

ORDINANCE NO. 99- 2

ORDINANCE OF THE SAN DIEGO COUNTY WATER AUTHORITY TO AMEND ORDINANCE NO. 97-1 FIXING CAPACITY CHARGES ON ULTIMATE USERS OF WATER FROM THE SAN DIEGO COUNTY WATER AUTHORITY

WHEREAS, pursuant to Section 5.9 of the County Water Authority Act, the San Diego County Water Authority ("Authority") may fix and impose capacity charges upon the ultimate users of water delivered by the Authority to its member agencies and to require its member agencies to collect the charges on behalf of the Authority; and

WHEREAS, the Authority last revised the capacity charge imposed on ultimate users of water by adoption of Ordinance No. 97-1, dated May 15, 1997; and

WHEREAS, the Long Range Financing Plan adopted by the Board of Directors contemplates the establishment of sufficient rates and charges, when considered along with taxes and other revenues of the Authority, to provide revenues for accomplishment of the Authority's purposes and programs as determined by the Board of Directors; and

WHEREAS, the Authority has prepared, considered, and approved an analysis and study regarding proposed revised capacity charges, entitled "San Diego County Water Authority Revised Capacity Charge Methodology," ("Capacity Charge Study") dated May 17, 1999. The Capacity Charge Study justifies a capacity charge of \$2,079 for new meters of a size less than one inch and a capacity charge for new meters of a size one inch or larger based upon the amount of \$2,079 multiplied by a factor that is based upon additional meter capacity; and

WHEREAS, on May 27, 1999 the Board adopted Resolution No. 99-15 setting the time and place of a public hearing by the Fiscal Policy Committee regarding the Capacity Charge Study and the proposed capacity charge increase.

WHEREAS, pursuant to Resolution No. 99-15 a duly notice public hearing was held by the Fiscal Policy Committee which, in consideration of the Capacity Charge Study, the Authority's capital and operations budgets for fiscal year 1998-1999 and the proposed capital and operations budget for fiscal year 1999-2000, the Authority's rate and revenue structures and projections, the Long Range Finance Plan, and the testimony presented during the public hearing thereafter recommended increasing the capacity charge for meters with a size less than one in to an amount that is 90 percent of \$2,079, or \$1,871, and a corresponding increase for larger meters; and

WHEREAS, the Board has considered the recommendation of the Fiscal Policy Committee and is fully informed: and

WHEREAS, it is in the interests of the Authority, its member agencies, its water users and taxpayers, that the Authority take final action to adopt revised capacity charges on new water users as recommended by the Capacity Charge Study in order to provide funds to pay a portion of the costs of new capital facilities needed to serve such users; and

WHEREAS, the proposed capacity charges are nondiscriminatory and will not exceed the estimated reasonable amount required to provide the services for which the charges are to be levied; and

WHEREAS, at least fifteen (15) days prior to the meeting at which the capacity charges were levied, the Authority made available to the public data indicating the amount of cost, or estimated cost, required to provide the services for which the charges are to be levied and the revenue sources anticipated to provide such services, including general fund revenues; and

WHEREAS, the Authority has determined that imposition of the revised capacity charge recommended by the Capacity Charge Study is exempt from CEQA under Section 15378(b)(5) of the State CEQA Guidelines regarding the creation of government funding mechanisms that do not involve any commitment to any specific project that may have potentially significant physical impacts on the environment. Any project funded by this charge either has or will have appropriate CEQA documentation completed prior to any activities that could result in physical impacts on the environment;

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority does ordain as follows:

Section 1. Findings. The foregoing recitals are true and correct and constitute legislative findings of this Board.

Section 2. Amendment of Ordinance No. 97-1

a. Section 2.1 of Ordinance No. 97-1 is amended to read in its entirety as follows:

2.1 Schedule of Charges. Except as hereinafter provided, there is hereby fixed and imposed a capacity charge on each person, corporation, partnership, public agency, or other entity (hereinafter referred to as "a water user") obtaining a water meter from a member agency for the use of water received by the member agency from the Authority. The amount of the capacity charge for a meter shall be determined according to the following table:

<u>Meter Size (Inches)</u>	<u>Factor</u>	<u>Capacity Charge</u>
Under 1"	1.0	\$ 1,871
1"	1.6	\$ 2,994
1.5"	3.0	\$ 5,613
2"	5.2	\$ 9,729
3"	9.6	\$ 17,962
4"	16.4	\$ 30,684
6"	30.0	\$ 56,130
8"	52.0	\$ 97,292
10"	78.0	\$145,938
12"	132.0	\$246,972

The member agency shall determine the size of the water meter to necessary or appropriate to provide the service for which the meter is requested.

b. Section 10 of Ordinance No. 97-1 is amended as follows:

Section 10. Deposit and Use of Funds. All funds received by the Authority from capacity charges from or after September 20, 1999 shall be deposited in a capital facilities account or fund and shall be expended for the purposes described in the "San Diego County Water Authority Revised Capacity Charge Methodology and Analysis," dated May 17, 1999. All interest income earned by monies in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the same purposes.

Section 3. Effective Date. This ordinance shall be effective upon adoption. The provisions of Section 1 shall become operative on September 20, 1999.

Section 4. Continuation of Ordinance No. 97-1. Except as amended by this ordinance all provisions, terms and conditions of Ordinance No. 97-1 shall remain in full force and effect.

Section 5. Future Revisions to Capacity Charge. The Board of Directors may by resolution make adjustments to the capacity charge to account for the addition, deletion, or modification of projects considered in the establishment of such charge.

Section 6. Codification. The General Counsel shall incorporate the provisions of Ordinance No. 97-1 and this ordinance into the Authority's Administrative Code according to the recodification plan approved by the Administrative and Legal Committee.

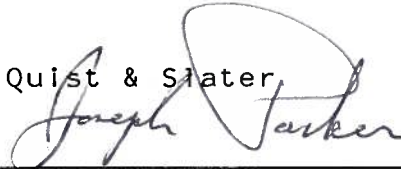
PASSED, APPROVED AND ADOPTED, this 22nd day of July, 1999

AYES: Unless noted below all Directors voted aye.

NOES:

ABSTAIN:

ABSENT: Broomell, Krauel, Quist & Slater



Joseph Parker, Chair
Board of Directors

ATTEST:



Francesca M. Krauel, 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 ordinance 99-² of said Board and that the same has not been amended or repealed.



Janet R. Maltman, Executive Secretary
Board of Directors