



June 20, 2012

**Attention: Administrative and Finance Committee**

**Adopt the Water Authority's rates and charges for calendar year 2013 and continue the annual Standby Availability Charge for fiscal year 2012-2013 as currently imposed (Action).**

**Purpose**

To increase water and service rates and charges and to continue the Standby Availability Charge at its current level.

*Staff recommendation*

- a. Adopt Ordinance No. 2012-\_\_\_ an ordinance of the Board of Directors of the San Diego County Water Authority setting rates and charges for the delivery and supply of water, use of facilities and provision of services.
- b. Adopt Resolution 2012-\_\_\_ a resolution of the Board of Directors of the San Diego County Water Authority continuing the Standby Availability Charge.

*Alternative*

Increase the proposed rates and charges by approximately 17.5% on average to achieve the Board's policy target of 1.50x senior lien debt service coverage.

**Fiscal Impact**

The proposed water rates and charges, in combination with existing taxes, the System Capacity Charge, the Treatment Capacity Charge, the Infrastructure Access Charge (IAC), investment income and the Standby Availability Charge are expected to raise revenues sufficient to meet the Water Authority's revenue requirement, bond covenants and other key fiscal policy goals.

**Background**

On April 10, 2012, MWD's Board of Directors adopted rate and charge increases for calendar years 2013 and 2014 resulting in a 5% annual "average" rate increase in each year. Based upon MWD's adopted rate and charge schedule, the cost of treated and untreated water to the Water Authority will increase by 5.9% and 6.7%, respectively, in CY 2013 (excluding the impact of MWD's fixed charges). Additionally, MWD's charge for transporting water will increase by 14.4% in CY 2013.

The Water Authority's Board of Directors, on May 24, 2012, adopted a resolution setting a public hearing on June 28, 2012, at 9:00 a.m., or as soon thereafter as may practicably be heard, during the

Administrative and Finance Committee meeting, to receive comments regarding proposed rates and charges to be effective January 1, 2013.

At the May Board Meeting, Water Authority staff provided a detailed report on the proposed rates and charges for CY 2013 and fiscal year 2012-2013. For ease of reference, the May board memo on rates and charges, which summarizes the report, is provided as Attachment A. The report highlighted the drivers of the Water Authority's CY 2013 rate and charge increases. The highlighted drivers are summarized below:

- ***Increasing MWD costs*** – With MWD's Tier 1 untreated rate increasing by 5.9% and MWD's charge for transporting water increasing by 14.4%, the Water Authority's MWD costs are expected to increase by approximately 8.5% in CY 2013.
- ***Scheduled debt service payments*** – As the Water Authority executes the supply diversification and facility improvement projects that are essential to regional water reliability, the debt used to fund these projects, approved by the Water Authority Board of Directors, must be paid. The scheduled \$21 million or 18% increase in fiscal year 2012-2013 debt service cost is the last major scheduled increase in debt service associated with the last round of capital financing.
- ***IID transfer volume increase and cost increase*** – Consistent with the ramp-up schedule in the Water Authority-Imperial Irrigation District water transfer, transfer volume in CY 2013 will increase by 10,000 acre-feet, bringing the annual transfer amount to 100,000 acre-feet in CY 2013. The cost of the IID water increases in CY 2013 a scheduled 10%.

The proposed rates and charges would result in an "all-in" increase of 9.6% in the untreated water rate<sup>1</sup> and a 9.7% increase in the "all-in" treated water rate for CY 2013. The proposed rates and charges balance the increased costs discussed above against the financial policies adopted by the Water Authority's Board of Directors and prudent financial management to minimize the rate increases and mitigate near term rate and charge volatility.

*Previous Board Action: On May 24, 2012, the Board adopted Resolution 2012-05 setting the time and place for the public hearing on June 28, 2012 to receive comments on the proposed rates and charges.*

## **Discussion**

On an annual basis, the Water Authority develops proposed rates and charges, which it presents to the Board of Directors for adoption. Each year the Water Authority undertakes the following cost of service analysis to determine water rates and charges.

---

<sup>1</sup> The "all-in" water rate is the estimated average cost of water that includes the Water Authority's Melded Supply, Melded Treatment (if treated rate) and Transportation rates along with the Storage and Customer Service charges expressed as a \$/AF estimate. The actual average cost will vary for each member agency depending on their Customer Service and Storage charge allocations.

- Step 1. Establish the revenue requirement—determine the total amount of revenue needed to recover the Water Authority’s annual operating (such as operations and maintenance of facilities, cost of water and treatment cost) and capital expenditures (funded by cash and short- and long-term debt)
- Step 2. Allocate the revenue requirement and offsetting non-commodity revenues (such as investment income, property tax and IAC) to rate categories (melded supply, melded treatment, transportation, storage and customer service) to determine the net revenue requirement for each rate category
- Step 3. Determine rates and charges based upon the net revenue requirements, water sales projections and other key financial management metrics (such as senior lien debt service coverage, fund deposits and withdrawals)
- Step 4. Allocate fixed charges (storage and customer service) to member agencies based on specified allocation methodologies.

**Description of Proposed Rates and Charges**

Table 1 summarizes the Water Authority’s proposed CY 2013 rates and charges. A description of the Water Authority’s rates and charges is provided in subsequent sections. In addition to the Water Authority’s rates and charges shown in Table 1, certain MWD rates and charges are passed through to the member agencies.

| <b>Table 1 – Summary of Water Authority Rates and Charges</b>  |                             |                            |                             |
|--|-----------------------------|----------------------------|-----------------------------|
| <b>Water Authority Rates and Charges</b>   | <b>CY 2011<br/>Previous</b> | <b>CY 2012<br/>Current</b> | <b>CY 2013<br/>Proposed</b> |
| Melded M&I Supply Rate (\$/AF)   | \$597                       | \$638                      | \$714                       |
| Melded M&I Treatment Rate (\$/AF)  | \$215                       | \$234                      | \$256                       |
| Transportation Rate (\$/AF)  | \$75                        | \$85                       | \$93                        |
| Untreated Special Agricultural Water Rate (\$/AF)  | \$527                       | \$560                      | \$593                       |
| Treated Special Agricultural Water Rate (\$/AF)  | \$742                       | \$794                      | \$849                       |
| Infrastructure Access Charge   | \$2.49/ME <sup>2</sup>      | \$2.60/ME <sup>2</sup>     | \$2.65/ME <sup>2</sup>      |
| Customer Service Charge  | \$23,200,000                | \$26,400,000               | \$26,400,000                |
| Storage Charge   | \$44,300,000                | \$54,200,000               | \$60,200,000                |
| Standby Availability Charge per parcel or acre, whichever is greater <sup>1</sup>                                  | \$10                        | \$10                       | \$10                        |
| <sup>1</sup> Fiscal Year Charge.   |                             |                            |                             |
| <sup>2</sup> ME means meter equivalent as defined in the resolution establishing the Infrastructure Access Charge. |                             |                            |                             |

Table 2 summarizes MWD’s rates and charges that the Water Authority passes through to its member agencies.

**Table 2 – Summary of Water Authority Pass Through Rates and Charges**

| <b>MWD Rates and Charges</b>                         | <b>CY 2011<br/>Previous</b> | <b>CY 2012<br/>Current</b> | <b>CY 2013<br/>Adopted</b> |
|--|-----------------------------|----------------------------|----------------------------|
| Untreated Tier 2 Supply Rate \$/AF <sup>1</sup>      | \$652                       | \$686                      | \$743                      |
| Interim Agricultural Water Program Untreated (\$/AF) | \$482                       | \$537                      | NA <sup>3</sup>            |
| Interim Agricultural Water Program Treated (\$/AF)   | \$687                       | \$765                      | NA <sup>3</sup>            |
| Replenishment Water Rate Untreated (\$/AF)           | \$409                       | \$442                      | NA <sup>3</sup>            |
| Replenishment Water Rate Treated (\$/AF)             | \$601                       | \$651                      | NA <sup>3</sup>            |
| MWD Capacity Charge                                  | \$9,204,480                 | \$7,809,220                | \$6,753,920                |
| Readiness-to-Serve Charge <sup>2</sup>               | \$18,596,491                | \$21,930,087               | \$23,240,691               |

<sup>1</sup> Agencies exceeding their Tier 1 allocation pay the MWD bundled Tier 2 Supply Rate (System Access Rate, System Power Rate and Water Stewardship Rate) instead of the M&I Melded Supply Rate.  
<sup>2</sup> Fiscal Year Charge.  
<sup>3</sup> The Interim Agricultural Water Program will be discontinued after 2012 and discussion on the replenishment program are continuing.

**The following proposed charge is effective July 1, 2012:**

***Standby Availability Charge.*** The County Water Authority Act limits the maximum annual Standby Availability Charge to \$10 per acre or parcel, whichever is greater. Beginning before November 6, 1996, the Water Authority has determined that the maximum annual Standby Availability Charge should be levied on property within the Water Authority’s service area. To provide necessary funding for the CIP, the General Manager recommends that the charge continue at the \$10 maximum for fiscal year 2012-2013. Pursuant to Government Code Section 54984.7, the Water Authority is authorized to continue the Standby Charge at pre-existing levels. The Standby Availability Charge rate is effective July 1, 2012.

**The following rates and charges are being proposed effective on January 1, 2013:**

***Melded Untreated M&I Supply Rate.*** The Melded Untreated Municipal and Industrial Supply Rate will be set to recover the costs of purchasing Tier 1 water from MWD, water purchases from IID, payments in connection with the All-American and Coachella Canal lining projects, payments to MWD under the 2003 Exchange Agreement for conveyance of IID and Canal Lining water, and may include other costs specifically associated with the acquisition of the IID supply source, cost recovery for supply costs previously incurred but not charged, etc. For CY 2013, the Melded M&I Supply Rate will increase from its current level of \$638/AF to \$714/AF.

