 - September 30, 1991) was the driest of five consecutive years of below normal run-off resulting in continuous drought conditions in California and San Diego County; and

WHEREAS, in response to the drought in order to anticipate rational supply/demand conditions, and to establish reasonable rules for the delivery and use of water within the Authority's service area, the Authority has previously adopted Ordinance 91-1 (March 14, 1991), Ordinance 91-2 (April 11, 1991), and Ordinance 91-4 (June 25, 1991); and

WHEREAS, storage to meet 1992 water year conditions is only 39% of capacity statewide and 50% of capacity within San Diego County; and

WHEREAS, the Governor's Water Bank combined with public response to conservation requirements and comparatively mild weather conditions have resulted in the ability of member agencies and the Authority to establish the present level of storage which is about 50,000 acre feet more than for 1990-91; and

WHEREAS, the Metropolitan Water District of Southern California "MWD", which supplies the Authority its only imported water, continues to implement Stage V conditions within its Incremental Interruption and Conservation Program resulting in a 31% reduction in normal water deliveries to the Authority; and

WHEREAS, in 1992 municipal and industrial users of the State Water Project will share any water shortages equally with agricultural users, requiring improved carryover storage levels; and

WHEREAS, water supply conditions for 1992 will need to return to normal or better before any significant improvement can occur in available supplies for delivery to member agencies; and

WHEREAS, it is considered necessary that existing water supplies be husbanded and future available imported supplies be allocated among the Authority's member agencies for the greatest public interest and benefit as provided by Section 5(11) of the County Water Authority Act; and

WHEREAS, allocations to member agencies of the supplies to become available to the Authority must be limited so that sufficient carry-over storage will be available in the event of a sixth year of drought; and

WHEREAS, the Authority has determined that, based upon currently existing circumstances, it is necessary that each member agency reduce its total monthly water deliveries and use 20% below its monthly adjusted base-year (1989-90) delivery and use, which base-year shall remain as the bench mark for measuring or designing future water allocations;

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority hereby Determines, Declares, Resolves, and Orders, as follows:

SECTION I. ORDINANCE 91-4 RESCINDED.

The above recitations are findings which are true and correct. Ordinance 91-4 adopted June 25, 1991 is hereby rescinded.

SECTION II. MONTHLY ALLOCATIONS TO MEMBER AGENCIES.

A. Amounts.

MWD's Incremental Interruption and Conservation Program (IICP) was adopted on December 11, 1990 as the means of allocating water to its member agencies during drought conditions. The IICP establishes monthly targets for each of MWD's member agencies based on water taken from MWD in the same month of the 1989-90 base year. Adjustments are to be made to reflect growth, changes in local supplies, and significant conservation programs.

The Authority, by Resolution 90-59, adopted a procedure and method by which MWD's IICP target to the Authority is established as monthly allocations for each of the Authority's member agencies. All provisions for adjustment which apply to the Authority shall apply to Member Agency allocations as provided by Resolution 90-59. The General Manager shall notify each member agency of its monthly allocation, the basis for its calculation, when changes in MWD's IICP conservation level are proposed and acted upon, and provide status reports during the month and a formal accounting to each member agency as part of the regular billing process.

B. Conservation Programs.

In order to achieve the reductions necessary to comply with the monthly allocations, the Authority recommends that each member agency implement programs substantially equivalent

to those set forth in the Response Stage Actions (currently Stage IV) of the Drought Response Plan adopted February 14, 1991, which is attached as Exhibit A hereto.

C. Adjustments and Modifications to Monthly Allocations.

The General Manager shall increase the amounts of monthly allocations under Section II A so that the allocation is 80% of the base year Authority deliveries, and make such adjustments and modifications in the monthly allocations (on a daily, weekly, or other basis if appropriate) as may be necessary and appropriate to pass through to member agencies any increases or decreases in deliveries received by the Authority from MWD or any other water supply changes.

The 1989-90 base year shall remain as the bench mark for making future monthly allocations of deliveries and for ascertaining use relationships.

SECTION III. SURCHARGES FOR EXCESS MONTHLY WATER ALLOCATIONS.

A. Sharing MWD Surcharges.

If, pursuant to its IICP program, MWD levies any surcharges against the Authority, the amount of such surcharges shall be shared prorata among member agencies that received more than their monthly allocations under Section II hereof. The respective shares shall be a fraction. The numerator shall be the amount each such member agency received more than its monthly allocation. The denominator shall be the sum of the numerators as determined for all such member agencies.

B. Cumulation - Reconciliation.

Any sums due to Authority from member agencies hereunder shall be invoiced by Authority to the affected member agencies when billed by MWD and shall be payable to the Authority thirty days after date of invoice. A reconciliation shall occur as of September 30, 1992 unless a different reconciliation date becomes effective by subsequent Board action.

SECTION IV. DELIVERY RESTRICTIONS.

