

RESOLUTION NO. 10-42

RESOLUTION OF THE VISTA IRRIGATION DISTRICT
AMENDING RULES AND REGULATIONS PERTAINING TO THE
SPECIAL AGRICULTURAL WATER RATE

WHEREAS, the Board of Directors of the San Diego County Water Authority approved continuing the stand-alone transitional Special Agricultural Water Rate two additional years on March 25, 2010; and

WHEREAS, the Board of Directors of the Vista Irrigation District approved participation in San Diego County Water Authority's stand-alone transitional Special Agricultural Water Rate; and

WHEREAS, participation in this program necessitates that rules and regulations be amended pursuant to stand-alone transitional Special Agricultural Water Rate requirements.

WHEREAS, upon the effective date of this resolution, the rules and regulations pertaining to the Special Agricultural Water Rate contained in Resolution No. 08-53 shall be repealed and replaced with provisions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Vista Irrigation District, as follows:

SPECIAL AGRICULTURAL WATER RATE

1.1 Definitions

- A. *CWA*: San Diego County Water Authority.
- B. *Interim Agricultural Water Program*: The Interim Agricultural Water Program (IAWP) is an agricultural water discount program offered by the Metropolitan Water District of Southern California.
- D. *MWD*: Metropolitan Water District of Southern California.
- E. *Owner*: Owner of Record per the County of San Diego.
- F. *Reduction in Delivery*: Reduction in delivery to these customers will be a minimum of thirteen percent (13%) regardless of MWD's municipal and industrial cutback level. At least a five percent (5%) differential between CWA's municipal and industrial cutback level and the Special Agricultural Water Rate cutback level will be maintained.
- G. *Special Agricultural Water Rate (SAWR)*: The SAWR adopted by CWA's Board on October 23, 2008 and extended on March 25, 2010, wherein an agricultural water discount for treated water and untreated water shall be applied to water purchased by those water agencies participating in the SAWR.
- H. *VID*: Vista Irrigation District

- 1.2 Qualification to Participate in this Program: Only customers terminating participation in the IAWP are eligible to participate in the SAWR. The rules require that the program be limited to water used for: "The growing or raising, in conformity with recognized practices of husbandry, for the purposes of commerce, trade, or industry, of agricultural, horticultural, or floricultural products, and produced: (1) for human consumption or for the market; (2) for the feeding of fowl or livestock produced for human consumption or for the market; or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market, such products to be grown are raised on a parcel of land having an area of not less than one acre utilized exclusively therefore."
- 1.3 Duration of Program: The SAWR program expires on December 31, 2012. Once an owner has entered into this program, the owner's land will be subject to the conditions of this program for the duration of the program unless the agricultural owner's lands no longer qualify for the program or the owner terminates participation in the program, subject to the conditions specified below. It is the intent of the VID Board of Directors that the benefits and obligations of the program shall run with the land and not with the owner, and it is the responsibility of the owner to disclose that the land is subject to this program.
- 1.4 Request to Terminate Participation in Program: Owners enrolling in the program in 2011 will be able to terminate participation (opt-out) in the program effective January 1, 2012. Request to terminate participation received in 2011 will be effective beginning January 1, 2012. SAWR reductions will continue to be enforced through the end of the calendar year in which the request to terminate participation is received. Once an owner terminates participation in the program, he/she may not re-enroll.
- 1.5 Amount of Discount to be Passed on to District Agricultural Customers: A discounted commodity rate will be applied to each individual agricultural account in an amount equal to the SAWR discount received from CWA. VID will use a melded rate, based on the SAWR for treated and untreated water, as the discount.
- 1.6 Parcels served by multiple meters: If a parcel qualifying under this program is served by more than one meter, then all meters shall be considered included in this program and will be subject to a Reduction in Delivery.
- 1.7 Agricultural Meters Serving One or More Homes: When a meter supplies water to a parcel qualifying under this program which contains one or more residences, the first 26 units of water delivered per month shall be considered domestic water and shall be billed at the District's domestic water rate. The SAWR shall only apply to that water used after the first 26 units of water per month.
- 1.8 Execution of Program Forms: The Certification and Acknowledgment Form must be signed by the owner of the property and shall be recorded against the property. In cases where the owner has given the proper power of attorney to an agent, the agent may execute the Certification and Acknowledgment Form by providing a copy of the power of attorney to the District.
- 1.9 Verification of Program Qualifications: The District may require proof that the agricultural products raised by the owner were produced for human consumption or for the market by furnishing the District with copies of bills of sale or other documentation acceptable to the District.

