

**ORDINANCE NO. 09-13**

**ORDINANCE OF THE RAINBOW MUNICIPAL WATER DISTRICT  
REVISING APPENDIX A OF THE RULES AND REGULATIONS  
REGARDING WATER AND SEWER SERVICE CHARGES AND TO PROVIDE FOR  
AUTOMATIC ADJUSTMENTS THAT PASS THROUGH WHOLESALE WATER CHARGES**

**WHEREAS**, the Board of Directors of the Rainbow Municipal Water District ("RMWD" or the "District") desires to increase certain fees related to the provision of water and sewer service; and

**WHEREAS**, the Board of Directors is provided authority to establish fees and charges by §71616 and §71670 of the Water Code of the State of California; and

**WHEREAS**, The Board of Directors is provided further authority to adopt a schedule of fees or charges authorizing automatic adjustments that pass through the adopted increases or decreases in the wholesale charges for water pursuant to Government Code §53756; and

**WHEREAS**, on June 25, 2009, the San Diego County Water Authority ("SDCWA") enacted a rate increase by adopting SDCWA Ordinance No. 2009-4; and

**WHEREAS**, the SDCWA has taken all necessary actions to validate the charges; and

**WHEREAS**, the charges will be increased effective with all water bills issued on or after September 1, 2009; and

**WHEREAS**, it is the intent of the District to amend Appendix A to the District Rules and Regulations, as adopted by this Ordinance 09-13 to provide for automatic adjustments to pass through increased or decreased SDCWA and SDCWA allocated Metropolitan Water District of Southern California ("MWD") charges upon not less than 30 days notice to RMWD customers of such adjustments; and

**WHEREAS**, the MWD has approved amendments to its Administrative Code to implement MWD's Interim Agricultural Water Program ("IAWP"), Special Agricultural Water Rate (SAWR) and Domestic (M&I) Reduction Guidelines to facilitate a thirty percent (30%) reduction in IAWP deliveries, a 13% reduction in SAWR deliveries, and an 8% reduction in M&I deliveries during the Calendar Year 2009, effective with all water bills received on or after September 1, 2009, and establish a penalty fee for IAWP, SAWR, and M&I deliveries exceeding the reduction requirements; and

**WHEREAS**, the SDCWA will accordingly reduce the deliveries of IAWP, SAWR and M&I certified water to its member agencies during the Fiscal Year 2009-2010, including the District; and

**WHEREAS**, the District has developed a Reduction Implementation Plan which includes penalties for IAWP, SAWR and M&I customers who exceed their water allocation for one or more billing periods, including the MWD/SAWR Overusage Penalty; and

**WHEREAS**, it is the intent of the District to establish the amount of the MWD/SDCWA Overusage Penalty for non-compliance with the District's Reduction Implementation Plan; and

**WHEREAS**, a duly noticed public hearing was held by the RMWD Board of Directors on July 28, 2009, to hear and consider all objections or protests to said revision of fees and charges for water service.

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

**SECTION 1:** Effective September 1, 2009, Appendix A to the District Rules and Regulations is hereby replaced in its entirety with the "Revised Appendix A" attached hereto as Exhibit 1, entitled "Water and Sewer Rates and Charges – Effective September 1, 2009". The rates and charges set forth in the Revised Appendix A schedule shall be applicable to all water use and other charges billed on or after September 1, 2009.

**SECTION 2:** The MWD Overusage Penalty is a charge that will be added to the regular water rate for the amount of a customer's water usage exceeding his or her water allocation for the billing period. The amount of the MWD Overusage Penalty is approximately the same as the penalty fee for each acre-foot of IAWP deliveries exceeding reduction requirements imposed by the MWD on the SDCWA pursuant to MWD Administrative Code section 4907, and which in turn will be passed through by the SDCWA to its member agencies, including RMWD.

**SECTION 3:** Appendix A to the District Rules and Regulations, adopted by Ordinance 09-13 and entitled "Water and Sewer Rates and Charges" is amended to include as an additional section at the end of the appendix:

**AUTOMATIC ADJUSTMENTS THAT PASS THROUGH WHOLESALE CHARGES FOR WATER**

The RMWD fees or charges established herein shall be automatically adjusted to pass through adopted increases or decreases in wholesale charges for water. The term wholesale charges: shall include SDCWA and SDCWA allocated Metropolitan Water District charges. Notice of any adjustment pursuant to this schedule shall be given to RMWD customers not less than 30 days before the effective date of the adjustment. This section only, regarding automatic adjustments, shall expire on August 31, 2014.

**SECTION 4:** The fees and charges established by this Ordinance do not exceed the estimated amounts required to provide services for which the fees and charges are levied.

**SECTION 5:** If any clause or provision of this Ordinance is found to be void or unenforceable by a court of competent jurisdiction, the remaining provisions of the Ordinance shall nonetheless continue in full force and effect.

**SECTION 6:** This Ordinance amends Ordinance 08-12 dated October 12, 2008 as of September 1, 2009; the rates prescribed by Ordinance 08-12 shall remain in effect through August 31, 2009.

**SECTION 7:** The changes in rates and charges established by this Ordinance are for the purposes of (a) meeting operating expenses, including employee wages and benefits, (b) purchasing and leasing of supplies, equipment and materials, (c) meeting financial reserve needs and requirements as set forth in the District Budget, and (d) passing through wholesale water rates charged by the San Diego County Water Authority and the Metropolitan Water District of Southern California, and therefore the establishment of such fees is exempt from the provisions of the California Environmental Quality Act (CEQA).

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of Rainbow Municipal Water District held on the 28th day of July 2009 by the following roll call vote:

<b>AYES:</b>	Directors Lucy, McManigle, Walson, and Petty
<b>NOES:</b>	Director Griffiths
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

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Rua Petty, President  
Board of Directors

**ATTEST:**

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Dawn Washburn  
Board Secretary

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# EXHIBIT 1