***Melded M&I Treatment Rate.*** The Melded Municipal and Industrial Treatment Rate will be set to recover the costs of treating water for the Water Authority and may include costs of purchasing treated water from MWD, and the Levy and Olivenhain treatment plants and may recover certain other costs associated with the provision of treated water. For CY 2013, the Melded M&I Treatment Rate will increase from its current level of \$234/AF to \$256/AF.

**Transportation Rate.** The Transportation Rate is a uniform rate set to recover capital, operating and maintenance costs of the Water Authority's aqueduct system, including all facilities used to physically transport the water to member agency meters. The Transportation Rate is charged to each acre-foot of water delivered by the Water Authority as it occurs. All users, member agencies and third-party wheelers will pay the Transportation Rate. A separate administration fee will also be imposed to recover the Water Authority's cost to administer the purchase and delivery of wheeled water to member agencies and third parties. For CY 2013, the Transportation Rate will increase from its current level of \$85/AF to \$93/AF.

**Water Authority's Special Agricultural Water Program Rates.** For CY 2013, the untreated agricultural water rate will increase from its current level of \$560/AF to \$593/AF. The treated agricultural water rate will increase from \$794/AF in CY 2012 to \$849/AF in CY 2013. The Special Agricultural Water Program rates correspond to a lower level of water supply reliability for its participants.

**Infrastructure Access Charge.** The Infrastructure Access Charge is imposed on member agencies as a condition of maintaining connections to Water Authority facilities. It is apportioned based on retail water meters within each agency. For CY 2013, the IAC will increase from its current level of \$2.60/ME to \$2.65/ME.

**Customer Service Charge.** The Customer Service Charge is set to recover costs that are necessary to support the functioning of the Water Authority and to develop and implement policies that are demonstrated to provide regional benefit and are approved by the Board. The Customer Service Charge will be allocated among the member agencies on the basis of each agency's three-year rolling average of member agency purchases from the Water Authority (excludes member agency wheeled water). For CY 2013, the Customer Service Charge will remain at its current level of \$26.4M.

**Storage Charge.** The Storage Charge is set to recover costs associated with the Emergency Storage Program. The Storage Charge is based on all non-agricultural water deliveries and will be allocated among the member agencies using a pro rata share of each agency's three-year rolling average deliveries (a limited three-year rolling average is used to capture impacts of highly variable deliveries by member agency). The Storage Charges includes all deliveries to member agencies and any third-party wheeling throughput. For CY 2013, the Storage Charge will increase from its current level of \$54.2M to \$60.2M.

**The following MWD rates and charges are passed on directly or allocated to the Water Authority's member agencies in the same manner as MWD applies them to the Water Authority.**

**MWD Capacity Charge.** For CY 2013, the Capacity Charge is \$6,400 per cubic foot second (cfs) of maximum daily flow requested by a MWD member agency. The Capacity Charge is a fixed charge levied on an agency's maximum daily flows over the three previous fiscal years. It recovers only a portion of the cost of providing peak capacity within the distribution system, and its stated

purpose is to encourage member agencies to shift demands and avoid placing large daily peaks on the MWD system during the summer months. Daily flow measured between May 1 and September 30 for purposes of billing the Capacity Charge will include deliveries (except long-term seasonal storage deliveries) made by MWD to a member agency or member agency customer including water transfers, exchanges and agricultural deliveries. The Capacity Charge will be set at \$6,753,920. The Water Authority passes through the MWD Capacity Charge in the same manner as calculated by MWD: a five-year rolling average of member agency flows during coincident peak weeks.

***Readiness-to-Serve Charge.*** MWD's Readiness-to-Serve Charge differs from the other MWD charges in that it is levied on a fiscal year basis. The total Readiness-to-Serve Charge will increase from its current level of \$135.5 million to \$144 million in fiscal year 2012-2013. The Water Authority's share is set at \$35,881,578. After credits from the MWD Standby Charge, and administrative costs, the net Water Authority share is \$23,240,691. MWD's Readiness-to-Serve Charge is intended to recover a portion of costs associated with standby and peak conveyance capacity and system emergency storage capacity. The Readiness-to-Serve Charge is allocated among MWD member agencies on the basis of each agency's ten-year rolling average of firm demands, including water transfers and exchanges conveyed through system capacity. Under the 2003 Amended and Restated Exchange agreement between the Water Authority and MWD, the Water Authority's QSA supplies are more properly, *not subject to the RTS charge*, because the water delivery schedule is stable, and therefore does not impose a "standby" demand or cost on MWD. Revenues equal to the amount of MWD Standby Charges will continue to be credited against the member agency's Readiness-to-Serve Charge obligation unless a change is requested by the member agency. Without conceding the propriety of the charge, the Water Authority passes through the Readiness-to-Serve Charge in the same manner as calculated by MWD.

#### ***Water Authority Challenges to MWD Rates and Charges***

On June 11, 2010, the Water Authority filed suit challenging MWD's 2011 and 2012 rates and charges. This suit is currently pending in the San Francisco Superior Court (*San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.* Case No. CPF-10-510830). On June 8, 2012, the Water Authority filed a new suit challenging MWD's 2013 and 2014 rates and charges. The suit was filed in Los Angeles Superior Court, but will be transferred to another county, and may ultimately be sent to San Francisco as well (*San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.* Case No. BS137830). If the Water Authority is successful in these suits, it may receive a return of amounts it has been overcharged. At its meeting in February 2012, the Water Authority Board of Directors adopted a policy approving the allocation and distribution to the member agencies of any net refund proceeds (less legal expenses incurred by the Water Authority) resulting from the outcome of the MWD rate litigation, with the funds being distributed to each member agency based upon its proportional share of M&I Merged Supply deliveries for each year of the litigation. This policy was based upon the challenges asserted in the 2010 lawsuit. The 2012 lawsuit includes additional challenges that affect other MWD rate components, including the RTS charge. Staff will return to the Board at a future date with recommendations to amend the refund distribution policy to address

any issues raised by the new litigation. The current Water Authority rate setting action is based upon the MWD rates and charges as adopted.

### **Proposed Rates in Compliance with Proposition 26**

In November 2010, the voters adopted Proposition 26, an initiative measure amending provisions of articles XIII A and XIII C of the California Constitution. The General Counsel and independent consultants have determined that the measure's amendment of article XIII C applies to the Water Authority and MWD. Specifically, the measure adds a new definition of tax applicable to local government agencies. As newly defined, a "tax" is "any levy, charge, or exaction of any kind imposed by a local government" except one that falls within one of seven specific categories. One of these categories includes charges for benefits or privileges paid by a recipient that do not exceed the reasonable costs of providing the benefit or privilege. Another category includes charges for services or products that do not exceed the cost of providing the service or product. The General Counsel has opined that the Water Authority's proposed rates and charges comply with the requirements of Proposition 26.

### **Summary**

The Water Authority has complied with the procedural requirements for continuing the standby charge and increasing its rates and charges for water and other services. After consideration of public comments at the Public Hearing on June 28, 2012, the staff recommends that the Board adopt ordinances setting the water rates and charges for CY 2013 and continuing the existing Standby Availability Charge.

Prepared by: David G. Shank, Financial Planning Manager  
Reviewed by: William C. Statler, Interim Director of Finance/Treasurer  
Approved by: Sandra L. Kerl, Deputy General Manager

Attachments: A: May 16, 2012 Rate and Charge Board Memo  
B: Resolution 2012-\_\_ (Standby Availability Charge Resolution)  
C: Ordinance 2012-\_\_ (Rate Ordinance)



May 16, 2012

**Attention: Administrative and Finance Committee**

**Resolution setting a Public Hearing date for the Water Authority's proposed calendar year 2013 Rate and Charge increases. (Action)**

**Purpose**

The purpose of this report is to review the proposed rates and charges for calendar year 2013 and to adopt a resolution setting a time and place for a public hearing for the consideration and adoption of the proposed rate and charge increases for water, services and facilities.

***Staff recommendation***

Adopt Resolution Number 2012-\_\_ setting the time and place for a public hearing on June 28, 2012, at 9:00 a.m., or as soon thereafter as may practicably be heard, during the Administrative and Finance Committee meeting, to receive comments regarding proposed rates and charges to be effective January 1, 2013.

***Alternative***

Direct staff to set a different time or date for the public hearing.

**Fiscal Impact**

The proposed water rates and charges, in combination with existing taxes, the System Capacity Charge, the Treatment Capacity Charge, the Infrastructure Access Charge (IAC), investment income and the Standby Availability Charge are expected to raise revenues sufficient to meet the Water Authority's revenue requirement, bond covenants and other key fiscal policy goals. The proposed rates and charges would result in an "all-in" increase of 9.6% in the untreated water rate<sup>1</sup> and a 9.7% increase in the "all-in" treated water rate for CY 2013.

**Background**

***Metropolitan Water Rate Increases***

On April 10, 2012, MWD's Board of Directors adopted rate and charge increases for calendar years 2013 and 2014 resulting in a 5% annual "average" rate increase in each year. Based upon MWD's adopted rate and charge schedule, the cost of treated and untreated water to the Water Authority will increase by 5.9% and 6.7%, respectively, in CY 2013 (excluding the impact of MWD's fixed charges). Additionally, MWD's charge for transporting water will increase by 14.4% in 2013.

---

<sup>1</sup> The "all-in" water rate is the estimated average cost of water that includes the Water Authority's Melded Supply, Melded Treatment (if treated rate) and Transportation rates along with the Storage and Customer Service charges expressed as a \$/AF estimate. The actual average cost will vary for each member agency depending on their Customer Service and Storage charge allocations.



As discussed below, the overall effect of MWD's rates for 2013 will result in an increase of 8.5% in the Water Authority's MWD costs.

### ***Special Agricultural Water Rate Program***

In October 2008, faced with a prolonged drought, rising water costs and the realization that in the future, any "surplus" water should be stored in its own regional storage portfolio in order to meet variable municipal and industrial water demands, the MWD Board voted to terminate the Interim Agricultural Water Program (IAWP) through a five-year phase-out of the program resulting in termination December 31, 2012.

