

ORDINANCE NO. 09-17

**ORDINANCE OF THE RAINBOW MUNICIPAL WATER DISTRICT
REVISING APPENDIX A OF THE RULES AND REGULATIONS
REGARDING WATER AND SEWER SERVICE 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, 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 January 1, 2010; and

WHEREAS, it is the intent of the District to amend Appendix A to the District Rules and Regulations, as adopted by this Ordinance 09-17 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

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

SECTION 1: Effective January 1, 2010, 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 January 1, 2010”. 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 January 1, 2010.

SECTION 2: RMWD Ordinance 09-13 and Government Code Section 53756 authorizes automatic pass-through of wholesale rate increases. Notice of any adjustment pursuant to Ordinance 09-13 and this Appendix A shall be given to RMWD customers not less than 30 days before the effective date of the adjustment via USPS mailing.

SECTION 3: 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 4: 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 5: This Ordinance amends Ordinance 09-13 dated July 28, 2009 as of January 1, 2010; the rates prescribed by Ordinance 09-13 shall remain in effect through December 31, 2009.

SECTION 6: 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 27th day of October 2009 by the following roll call vote:

AYES:	Directors Griffiths, McManigle, Petty and Walson
NOES:	None
ABSTAIN:	None
ABSENT:	Director Lucy

Rua Petty, President
Board of Directors

ATTEST:

Dawn Washburn
Board Secretary