A. Notices.

The General Manager shall, at his discretion in a timely and appropriate manner, notify each member agency about the differences between monthly allocations and actual deliveries. If the differences indicate that a member agency is unlikely to be able to meet its monthly allocations, a warning notice may be given.

B. Reductions.

Beginning October 1, 1991, following notice and an opportunity to be heard, member agencies which have not reduced deliveries to within 5% of monthly allocations may have their daily deliveries reduced by the General Manager in a manner estimated to result in attainment of monthly allocations.

C. Adjustments.

The General Manager may make adjustments in deliveries to a member agency because of special circumstances or to protect the ability of the member agency to meet its needs for domestic use, sanitation, and fire protection. Also, consideration will be given to pertinent matters designed to avoid discrimination between consumers using water for the same purpose and to promote uniformity in the beneficial uses made of water within the boundaries of the San Diego County Water Authority.

SECTION V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The General Manager shall cause to be filed a notice of exemption from CEQA for the actions taken by this Ordinance in accord with Section 21152(b) of the Public Resources Code; and Title 14, California Code of Regulations, Sections 15378(b)(3), 15382, and 15062.

SECTION VI. APPEALS.

A. Appeals Board.

There is hereby created an Appeals Board consisting of five members, to wit: Directors Anderson, Brannon, Krauel, Mason, and Omsted. The following five directors shall serve as alternate members, to wit: Directors Hollingsworth, Parker, F. Thompson, Tinker, and Turner. There is delegated to the Appeals Board the full authority of the Board of Directors to consider and resolve all appeals lodged by member agencies with the Executive Secretary.

B. Appeals by Member Agencies.

Each member agency may file with the Executive Secretary a request to have the Appeals Board review any action taken by the General Manager hereunder. Representatives of the member agency may appear before the Appeals Board and present such testimony and documentation considered appropriate for a proper understanding and evaluation of the claims and basis for the appeal.

The General Manager shall arrange for such counter presentation considered appropriate for the Appeals Board to fully comprehend all aspects relative to the decision which is the subject of the appeal.

C. Procedure - Decisions.

The Appeals Board shall meet as soon as practical but no later than five business days after a request is made by a member agency. The Chairman of the Board shall designate a person to be the presiding member of the Appeals Board. No member of the Appeals Board shall participate in or act upon any appeal by the member agency he or she represents. The Appeals Board, with the advice of General Counsel, shall establish fair and reasonable procedures for hearing the appeal and reviewing determinations by the General Manager.

The Chairman shall appoint alternates to serve in the case of any appeal which a member is disqualified or unable to attend. Consistent with circumstances relative to the nature of the appeal, the Appeals Board shall conduct the appeal and render its decision as expeditiously as practical. The decision shall be in writing briefly describing the pertinent circumstances for the appeal, and the basis for the decision. General Counsel may prepare a draft, pursuant to oral instructions from the Appeals Board, but each member of the Appeals Board must either approve or dissent in writing. The decision of a majority of the Appeals Board shall be the final decision on the subject of the appeal.

SECTION VII. RESERVED DISCRETION.

The Board of Directors hereby reserves its legislative discretion to modify any of the provisions hereof as changed circumstances may warrant. Modifications to increase or decrease restrictions or water allocations will be made as deemed necessary and appropriate. The General Manager shall keep the Board advised about matters pertinent to drought conditions, MWD deliveries, Authority deliveries to member agencies, appeals, and the nature and extent of other emergency conditions.

SECTION VIII. SUPERSEDURE.

If any provisions of this Ordinance are inconsistent with previous actions of the Board pertaining to plans to respond to drought conditions, the provisions hereof shall supersede such inconsistent provisions.

SECTION IX. SUNSET PROVISION.

This ordinance shall be effective as long as MWD's IICP, adopted on December 11, 1990 as it may be amended, is in effect or until September 30, 1992 unless the Authority's Board acts to change it.

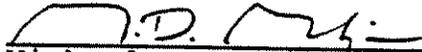
SECTION X. EFFECTIVE DATE.

This Ordinance shall become effective on Tuesday, October 1, 1991.

SECTION XI. LEGAL BASIS FOR ACTIONS.

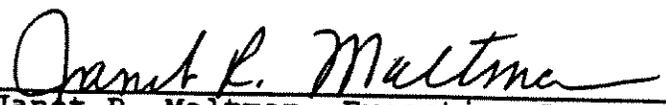
The foregoing rules, regulations, and restrictions are taken pursuant to Article X, Section 2 of the California Constitution and the legislative powers delegated to the Authority by Section 5(11) of the County Water Authority Act (West's Water Code, Appendix, Section 45).

PASSED, APPROVED, AND ADOPTED, this 20th day of September 1991.


Michael D. Madigan, Chairman
Board of Directors


John M. Leach, Secretary
Board of Directors

I, Janet R. Maltman, Executive Secretary of the Board of Directors of the San Diego County Water Authority, do hereby certify that the above and foregoing is a full, true, and correct copy of said resolution of said Board and that the same has not been amended or repealed.


Janet R. Maltman, Executive Secretary
Board of Directors