In response to MWD's phase-out of IAWP, the Water Authority Board in October 2008 approved the Transitional Special Agricultural Water Rate (TSAWR). The Board also formed a SAWR Board Workgroup to develop a recommended permanent program when IAWP terminates at the end of 2012. In March 2010, the Board approved the Workgroup recommendation for a permanent SAWR that would begin January 1, 2013 and only include the storage charge exemption. With the SAWR program set to switch from the transitional program to the permanent program on January 1, 2013, members of the agricultural community raised concerns over the financial impacts of the change. On April 26, 2012, the Board voted to extend the TSAWR program for two additional years. This action not only provides agricultural customers with additional time to transition to the higher cost of water, but also provides time for important water supply issues that could affect the rate structure to be resolved (such as the MWD rate litigation and the Carlsbad Seawater Desalination Project).

### ***MWD Replenishment Program***

The existing replenishment program has been terminated by MWD. Discussions on the adoption of a revised replenishment program have been deferred until MWD completes its Long-Range Finance Plan. MWD began development of a new Long-Range Finance Plan in 2007, and has suspended work on the plan several times over the past five years; the work is presently suspended. No costs have been allocated to, and no replenishment program rates have been published for calendar years 2013 and 2014.

### ***Colorado River Quantification Settlement Agreement Supplies***

In October 2003, the Water Authority executed two major water supply agreements as part of the Colorado River Quantification Settlement Agreement: a 45- to 75-year water conservation and transfer agreement with the Imperial Irrigation District for 200,000 acre-feet of water annually; and, a 110-year agreement with the U.S. Secretary of Interior, under which the Water Authority funded the lining of the All American and Coachella canals in the Imperial Valley (less costs paid by the State) in return for approximately 80,000 acre-feet of conserved supplies each year. The canal lining supplies became available in 2006 from the Coachella project and in 2010 from the All-American project. The supplies from Imperial Irrigation District ramp in between 2003 and 2021. In 2013, the quantity of the transfer will increase from 90,000 acre-feet to 100,000 acre-feet. The increase in quantity, and an increase in the rate for the supplies in accordance with the price schedule in the agreement, contribute to the Water Authority's proposed rate increases in 2013.

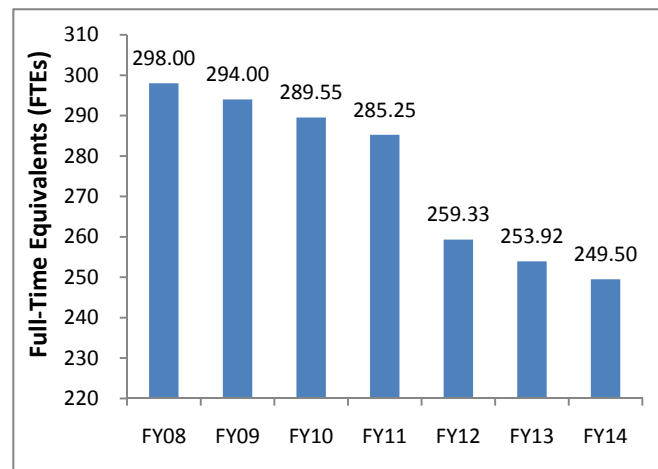
*Previous Board Actions: On June 23, 2011, the Board adopted the Two-Year Budget for Fiscal Years 2012 and 2013; conducted a public hearing on CY 2012 rates and charges; and adopted CY 2012 rates and charges.*

## Discussion

In response to the water supply and economic challenges facing the region, the Water Authority is actively managing costs and taking other actions to mitigate the near-term rate and charge increases. Recent efforts to mitigate rate and charge increases include:

- **Operating budget reductions** – The Water Authority’s two-year budget for fiscal years 2012 and 2013 reflects a number of aggressive cost reduction and rate mitigation strategies in light of the “new normal.” Overall, the Water Authority’s current two-year budget is 16% lower than the previous two-year budget.

This includes \$6.7 million in operating department budget reductions achieved through a downsizing of staff and programs enabling the Water Authority to more efficiently fulfill its core mission. As part of this cost reduction effort, 31.3 full-time equivalent positions were eliminated. This reflects a continuation of the Water Authority’s commitment to reducing costs. For example, as shown in the sidebar chart, FTEs are reduced by 16% from



2008 to 2014. Other operating cost decreases include: reducing the budget of the water conservation program by 60 percent to right-size spending in light of significantly reduced water use in the region since 2007; providing no new local supply development funding; decreasing school education programming and small contractor outreach; reducing internal support services for finance, human resources, and information technology; and cutting back 15 percent on supply, travel and similar costs, saving nearly \$1 million from the previous two-year budget.

The mid-term budget update is scheduled for Board review in June 2012. The Water Authority is on-track with budget projections for both costs and revenues. While a few minor course corrections are likely, no additional appropriations are anticipated. One item to note is that legal expenses associated with the QSA and MWD Rate litigation may be impacted due to timing and the scope of the trial. The Water Authority continues to closely monitor these efforts and will return to the Board if needed.

- **Capital financing cost reductions** – The Water Authority reduced the costs of financing its capital projects. Recent bond refunding sales are expected to save \$19 million in financing

costs (on a present-value basis over the life of the bonds). This lowered debt service costs in fiscal year 2013 by \$2 million from previous estimates.

- **Capital Improvements Program (CIP) reprioritization** – Based upon reduced sales forecasts, 14 projects representing \$150 million in CIP expenditures were deferred until after the next budget cycle.
- **MWD budget advocacy** – The Water Authority succeeded in reducing MWD’s “average” rate increase for CY 2013 by 33% -- from the initially proposed “average” rate increase of 7.5% to 5%. This saved the region approximately \$5 million in CY 2013 MWD costs. MWD’s original proposed rate increase would have led to an estimated 11% increase in CY 2013 “all-in” untreated water rate, instead of the 9.6% proposed rate increase.
- **MWD rate litigation** – The Water Authority is challenging MWD’s rates and charges, because it believes MWD has improperly allocated supply costs to transportation charges, in a manner which discriminates against the Water Authority. The Water Authority has estimated the gross amount of transportation overcharges will increase in CY 2013 by \$17 million, to a total of \$57 million. While the filing of the litigation does not result in any immediate savings, a court decision in the Water Authority’s favor would more accurately reflect the cost of transportation services provided by MWD and reduce the Water Authority’s short-term and long-term costs MWD charges for transporting water.
- **Debt service coverage levels** – In mitigating rate impacts, the forecasted senior lien debt service coverage ratio for fiscal year 2013 is 1.35x, which is below the Water Authority Board’s policy target of 1.5x. However, coverage is projected to meet the 1.5x coverage target in fiscal year 2014. Accordingly, this one-year reduction in coverage – which will still meet all bond covenants – is a measured and reasonable step to mitigate rate increases. For example, setting the coverage ratio at 1.5x for fiscal year 2013 would require an estimated 17.5% increase in the CY 2013 “all-in” treated water rate.

While these cost saving actions are significant, the Water Authority is nonetheless faced with increases in the cost of water, scheduled increases in annual debt service payments and a persistent low water sales environment. These factors are driving the proposed increase in the CY 2013 rates and charges, summarized as follows:

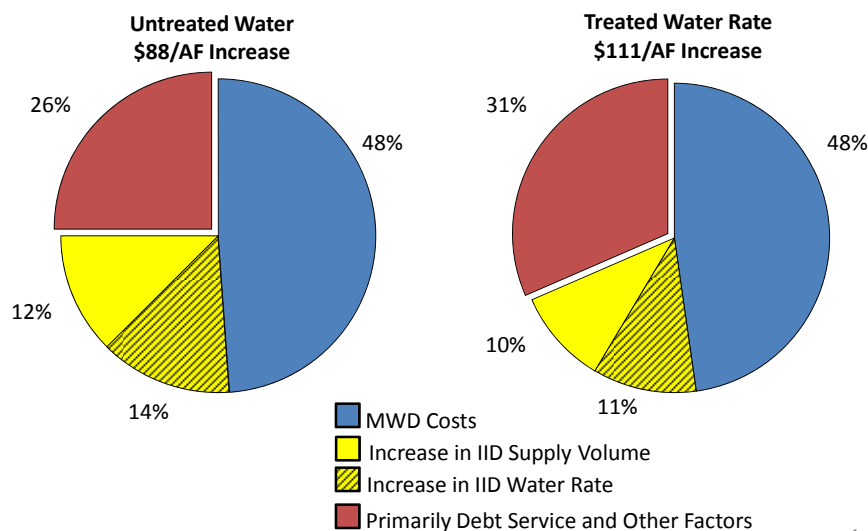
- **Increasing MWD costs** – With MWD’s Tier 1 untreated rate increasing by 5.9% and MWD’s charge for transporting water increasing by 14.4%, the Water Authority’s MWD costs are expected to increase by approximately 8.5% in CY 2013. This is the largest factor in the proposed rate increase, accounting for about 48% of the proposed rate increase, as shown in the figure below.
- **Scheduled debt service increase and other factors** – As the Water Authority executes the supply diversification and facility improvement projects that are essential to regional water reliability, the debt used to fund these projects, approved by the Water Authority Board of Directors, must be paid. After increases in purchased water costs, the scheduled \$21 million

fiscal year 2013 increase in debt service cost and other factors account for approximately 26% and 31% of the proposed untreated and treated rate increases. Other factors include reducing the senior lien debt service coverage ratio from the current fiscal year 2012 estimate of 1.47x to 1.35x in fiscal year 2013. By lower the coverage level, the impact of the additional debt service on rates and charges is mitigated. This increase reflects the Water Authority’s success in implementing its \$3.5 billion Capital Improvement Program.