- 1.10 Liability for SAWR Penalties and Charges as Required by VID: Should VID determine that water purchased under this program was done so under the basis of incorrect information supplied by the applicant or used for purposes other than agricultural purposes as defined in Section 1.2, VID may assess penalties and charges. The District shall assess the then current owner these rates, penalties and charges even though the then current owner may not have been the owner executing the Certification and Acknowledgment Form.
- 1.11 Interruption in Delivery of Water: The owner shall certify and acknowledge by executing the Certification and Acknowledgment Form or Request to Terminate Participation Form that he/she further acknowledges that his/her parcel is subject to reductions in delivery up to full interruption based on water supply conditions as determined by VID. For owners who have terminated participation in the program after January 1 of a given year, the condition that their parcels are subject to reductions in delivery up to full interruption remain in place until January 1 of the following calendar year.
- 1.12 VID Matching Agricultural Rate: The VID Board authorizes a matching reduction in water rates for local water to any agricultural customer participating in CWA's SAWR program.
- 1.13 Non-Compliance, Penalty Water Rates and Fees
- A. Any person, who uses, causes to be used, or permits the use of water in violation of this resolution is guilty of an offense punishable as provided herein.
 - B. Each day that a violation of this resolution occurs is a separate offense.
 - C. Water usage in excess of required reductions, as set forth in Section 1.1 F, will be billed at the SAWR plus a penalty water rate.
 - D. Water Conservation Fees, as set forth in Section 4.4.17 of the District's Rules and Regulations, may be levied for each violation of a provision of this resolution as follows:
 - 1. A first violation of any provision of this resolution shall result in a letter of warning.
 - 2. A second violation of any provision of this resolution within one year shall result in the assessment of Water Conservation Fee.
 - 3. A third violation of this resolution within one year shall result in the assessment of an additional Water Conservation Fee.
 - 4. Four or more violations of any provision of this resolution shall result in the assessment of an additional Water Conservation Fee.
 - E. Violation of a provision of this resolution is subject to enforcement through installation of a flow-restricting device in the meter. The cost of installing and removing a flow-restricting device will be paid for by the person, who uses, causes to be used, or permits the use of water in violation of this resolution.

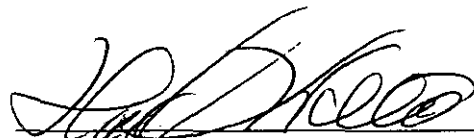
- F. All fees and costs associated with installing and removing a flow-restricting device and disconnecting and re-connecting water service will be added to the account of the person, who uses, causes to be used, or permits the use of water in violation of this resolution. Fees and costs will appear on and be payable with the first billing statement for the period the violation occurred and be subject to the same remedies that are imposed by the District for failure to pay other charges.
- G. All remedies provided for herein shall be cumulative and not exclusive. In addition, remedies may be invoked, combined, or accelerated based on the timing and severity of the violation.

1.14 Appeals

- A. Any person complaining about fees and/or other remedies applied in accordance with Section 1.13 shall have that complaint be first taken up with the General Manager before any action will be taken by the District's Board of Directors.
- B. The General Manager's determination may be appealed in writing within ten days of the mailing of a notice of determination. Any determination not timely appealed shall be final.
- C. The person appealing the General Manager's determination shall submit a written request to the Board Secretary to have his or her appeal considered as an item for discussion and action at an upcoming Board meeting. The written request shall include: 1) a description of the issues, 2) evidence supporting the claim, and 3) a request for resolution of the dispute.
- D. The District shall at least ten days before the date of the hearing mail an appropriate notice of the regular or special meeting at which the appeal will be heard. The Board may, in its discretion, affirm, reverse or modify the determination.

PASSED AND ADOPTED by the Board of Directors of the Vista Irrigation District this 20th day of October 2010, by the following roll call vote:

AYES: Directors Miller, Vásquez, Dorey, MacKenzie, and Williams
 NOES: None
 ABSTAIN: None
 ABSENT: None



 Howard S. Williams, President

ATTEST:



Lisa R. Soto, Secretary
 Board of Directors
 VISTA IRRIGATION DISTRICT