- ***IID transfer volume increase and cost increase*** – Consistent with the ramp-up schedule in the Water Authority-Imperial Irrigation District water transfer, transfer volume in CY 2013 will increase by 10,000 acre-feet, bringing the annual transfer amount to 100,000 acre-feet in CY 2013. The increased quantity of IID supplies contributes about 12% of the untreated and 10% of the treated rate increases, respectively. A scheduled 10% increase in the IID supply rate accounts for about 14% and 11% of the untreated and treated rate increases, respectively. In CY 2014, the IID supply rate will increase 5%, in accordance with the agreement’s rate schedule. The canal lining project supplies account for 80,000 acre-feet in CY 2013. The cost of the canal lining supplies is comprised of debt service payments that pay for the capital improvements, and operations and maintenance; those costs remain stable through CY 2036, when the debt service on the projects is retired, and then will be reduced to cover only operations and maintenance costs.

The following graphic illustrates the key drivers of the proposed water rate increases.

### Key Rate & Charge Drivers: “All-In” Rate Increases



In addition to these key drivers, the continued low sales environment drives up the average cost of Water Authority water supply and other services.

### **Proposed Rate Increases Consistent with Past Guidance**

In February 2011, staff developed a high/low rate and charge forecast to support member agency financial planning efforts. The high/low rate and charge forecasts were based upon scenarios varying the level of water sales, MWD rate and charge increases, and CIP expenditures. The CY 2013 proposed rates and charges are within that guidance. The Water Authority's "all-in" rate for treated and untreated water is increasing 9.7% and 9.6%, respectively. It should be noted that the actual cost of water will vary by member agency based upon each agency's fixed charge allocations.

### **Setting Rates and Charges**

On an annual basis, the Water Authority develops proposed rates and charges, which it presents to the Board of Directors for adoption. Each year the Water Authority undertakes the following cost of service analysis to determine water rates and charges.

- Step 1. Establish the revenue requirement—determine the total amount of revenue needed to recover the Water Authority's annual operating (such as operations and maintenance of facilities, cost of water and treatment cost) and capital expenditures (funded by cash and short- and long-term debt)
- Step 2. Allocate the revenue requirement and offsetting non-commodity revenues (such as investment income, property tax and IAC) to rate categories (melded supply, melded treatment, transportation, storage and customer service) to determine the net revenue requirement for each rate category
- Step 3. Determine rates and charges based upon the net revenue requirements, water sales projections and other key financial management metrics (such as senior lien debt service coverage, fund deposits and withdrawals)
- Step 4. Allocate fixed charges (storage and customer service) to member agencies based on specified allocation methodologies.

### **Description of Proposed Rates and Charges**

Table 1 summarizes the Water Authority's proposed CY 2013 rates and charges. A description of the Water Authority's rates and charges is provided in subsequent sections. In addition to the Water Authority's rates and charges shown in Table 1, certain MWD rates and charges are passed through to the member agencies.

**Table 1 – Summary of Water Authority Rates and Charges**

| <b>Water Authority Rates and Charges</b>   | <b>CY 2011<br/>Previous</b> | <b>CY 2012<br/>Current</b> | <b>CY 2013<br/>Proposed</b> |
|--|-----------------------------|----------------------------|-----------------------------|
| Melded M&I Supply Rate (\$/AF)   | \$597                       | \$638                      | \$714                       |
| Melded M&I Treatment Rate (\$/AF)  | \$215                       | \$234                      | \$256                       |
| Transportation Rate (\$/AF)  | \$75                        | \$85                       | \$93                        |
| Untreated Special Agricultural Water Rate (\$/AF)  | \$527                       | \$560                      | \$593                       |
| Treated Special Agricultural Water Rate (\$/AF)  | \$742                       | \$794                      | \$849                       |
| Infrastructure Access Charge   | \$2.49/ME <sup>2</sup>      | \$2.60/ME <sup>2</sup>     | \$2.65/ME <sup>2</sup>      |
| Customer Service Charge  | \$23,200,000                | \$26,400,000               | \$26,400,000                |
| Storage Charge   | \$44,300,000                | \$54,200,000               | \$60,200,000                |
| Standby Availability Charge per parcel or acre,<br>whichever is greater <sup>1</sup>                               | \$10                        | \$10                       | \$10                        |
| <sup>1</sup> Fiscal Year Charge.   |                             |                            |                             |
| <sup>2</sup> ME means meter equivalent as defined in the resolution establishing the Infrastructure Access Charge. |                             |                            |                             |

Table 2 summarizes MWD's rates and charges that the Water Authority passes through to its member agencies.

**Table 2 – Summary of Water Authority Pass Through Rates and Charges**

| <b>MWD Rates and Charges</b>   | <b>CY 2011<br/>Previous</b> | <b>CY 2012<br/>Current</b> | <b>CY 2013<br/>Adopted</b> |
|--|-----------------------------|----------------------------|----------------------------|
| Untreated Tier 2 Supply Rate \$/AF <sup>1</sup>  | \$652                       | \$686                      | \$743                      |
| Interim Agricultural Water Program Untreated (\$/AF)   | \$482                       | \$537                      | NA <sup>3</sup>            |
| Interim Agricultural Water Program Treated (\$/AF)   | \$687                       | \$765                      | NA <sup>3</sup>            |
| Replenishment Water Rate Untreated (\$/AF)   | \$409                       | \$442                      | NA <sup>3</sup>            |
| Replenishment Water Rate Treated (\$/AF)   | \$601                       | \$651                      | NA <sup>3</sup>            |
| MWD Capacity Charge  | \$9,204,480                 | \$7,809,220                | \$6,753,920                |
| Readiness-to-Serve Charge <sup>2</sup>   | \$18,596,491                | \$21,930,087               | \$23,240,691               |
| <sup>1</sup> Agencies exceeding their Tier 1 allocation pay the MWD bundled Tier 2 Supply Rate (System Access Rate, System Power Rate and Water Stewardship Rate) instead of the M&I Melded Supply Rate. |                             |                            |                            |
| <sup>2</sup> Fiscal Year Charge.   |                             |                            |                            |
| <sup>3</sup> The Interim Agricultural Water Program will be discontinued after 2012 and discussion on the replenishment program are continuing.  |                             |                            |                            |

**The following proposed charge is effective July 1, 2012:**

**Standby Availability Charge.** The County Water Authority Act limits the maximum annual Standby Availability Charge to \$10 per acre or parcel, whichever is greater. Beginning before November 6, 1996, the Water Authority has determined that the maximum annual Standby Availability Charge should be levied on property within the Water Authority’s service area. To provide necessary funding for the CIP, the General Manager recommends that the charge continue at the \$10 maximum for fiscal year 2012-2013. The Standby Availability Charge rate is effective July 1, 2012.

**The following rates and charges are being proposed effective on January 1, 2013:**

**Melded Untreated M&I Supply Rate.** The Melded Untreated Municipal and Industrial Supply Rate will be set to recover the costs of purchasing Tier 1 water from MWD, water purchases from IID, payments in connection with the All-American and Coachella Canal lining projects, payments to MWD under the 2003 Exchange Agreement for conveyance of IID and Canal Lining water, and may include other costs specifically associated with the acquisition of the IID supply source, cost recovery for supply costs previously incurred but not charged, etc. For CY 2013, the Melded M&I Supply Rate will increase from its current level of \$638/AF to \$714/AF. Table 3 shows the calculation of the Melded Untreated Supply Rate.

**Table 3 – Melded Untreated M&I Supply Rate Calculation**

|  | <u>CY 2013</u> |
|--|----------------|
| <b>Acre-Foot Sales (A/F) (000's)</b>                 |                |
| MWD Tier I   | 250.4          |
| IID  | 100.0          |
| Canal Water Delivery Costs                           | 80.2           |
| <b>TOTAL A/F SALES</b>                               | <b>430.6</b>   |
| <br>   |                |
| <b>Water Purchase Cost (in Millions)</b>             |                |
| MWD Tier 1 Water Purchases                           | \$148.5        |
| QSA Exchange with MWD Costs                          | 81.6           |
| IID Water Purchases                                  | 54.0           |
| Canal Water Purchases                                | 0.9            |
| Subtotal Water Purchases                             | <b>\$285.0</b> |
| <br>   |                |
| <b>Additional Costs (in Millions)</b>                |                |
| Canal Cost Differential and Operating Budget Costs   | \$16.9         |
| IID Socioeconomic                                    | 3.0            |
| QSA Environmental                                    | 2.1            |
| Groundwater Storage                                  | 0.4            |
| Subtotal Other Costs                                 | <b>\$22.4</b>  |
| <br>   |                |
| <b>TOTAL SUPPLY COST</b>                             | <b>\$307.4</b> |
| <b>A/F RATE (Total Supply Cost /Total A/F Sales)</b> | <b>\$714</b>   |

**Melded M&I Treatment Rate.** The Melded Municipal and Industrial Treatment Rate will be set to recover the costs of treating water for the Water Authority and may include costs of purchasing treated water from MWD, and the Levy and Olivenhain treatment plants and may recover certain

other costs associated with the provision of treated water. For CY 2013, the Melded M&I Treatment Rate will increase from its current level of \$234/AF to \$256/AF. Table 4 shows the calculation of the Melded Treatment Rate.

**Table 4 – Melded M&I Treatment Rate Calculation**

|   | <u>CY 2013</u> |
|---|----------------|
| <b>Acre-Foot Sales (A/F) (000's)*</b>                   |                |
| MWD   | 105.4          |
| Water Authority   | 61.5           |
| Helix   | 25.4           |
| Olivenhain  | 5.0            |
| <b>TOTAL A/F SALES</b>                                  | <b>197.3</b>   |
| <br>  |                |
| <b>Cost (in Millions)</b>                               |                |
| MWD   | \$26.8         |
| Water Authority   | 18.3           |
| Helix   | 4.0            |
| Olivenhain  | 1.5            |
| <b>TOTAL TREATMENT COSTS</b>                            | <b>\$50.6</b>  |
| <b>A/F RATE (Total Treatment Costs/Total A/F Sales)</b> | <b>\$256</b>   |

\* Includes SAWR treated water deliveries.

**Transportation Rate.** The Transportation Rate is a uniform rate set to recover capital, operating and maintenance costs of the Water Authority’s aqueduct system, including all facilities used to physically transport the water to member agency meters. The Transportation Rate is charged to each acre-foot of water delivered by the Water Authority as it occurs. All users, member agencies and third-party wheelers will pay the Transportation Rate. A separate administration fee will also be imposed to recover the Water Authority’s cost to administer the purchase and delivery of wheeled water to member agencies and third parties. For CY 2013, the Transportation Rate will increase from its current level of \$85/AF to \$93/AF.

**Water Authority’s Transitional Special Agricultural Water Program Rates.** For CY 2013, the untreated agricultural water rate will increase from its current level of \$560/AF to \$593/AF. The treated agricultural water rate will increase from \$794/AF in CY 2012 to \$849/AF in CY 2013. The TSAWR program rates correspond to a lower level of water supply reliability for its participants.

**Infrastructure Access Charge.** The Infrastructure Access Charge is imposed on member agencies as a condition of maintaining connections to Water Authority facilities. It is apportioned based on retail water meters within each agency. For CY 2013, the IAC will increase from its current level of \$2.60/ME to \$2.65/ME.

**Customer Service Charge.** The Customer Service Charge is set to recover costs that are necessary to support the functioning of the Water Authority and to develop and implement policies that are demonstrated to provide regional benefit and are approved by the Board. The Customer Service Charge will be allocated among the member agencies on the basis of each agency’s three-year rolling average of member agency purchases from the Water Authority (excludes member agency



wheeled water). For CY 2013, the Customer Service Charge will remain at its current level of \$26.4M.

**Storage Charge.** The Storage Charge is set to recover costs associated with the Emergency Storage Program. The Storage Charge is based on all non-agricultural water deliveries and will be allocated among the member agencies using a pro rata share of each agency's three-year rolling average deliveries (a limited three-year rolling average is used to capture impacts of highly variable deliveries by member agency). The Storage Charges includes all deliveries to member agencies and any third-party wheeling throughput. For CY 2013, the Storage Charge will increase from its current level of \$54.2M to \$60.2M.

***The following MWD rates and charges are passed on directly or allocated to the Water Authority's member agencies in the same manner as MWD applies them to the Water Authority.<sup>2</sup>***

**MWD Capacity Charge.** For CY 2013, the Capacity Charge is \$6,400 per cubic foot second (cfs) of maximum daily flow requested by a MWD member agency. The Capacity Charge is a fixed charge levied on an agency's maximum daily flows over the three previous fiscal years. It recovers only a portion of the cost of providing peak capacity within the distribution system, and its stated purpose is to encourage member agencies to shift demands and avoid placing large daily peaks on the MWD system during the summer months. Daily flow measured between May 1 and September 30 for purposes of billing the Capacity Charge will include deliveries (except long-term seasonal storage deliveries) made by MWD to a member agency or member agency customer including water transfers, exchanges and agricultural deliveries. The Capacity Charge will be set at \$6,753,920. The Water Authority passes through the MWD Capacity Charge in the same manner as calculated by MWD: a five-year rolling average of member agency flows during coincident peak weeks.

**Readiness-to-Serve Charge.** MWD's Readiness-to-Serve Charge differs from the other MWD charges in that it is levied on a fiscal year basis. The total Readiness-to-Serve Charge will increase from its current level of \$135.5 million to \$144 million in fiscal year 2012-2013. The Water Authority's share is set at \$35,881,578. After credits from the MWD Standby Charge, and administrative costs, the net Water Authority share is \$23,240,691. MWD's Readiness-to-Serve Charge is intended to recover a portion of costs associated with standby and peak conveyance capacity and system emergency storage capacity. The Readiness-to-Serve Charge is allocated among MWD member agencies on the basis of each agency's ten-year rolling average of firm demands, including water transfers and exchanges conveyed through system capacity. Under the 2003 Amended and Restated Exchange agreement between the Water Authority and MWD, the Water Authority's QSA supplies are more properly, *not subject to the RTS charge*, because the water delivery schedule is stable, and therefore does not impose a "standby" demand or cost on MWD. Revenues equal to the amount of MWD Standby Charges will continue to be credited against the member agency's Readiness-to-Serve Charge obligation unless a change is requested by

---

<sup>2</sup> The Water Authority has opposed MWD's cost of service methodology associated with these charges.

the member agency. Without conceding the propriety of the charge, the Water Authority passes through the Readiness-to-Serve Charge in the same manner as calculated by MWD.

### **Proposed Rates in Compliance with Proposition 26**

In November 2010, the voters adopted Proposition 26, an initiative measure amending provisions of articles XIII A and XIII C of the California Constitution. The General Counsel and independent consultants have determined that the measure's amendment of article XIII C applies to the Water Authority and MWD. Specifically, the measure adds a new definition of tax applicable to local government agencies. As newly defined, a "tax" is "any levy, charge, or exaction of any kind imposed by a local government" except one that falls within one of seven specific categories. One of these categories includes charges for benefits or privileges paid by a recipient that do not exceed the reasonable costs of providing the benefit or privilege. Another category includes charges for services or products that do not exceed the cost of providing the service or product. The General Counsel has opined that the Water Authority's proposed rates and charges comply with the requirements of Proposition 26.

### **Long-Term Outlook**

Over the past decade, MWD's rate increases have been the primary driver and have had a profound impact on the Water Authority's rate increases. Between 2004 and 2014, MWD's Tier 1 Untreated rate increased at a compounded annual growth rate of 7.3%.<sup>3</sup> MWD's Tier 2 Untreated rate increased at a compounded annual growth rate of 6.5%, with the Readiness-To-Serve charge rising at a 7.8% compounded annual growth rate over that same span.

Following community outrage over water supply cutbacks imposed by MWD in 1990, the Water Authority executed the water transfer agreement with the Imperial Irrigation District in 2003 as part of the broader Colorado River Quantification Settlement Agreement. Through the water transfer agreement, the Water Authority secured a highly reliable 45- to 75-year supply of Colorado River supplies. In 2013, in accordance with the transfer's ramp-up schedule, the Water Authority will receive 100,000 acre-feet of supplies from IID. The ramp-up period culminates in 2021, when the Water Authority will begin receiving 200,000 acre-feet annually through the end of the agreement. The Water Authority also took advantage of the opportunity to line the All American and Coachella canals in the Imperial Valley desert; that agreement secured 80,000 acre-feet of water annually under a 110-year contract between the Water Authority and the U.S. Secretary of the Interior. In 2013, the Water Authority will receive 180,000 acre-feet of supplies from the QSA transfers, and 280,000 acre-feet annually starting in 2021.

The QSA supplies have materially improved the region's water supply reliability. That improved reliability was especially important during the most recent MWD supply allocation, from July 2009 through mid-April 2011. During that period, the Water Authority received approximately 264,000 acre-feet of QSA supplies which, along with local supplies, helped reduce water supply cutbacks by MWD. Importantly, if the Water Authority's supplies had instead been added to demands on MWD supplies, MWD would have had to impose a much deeper shortage allocation, withdraw even more

---

<sup>3</sup> MWD's 40-year (1974-2014) Compounded Annual Growth Rate of its Full Service Tier 1 Untreated rate (its bundled full-service rate from 1974-2002, and Full Service Tier 1 Untreated from 2003-2014) is 6.2%.

water from storage (which was already heavily depleted) or execute more spot water transfers (if available).

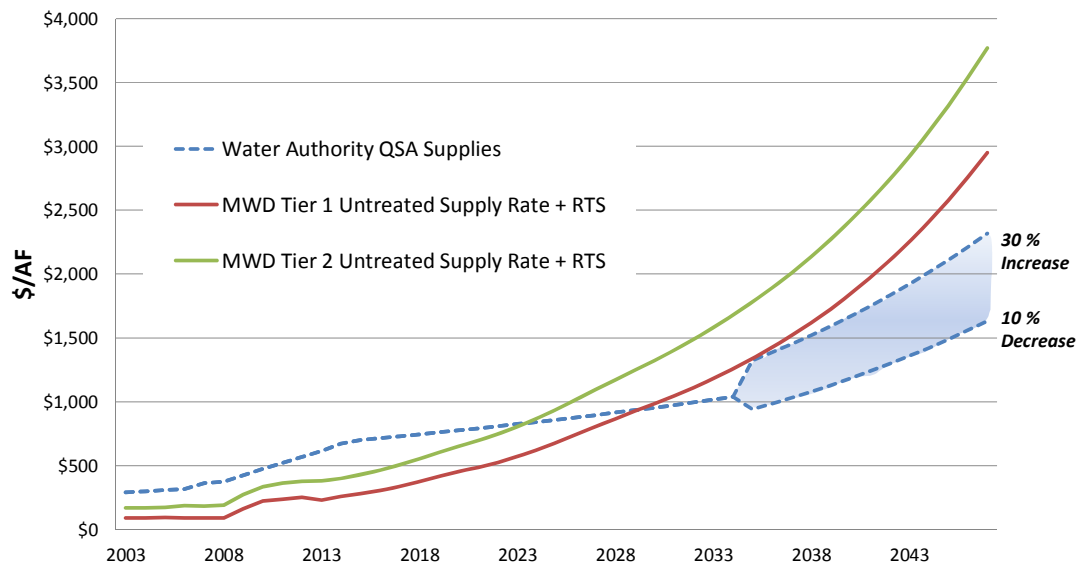
While the Board's primary motivation for the QSA agreements was improved water supply reliability, the Water Authority has also achieved an important measure of improved cost control over a significant portion of its imported water supplies. The cost of the canal lining supplies through 2036 is comprised of debt service payments and operations and maintenance costs. When the debt service is retired in 2036, the cost of the canal lining supplies will be operations and maintenance through the remaining years of the 110-year agreement. In the water transfer agreement with IID, the Water Authority has negotiated important protections against escalation in rates through several provisions. From 2003-2015, the price the Water Authority pays IID for the supply is set according to an agreed-upon schedule. From 2016-2034, price increases are tied to the Gross Domestic Product Implicit Price Deflator (GDP-IDP). Over the past 10 years (2001-2011), the GDP-IDP annual rate of 2.3%. Over a 40-year period (1971-2011), the GDP-IDP has risen 3.8% annually (compounded annual growth rate). From 2035-2047 (the final year in the initial 45-year term of the agreement), the price structure of the transfer will return to its original pricing formula. At that point, either party may elect to implement a price redetermination provision in the agreement that would set the price the Water Authority pays IID to a defined set of comparable market water transfers. Accordingly, the price the Water Authority pays IID could go either down or up, depending upon the comparable market transfers at that time.

The following table shows the impact of these price control measures in the QSA supplies. As negotiated by the Water Authority, in the early years of the QSA, the cost of the QSA supplies is higher than MWD's Tier 1 and Tier 2 Untreated supply rates. However, in later years, MWD's supply rates are projected to exceed the cost of the QSA supplies.<sup>4</sup>

---

<sup>4</sup> For the purposes of this comparison, in 2035 a range is shown: an initial 10% reduction in base price, to a 30% increase in base price, with both figures escalated thereafter at 5% annually.

## Water Supply Rate Comparison QSA Supplies vs. MWD Supplies



### Summary

After consideration of public comments at the Public Hearing on June 28, 2012, the staff recommends that the Board adopt ordinances setting the water rates and charges for the next calendar year and continuing the existing Standby Availability Charge.

Prepared by: David G. Shank, Financial Planning Manager  
Reviewed by: William C. Statler, Interim Director of Finance/Treasurer  
Reviewed by: Sandra L. Kerl, Deputy General Manager  
Approved by: Maureen A. Stapleton, General Manager

Attachment A: Resolution of the Board of Directors of the San Diego County Water Authority fixing the time and place for a public hearing to consider: Changes to the rates and charges for delivery and supply of water; and (2) Continuing the existing Standby Availability Charge.

RESOLUTION NO. 2012-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY CONTINUING THE WATER STANDBY AVAILABILITY CHARGE

The Board of Directors of the San Diego County Water Authority resolves as follows:

Pursuant to Government Code Section 54984.7 the Water Standby Availability Charge last imposed by Ordinance No. 2008-04 shall continue to be levied, imposed and administered as provided in that ordinance during fiscal year 2012-2013.

PASSED, APPROVED AND ADOPTED, this 28th day of June, 2012

AYES: Unless noted below all Directors voted aye.

NOES:

ABSTAIN:

ABSENT:

---

Michael T. Hogan, Chair

ATTEST:

---

Richard Smith, Secretary

I, Doria F. Lore, Clerk of the Board of the San Diego County Water Authority, certify that the vote shown above is correct and this Resolution No. 2012- \_\_\_\_\_ was duly adopted at the meeting of the Board of Directors on the date stated above.

---

Doria F. Lore  
Clerk of the Board

## ORDINANCE NO. 2012-

## AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY SETTING RATES AND CHARGES FOR THE DELIVERY AND SUPPLY OF WATER, USE OF FACILITIES AND PROVISION OF SERVICES

WHEREAS, Subdivision (11) of Section 5 of the County Water Authority Act provides, in part that, the Authority's Board of Directors, "as far as practicable, shall provide each of its member agencies with adequate supplies of water to meet their expanding and increasing needs;" and

WHEREAS, Subdivision (13) of Section 5 of the County Water Authority Act provides that the Authority may: "Fix, revise, and collect rates or other charges for the delivery of water, use of any facilities or property, or provision of services. In fixing rates, the Board may establish reasonable classifications among different classes and conditions of service, but rates shall be the same for similar classes and conditions of service." and

WHEREAS, Subdivision (j) of Section 7 of the County Water Authority Act provides in part, that the Authority's Board of Directors, "as far as practicable, shall fix such rate or rates for water as will result in revenues which will pay the operating expenses of the Authority, provide for required maintenance, and provide for the payment of the interest and principal of the bonded debt;" 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, pursuant to the County Water Authority Act, the Board of Directors has adopted ordinances and resolutions levying and fixing property taxes, water standby availability charges and other rates and charges for delivery and supply of water, use of facilities and provision of other services by the Authority, including, without limitation, a system capacity charge, water treatment capacity charge, an infrastructure access charge, a readiness-to-serve charge and water rates and charges; and

WHEREAS, the Board of Directors, upon recommendation of the Rate Study Subcommittee and the Fiscal Policy Committee, enacted Ordinance 2002-03, "An Ordinance of the Board of Directors of the San Diego County Water Authority Setting Rates and Charges for the Delivery and Supply of Water, Use of Facilities and Provision of Services", which established a new structure for water rates and charges; and

WHEREAS, on May 26, 2005, the Board of Directors adopted Ordinance No. 2005-03 increasing the System Capacity Charge and establishing the Water Treatment Capacity Charge; and

WHEREAS, on May 21, 2002, the Authority filed a Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) for the project described as "Establishment of water supply and delivery rates and charges including: Customer Service Charge, Emergency Storage Program Charge, Transportation Rate, Supply Service Charge, Capacity Reservation

Charge and Readiness-to-Serve Charge, and maintaining the Infrastructure Access Charge and Standby Availability Charge" stating the project is exempt from the requirements of CEQA pursuant to the statutory exemption of Public Resources Code Section 21080(b)(8) and stating as the reason therefore: "Project involves establishment of water rates, tolls, fares, or other charges for the purpose of meeting operating expenses, including employee wages and benefits; purchasing and leasing supplies, equipment, or materials; meeting financial reserve needs and requirements; or obtaining funds for capital projects within existing service areas."; and

WHEREAS, the adoption of this ordinance is exempt from CEQA for the same reason; and

WHEREAS, the Authority has adopted a policy of diversifying its supplies and in furtherance of that policy is evaluating several potential Authority programs to augment and enhance supplies from the Metropolitan Water District, including: local ocean water desalination, regional water treatment, and water transfers in addition to the transfer from the Imperial Irrigation District; and

WHEREAS, these potential new supply programs are incurring capital costs for research, development and planning, the costs of which are appropriately recovered through the Customer Service Charge subject to reimbursement from future revenues collected through the Supply Charge if and when a new supply is approved and implemented; and

WHEREAS, the Finance Department has presented a report dated May 24, 2012 to the Administrative and Finance Committee describing the proposed rates and charges to be collected from the member agencies (the "Report"); and

WHEREAS, the Administrative and Finance Committee recommended that the proposed rates and charges set forth in the Report be considered by the Board along with public input; and

WHEREAS, the Clerk of the Board caused a notice to be published pursuant to Section 6066 of the Government Code in newspapers of general circulation printed and published within the Water Authority which fixed Thursday, June 28, 2012 at 9:00 a.m. or as soon thereafter as may practicably be heard, during the Administrative and Finance Committee meeting, in the Board room of the Water Authority, 4677 Overland Avenue, San Diego, California as the time and place for a public hearing to consider objections and protests to the schedule of charges as proposed by Resolution 2012-05; and

WHEREAS, the Board of Directors has considered the information contained in the Report, the testimony and other evidence presented during the public hearing, the recommendations of the Administrative and Finance Committee; and

WHEREAS, the Board of Directors hereby makes the following legislative findings and determinations:

1. The foregoing recitals are true and correct;
2. The rates and charges as proposed and recommended in the Report are exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8);

3. Any and all protests to the rates and charges as proposed and recommended in the Report are overruled;
4. The Report is approved;
5. The rates and charges as proposed and recommended in the Report are reasonable, fair, proper and necessary to meet the Authority's revenue requirements and fund its capital, operations, maintenance and other costs.

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

1. The Authority's revenues from taxes, water rates and charges consists of: ad valorem property taxes, including payments of member agencies in lieu of taxes; a standby availability charge levied pursuant to Section 5.2 of the County Water Authority Act, including payments of such charges pursuant to Section 5.3 of the County Water Authority Act; an infrastructure access charge levied pursuant to Section 5.00.050 (c) of the Administrative Code; a capacity charge levied pursuant to Section 5.9 of the County Water Authority Act according to Ordinance No. 2005-3; and water rates and charges having the following components as described in this ordinance: customer service, storage, transportation, treatment and supply.

2. Ad valorem taxes, the standby availability charge and the system and water treatment capacity charges are not affected by this ordinance. All other water rates and charges shall continue to be paid pursuant to existing authority until increased or adjusted as provided in this ordinance.

3. Commencing January 1, 2013, the amount of the Infrastructure Access Charge to be paid monthly by each member agency of the Authority, shall be \$2.65 per equivalent meter within the territory of the member agency and determined according to Table 1 attached hereto and made a part hereof.

4. Effective January 1, 2013, the Customer Service Charge is fixed at \$26,400,000. Commencing January 1, 2013 the amount of the monthly Customer Service Charge to be paid by each member agency shall be determined according to Table 2 attached hereto and made a part hereof.

5. Effective January 1, 2013, the Storage Charge is fixed at \$60,200,000. Commencing January 1, 2013 the amount of the monthly Storage Charge to be paid by each member agency to the Authority for Storage as set forth in Table 3 attached hereto and made a part hereof.

6. Effective January 1, 2013, the Transportation Rate is fixed at \$93 per acre-foot of water delivered by the Authority through Authority facilities by all users, member agencies and third-party wheeling customers. Member agencies shall pay the Transportation Rate in accordance with the procedures and processes of the Administrative Code relating to billing and payment of the Municipal and Industrial Water Rate. Third-party wheeling customers will also be subject to an administration fee.

7. Effective January 1, 2013, the Melded Municipal and Industrial Treatment Rate is fixed at \$256 per acre-foot.



**Table 1 - Infrastructure Access Charge Allocation**

| <b>Member Agency</b>           | <b>IAC Equivalent Meters (ME) as of 12/31/11<sup>1</sup></b> | <b>Monthly Rate (\$/ME)</b> | <b>CY13 Annual Charge</b> | <b>Monthly Charge</b> |
|--------------------------------|--|-----------------------------|---------------------------|-----------------------|
| Carlsbad M.W.D.                | 36,108   | 2.65                        | \$ 1,148,232              | \$ 95,686             |
| Del Mar, City of               | 2,500  | 2.65                        | 79,500                    | 6,625                 |
| Escondido, City of             | 34,873   | 2.65                        | 1,108,956                 | 92,413                |
| Fallbrook P.U.D.               | 11,630   | 2.65                        | 369,840                   | 30,820                |
| Helix W.D.                     | 64,519   | 2.65                        | 2,051,700                 | 170,975               |
| Lakeside W.D.                  | 7,900  | 2.65                        | 251,220                   | 20,935                |
| Oceanside, City of             | 55,600   | 2.65                        | 1,768,080                 | 147,340               |
| Olivenhain M.W.D.              | 28,012   | 2.65                        | 890,784                   | 74,232                |
| Otay W.D.                      | 57,857   | 2.65                        | 1,839,852                 | 153,321               |
| Padre Dam M.W.D.               | 26,118   | 2.65                        | 830,556                   | 69,213                |
| Pendleton Military Reservation | -  | 2.65                        | -                         | -                     |
| Poway, City of                 | 17,252   | 2.65                        | 548,616                   | 45,718                |
| Rainbow M.W.D.                 | 12,924   | 2.65                        | 410,988                   | 34,249                |
| Ramona M.W.D.                  | 10,156   | 2.65                        | 322,956                   | 26,913                |
| Rincon Del Diablo M.W.D.       | 9,584  | 2.65                        | 304,776                   | 25,398                |
| San Diego, City of             | 393,011  | 2.65                        | 12,497,748                | 1,041,479             |
| San Dieguito W.D.              | 14,959   | 2.65                        | 475,692                   | 39,641                |
| Santa Fe I.D.                  | 10,438   | 2.65                        | 331,932                   | 27,661                |
| Sweetwater Authority           | 42,869   | 2.65                        | 1,363,236                 | 113,603               |
| Vallecitos W.D.                | 25,685   | 2.65                        | 816,780                   | 68,065                |
| Valley Center M.W.D.           | 14,820   | 2.65                        | 471,276                   | 39,273                |
| Vista I.D.                     | 35,063   | 2.65                        | 1,115,004                 | 92,917                |
| Yuima M.W.D.                   | 443  | 2.65                        | 14,088                    | 1,174                 |
| <b>Totals</b>                  | <b>912,321</b>   |                             | <b>\$ 29,011,812</b>      | <b>\$ 2,417,651</b>   |

<sup>1</sup>Equivalent meters rounded to nearest whole meter; annual and monthly charges rounded to nearest dollar.

**Table 2 - Customer Service Charge Allocation**

| Member Agency                  | 3-Year Average Deliveries (AF) <sup>1</sup> | CY13 Annual Charge   | Monthly Charge      |
|--------------------------------|---|----------------------|---------------------|
| Carlsbad M.W.D.                | 17,598                                      | \$ 947,882           | \$ 78,990           |
| Del Mar, City of               | 1,139                                       | 61,350               | 5,113               |
| Escondido, City of             | 17,638                                      | 950,036              | 79,170              |
| Fallbrook P.U.D.               | 13,479                                      | 726,020              | 60,502              |
| Helix W.D.                     | 28,526                                      | 1,536,497            | 128,041             |
| Lakeside W.D.                  | 3,489                                       | 187,928              | 15,661              |
| Oceanside, City of             | 25,503                                      | 1,373,669            | 114,472             |
| Olivenhain M.W.D.              | 20,496                                      | 1,103,977            | 91,998              |
| Otay W.D.                      | 32,003                                      | 1,723,779            | 143,648             |
| Padre Dam M.W.D.               | 12,854                                      | 692,356              | 57,696              |
| Pendleton Military Reservation | 67  | 3,609                | 301                 |
| Poway, City of                 | 11,779                                      | 634,453              | 52,871              |
| Rainbow M.W.D.                 | 22,384                                      | 1,205,670            | 100,473             |
| Ramona M.W.D.                  | 6,945                                       | 374,079              | 31,173              |
| Rincon Del Diablo M.W.D.       | 6,507                                       | 350,487              | 29,207              |
| San Diego, City of             | 185,807                                     | 10,008,128           | 834,010             |
| San Dieguito W.D.              | 2,631                                       | 141,714              | 11,810              |
| Santa Fe I.D.                  | 5,947                                       | 320,324              | 26,694              |
| Sweetwater Authority           | 11,525                                      | 620,772              | 51,731              |
| Vallecitos W.D.                | 16,949                                      | 912,925              | 76,077              |
| Valley Center M.W.D.           | 29,993                                      | 1,615,514            | 134,626             |
| Vista I.D.                     | 13,941                                      | 750,905              | 62,575              |
| Yuima M.W.D.                   | 2,161                                       | 116,398              | 9,700               |
| Contract Water                 | 771   | 41,528               | 3,461               |
| <b>Totals</b>                  | <b>490,132</b>                              | <b>\$ 26,400,000</b> | <b>\$ 2,200,000</b> |

<sup>1</sup>Three-year rolling average of M&I, SAWR and agricultural MWD deliveries (excludes wheeled water) based on FY09-FY11 period. Rounded to nearest acre-foot. Annual and monthly charges are rounded to nearest dollar.

**Table 3 - Emergency Storage Charge Allocation**

| Member Agency                  | 3-Year Average Deliveries (AF) <sup>1</sup> | CY13 Annual Charge   | Monthly Charge      |
|--------------------------------|---|----------------------|---------------------|
| Carlsbad M.W.D.                | 17,448                                      | \$ 2,373,186         | \$ 197,766          |
| Del Mar, City of               | 1,139                                       | 154,921              | 12,910              |
| Escondido, City of             | 14,674                                      | 1,995,881            | 166,323             |
| Fallbrook P.U.D.               | 8,579                                       | 1,166,871            | 97,239              |
| Helix W.D.                     | 28,526                                      | 3,879,957            | 323,330             |
| Lakeside W.D.                  | 3,480                                       | 473,331              | 39,444              |
| Oceanside, City of             | 24,562                                      | 3,340,795            | 278,400             |
| Olivenhain M.W.D.              | 20,105                                      | 2,734,577            | 227,881             |
| Otay W.D.                      | 31,975                                      | 4,349,072            | 362,423             |
| Padre Dam M.W.D.               | 12,162                                      | 1,654,212            | 137,851             |
| Pendleton Military Reservation | 67  | 9,113                | 759                 |
| Poway, City of                 | 11,703                                      | 1,591,781            | 132,648             |
| Rainbow M.W.D.                 | 12,709                                      | 1,728,612            | 144,051             |
| Ramona M.W.D.                  | 5,019                                       | 682,658              | 56,888              |
| Rincon Del Diablo M.W.D.       | 6,211                                       | 844,788              | 70,399              |
| San Diego, City of             | 185,618                                     | 25,246,786           | 2,103,899           |
| San Dieguito W.D.              | 2,631                                       | 357,855              | 29,821              |
| Santa Fe I.D.                  | 5,867                                       | 797,999              | 66,500              |
| Sweetwater Authority           | 11,525                                      | 1,567,570            | 130,631             |
| Vallecitos W.D.                | 15,695                                      | 2,134,752            | 177,896             |
| Valley Center M.W.D.           | 9,130                                       | 1,241,815            | 103,485             |
| Vista I.D.                     | 13,790                                      | 1,875,644            | 156,304             |
| Yuima M.W.D.                   | (16)  | (2,176)              | (181)               |
| <b>Totals</b>                  | <b>442,599</b>                              | <b>\$ 60,200,000</b> | <b>\$ 5,016,667</b> |

<sup>1</sup>Three-year rolling average of firm, non-agricultural MWD deliveries based on FY09-FY11 period. Rounded to the nearest acre-foot. Annual and monthly charges are rounded to nearest dollar.

8. (a) Each member agency shall reimburse the Authority on a per-acre foot of water delivered basis, except as otherwise provided in subdivisions (b) and (c), for rates, fees and charges of the Metropolitan Water District of Southern California, the Imperial Irrigation District, or other sources of supply that may become available to the Authority. It is the intent of the Authority to charge the melded rate for supply representing the cost of water to the Authority for the appropriate class of service. Effective January 1, 2013, the Melded Untreated Municipal and Industrial Supply Rate is \$714 per acre-foot to reflect the cost of the supply of untreated municipal and industrial water to the Water Authority.

(b) Effective January 1, 2013 as part of the Supply Charge, each member agency shall pay to the Authority a MWD Capacity Charge determined according to the method as set forth in the to Table 4 attached hereto and made a part hereof.

(c) Effective July 1, 2012 as part of the Supply Charge, each member agency shall pay a MWD Readiness-to-Serve Charge determined according to Table 5 attached hereto and made a part hereof.

(d) This section shall be administered in accordance with the Report approved by this ordinance.

9. For the purposes of this ordinance, including the tables, the City of National City and the South Bay Irrigation District are collectively referred to as Sweetwater Authority. Any reference in this ordinance to Sweetwater Authority as a member agency shall be construed as a reference to the City of National City and the South Bay Irrigation District.

10. This ordinance shall be effective upon adoption. In lieu of publication of the text of this ordinance, the Clerk of the Board may publish a summary prepared by the General Counsel.

11. The provisions of this ordinance shall prevail over any provisions of the Administrative Code relating to rates and charges to the extent of any conflict. All existing rates and charges shall continue in effect until adjusted as provided in this ordinance.

12. To the greatest extent possible the provisions of this ordinance shall be construed to be compatible with the provisions of Section 8.2 (e) of the Agreement Between the San Diego County Water Authority and the City of San Diego for the Emergency Storage Project (Joint Use of Lake Hodges Dam and Reservoir and of Section 8.2 (e) of the Agreement Between the San Diego County Water Authority and the City of San Diego for the Emergency Storage Project (Expansion of San Vicente Reservoir; however, the contract provisions shall control in the event of a conflict).

13. For the purposes of Section 6 of this ordinance, water delivered by the Authority through the following turnouts is deemed not to be “water delivered by the Authority through Authority facilities” – DeLuz 1, Fallbrook 3, Fallbrook 6, Rainbow 1, Rainbow 8, Rainbow 9 and Rainbow 10.

**Table 4 - Calendar Year 2013 MWD Capacity Charge Allocation  
(Capacity Charge)**

| Member Agency             | Coincident Peak Week Deliveries (AF) <sup>1</sup> |                 |                 |                 |                 | 5-year average share <sup>2</sup> | CY2013 Charge       |
|---------------------------|---|-----------------|-----------------|-----------------|-----------------|-----------------------------------|---------------------|
|                           | 8/14/2007   | 7/15/2008       | 8/25/2009       | 8/24/2010       | 9/12/2011       |                                   |                     |
| Carlsbad M.W.D.           | 565.8   | 527.3           | 429.3           | 351.9           | 410.4           | 3.3064%                           | \$ 223,312          |
| Del Mar, City of          | 36.1  | 28.0            | 34.1            | 34.9            | 25.2            | 0.2291%                           | 15,473              |
| Escondido, City of        | 823.5   | 454.5           | 668.7           | 397.9           | 424.3           | 4.0071%                           | 270,636             |
| Fallbrook P.U.D.          | 562.9   | 333.9           | 450.8           | 382.5           | 415.6           | 3.1052%                           | 209,723             |
| Helix W.D.                | 558.8   | 789.6           | 861.7           | 146.4           | 425.3           | 4.0258%                           | 271,899             |
| Lakeside W.D.             | 95.5  | 66.3            | 96.1            | 90.4            | 83.9            | 0.6255%                           | 42,246              |
| Oceanside, City of        | 915.4   | 780.1           | 648.1           | 576.3           | 739.0           | 5.2951%                           | 357,627             |
| Olivenhain M.W.D.         | 700.6   | 606.5           | 553.1           | 550.3           | 518.4           | 4.2386%                           | 286,272             |
| Otay W.D.                 | 1,082.8   | 1,016.7         | 871.0           | 839.2           | 944.1           | 6.8796%                           | 464,643             |
| Padre Dam M.W.D.          | 472.9   | 499.8           | 545.8           | 449.7           | 454.7           | 3.5064%                           | 236,819             |
| Pendleton M.R.            | 2.3   | 2.7             | 1.4             | 1.9             | 2.1             | 0.0151%                           | 1,020               |
| Poway, City of            | 378.6   | 365.5           | 220.3           | 333.8           | 238.6           | 2.2240%                           | 150,207             |
| Rainbow M.W.D.            | 839.1   | 616.3           | 865.7           | 667.8           | 657.2           | 5.2766%                           | 356,377             |
| Ramona M.W.D.             | 353.2   | 254.5           | 156.9           | 146.0           | 170.1           | 1.5640%                           | 105,631             |
| Rincon Del Diablo M.W.D.  | 231.0   | 204.1           | 204.1           | 178.8           | 156.6           | 1.4104%                           | 95,257              |
| San Diego, City of        | 5,176.0   | 5,523.8         | 4,932.0         | 5,178.0         | 4,556.2         | 36.7092%                          | 2,479,310           |
| San Dieguito W.D.         | 122.5   | 136.2           | 67.6            | 39.5            | 109.4           | 0.6877%                           | 46,447              |
| Santa Fe I.D.             | 296.9   | 335.3           | 187.9           | 145.2           | 249.0           | 1.7573%                           | 118,687             |
| Sweetwater Authority      | -   | -               | 443.3           | -               | 29.1            | 0.6836%                           | 46,170              |
| Vallecitos W.D.           | 566.4   | 526.4           | 520.3           | 455.9           | 466.9           | 3.6699%                           | 247,862             |
| Valley Center M.W.D.      | 1,426.1   | 941.7           | 1,130.4         | 994.7           | 851.8           | 7.7347%                           | 522,395             |
| Vista I.D.                | 646.5   | 273.7           | 300.2           | 172.9           | 206.8           | 2.3156%                           | 156,394             |
| Yuima M.W.D.              | 193.7   | 81.2            | 29.5            | 121.9           | 80.3            | 0.7331%                           | 49,513              |
| <b>Totals<sup>1</sup></b> | <b>16,046.6</b>                                   | <b>14,364.1</b> | <b>14,218.3</b> | <b>12,255.9</b> | <b>12,215.0</b> | <b>100.0000%</b>                  | <b>\$ 6,753,920</b> |

<sup>1</sup>Charge is allocated based on a five-year rolling average of member agency deliveries during regional peak weeks. Annual charges and totals may not foot due to rounding.

<sup>2</sup> Percentages shown are rounded. Totals may not foot.

**Table 5 - Readiness-to-Serve Charge Allocation**

| Member Agency                  | 10-Year Average Deliveries (AF) <sup>1</sup> | FY13 RTS Charge <sup>2</sup> | Net Stand-By Charge Credits <sup>3</sup> | FY13 RTS Net Charge  | Monthly Charge      |
|--------------------------------|--|------------------------------|--|----------------------|---------------------|
| Carlsbad M.W.D.                | 19,288                                       | \$ 1,363,110                 | \$ (392,916)                             | \$ 970,194           | \$ 80,850           |
| Del Mar, City of               | 1,281  | 90,530                       | (24,774)                                 | 65,756               | 5,480               |
| Escondido, City of             | 20,289                                       | 1,433,853                    | (224,138)                                | 1,209,715            | 100,810             |
| Fallbrook P.U.D.               | 9,544  | 674,488                      | (283,679)                                | 390,809              | 32,567              |
| Helix W.D.                     | 34,293                                       | 2,423,535                    | (768,635)                                | 1,654,900            | 137,908             |
| Lakeside W.D. <sup>4</sup>     | 4,263  | 301,272                      | (167,232)                                | 134,040              | 11,170              |
| Oceanside, City of             | 28,119                                       | 1,987,210                    | (663,305)                                | 1,323,905            | 110,325             |
| Olivenhain M.W.D.              | 21,374                                       | 1,510,531                    | (402,289)                                | 1,108,242            | 92,354              |
| Otay W.D.                      | 36,435                                       | 2,574,913                    | (965,203)                                | 1,609,710            | 134,142             |
| Padre Dam M.W.D. <sup>4</sup>  | 14,078                                       | 994,912                      | (532,356)                                | 462,556              | 38,546              |
| Pendleton Military Reservation | 72   | 5,088                        | (36)                                     | 5,052                | 421                 |
| Poway, City of                 | 13,404                                       | 947,280                      | (284,815)                                | 662,465              | 55,205              |
| Rainbow M.W.D.                 | 11,671                                       | 824,806                      | (530,423)                                | 294,383              | 24,532              |
| Ramona M.W.D.                  | 7,008  | 495,265                      | (400,321)                                | 94,944               | 7,912               |
| Rincon Del Diablo M.W.D.       | 7,168  | 506,573                      | (306,730)                                | 199,843              | 16,654              |
| San Diego, City of             | 206,731                                      | 14,609,974                   | (4,355,048)                              | 10,254,926           | 854,576             |
| San Dieguito W.D.              | 4,575  | 323,322                      | (162,338)                                | 160,984              | 13,415              |
| Santa Fe I.D.                  | 8,733  | 617,174                      | (151,009)                                | 466,165              | 38,847              |
| Sweetwater Authority           | 12,433                                       | 878,658                      | (424,115)                                | 454,543              | 37,879              |
| Vallecitos W.D.                | 16,528                                       | 1,168,057                    | (427,938)                                | 740,119              | 61,677              |
| Valley Center M.W.D.           | 12,068                                       | 852,863                      | (680,083)                                | 172,780              | 14,398              |
| Vista I.D.                     | 17,604                                       | 1,244,100                    | (408,222)                                | 835,878              | 69,657              |
| Yuima M.W.D.                   | (5)  | (353)                        | (85,351)                                 | (85,704)             | (7,142)             |
| Contract Water                 | 770  | 54,417                       | 69                                       | 54,486               | 4,541               |
| <b>Totals</b>                  | <b>507,724</b>                               | <b>\$ 35,881,578</b>         | <b>\$ (12,640,887)</b>                   | <b>\$ 23,240,691</b> | <b>\$ 1,936,724</b> |

<sup>1</sup>10-year rolling average of firm MWD deliveries based on FY02-FY11 period and rounded to nearest acre-foot. Annual and monthly charges are rounded to nearest dollar.

<sup>2</sup>Effective date is July 1, 2012.

<sup>3</sup>Net of \$12,686,086 in stand-by charge credits and \$45,199 in MWD administrative fees

<sup>4</sup>Lakeside W.D. is allocated 23.83% of Padre Dam M.W.D.'s deliveries prior to January 2008. Lakeside W.D.'s deliveries after January 2008 are being metered separately from Padre Dam M.W.D.'s deliveries. Lakeside W.D. is allocated 23.87% of Padre Dam's M.W.D.'s stand-by charge credits based upon parcel count.

PASSED, APPROVED AND ADOPTED, this 28th day of June, 2012

AYES: Unless noted below all Directors voted aye.

NOES:

ABSTAIN:

ABSENT:

---

Michael T. Hogan, Chair

ATTEST:

---

Richard Smith, Secretary

I, Doria F. Lore, Clerk of the Board of the San Diego County Water Authority, certify that the vote shown above is correct and this Ordinance 2012- \_\_\_\_\_ was duly adopted at the meeting of the Board of Directors on the date stated above.

---

Doria F. Lore  
Clerk of the Board