

**SAN GORGONIO PASS WATER AGENCY
ORDINANCE NO. 11**

ORDINANCE ESTABLISHING ADMINISTRATIVE CODE

WHEREAS, the San Gorgonio Pass Water Agency (“Agency”) is a State Water Project (“SWP”) Contractor authorized to acquire waterworks, waters, and/or water rights, including but not limited to, water from the State of California from the SWP, and to provide, sell, and deliver that water under the control of the Agency to cities, agencies, districts, persons, corporations or private entities within the Agency for use within the service area of the Agency. The Agency’s service area encompasses approximately 228 square miles and includes the Cities of Beaumont, Calimesa, and Banning, as well as the unincorporated areas of Cherry Valley, Cabazon, Poppet Flat, Banning Bench, and San Timoteo and Live Oak Canyons. The Agency is a wholesale water agency organized and operating under the Chapter 101 of the San Gorgonio Pass Water Agency Law set forth in the Water Code Appendix; and

WHEREAS, the Agency has a contract with the California Department of Water Resources for 17,300 acre-feet of SWP water which is designated as “Table A Water” and which is used to supplement local demands including eliminating groundwater overdraft; and

WHEREAS, the Board of Directors previously adopted Ordinance No. 8 which established the “Rules And Regulations For SGPWA Water Service.” The Board desires to formally establish the rules and regulations for Agency water service as a stand-alone policy document that may be revised and amended in the future by way of subsequent ordinances or other appropriate action of the Board. In addition, the Board desires to establish said stand-alone policy document as the “Administrative Code of the San Gorgonio Pass Water Agency” in order to set forth in one document not only the policies for water service, but also other policies of the Agency which are deemed to warrant inclusion in the Administrative Code.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

Section 1 Incorporation of Recitals All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

Section 2 Establishment of the Administrative Code of the San Gorgonio Pass Water Agency The Board hereby establishes the Administrative Code of the San Gorgonio Pass Water Agency (“Code”), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference. All provisions of the Code are subject to revision and amendment from time to time as determined in the discretion of the Board. The Code includes the rules and regulations for Agency water service and shall include other policies of the Agency, whether adopted by ordinance, resolution, or other appropriate action of the Board, which are deemed to warrant inclusion in the Administrative Code. The procedures and criteria for including current and future policies in the Code are set forth in the General Provisions of the Code. As a result, the rules and regulations will not be set forth exclusively in, or through amendment to, Ordinance No. 8 or any other ordinance. The rules and regulations and other policies shall hereafter include a reference to the particular ordinance, resolution, or other appropriate Board action, which may be taken in order to make any future revisions or amendments to the rules and regulations and other policies.

Section 3 Consistency All ordinances, resolutions, minute orders, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance No. 11 are hereby superseded only to the extent of such inconsistency. Except as specifically set forth herein, all other provisions of the rules and regulations for Agency water service, and all other policies of the Agency, as adopted by way of Ordinance No. 8 or any other ordinance, resolution or Board action, shall remain in full force and effect.

Section 4 CEQA The Board finds that the establishment of an administrative code which includes the rules and regulations for Agency water service and other policies of the Agency constitutes general policy and procedure making and also constitutes organizational or administrative activities that will not result in direct or indirect physical changes in the environment. Based on this finding, the Board determines that establishment of an administrative code, by way of adoption of this Ordinance No. 11 and establishment of the Code, are exempt from the requirements of the California Environmental Quality Act pursuant to section 15378(b)(2) and (5) of the State CEQA Guidelines.

Section 5 Effective Date The President of the Board of Directors shall sign this Ordinance No. 11 and the Secretary of the Board of Directors shall attest thereto, and this Ordinance No. 11 shall be in full force and effect immediately upon adoption. Within 10 days after adoption of this Ordinance No. 11, a copy of this Ordinance shall be published one time in a newspaper of general circulation with the names of the Directors voting for and against this Ordinance.

Section 6 Severability If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

ADOPTED this 18th day of August 2014, by the Board of Directors of the San Gorgonio Pass Water Agency.

Said Ordinance was adopted, on roll call, by the following vote:

AYES: Haring, Voigt, Melleby, Duncan, Dickson and Jeter

NOES: None

ABSTAIN: None


ABSENT: Morris

SAN GORGONIO PASS WATER AGENCY



John Jeter
President of the Board of Directors

ATTEST:



Jeffrey Davis
Secretary of the Board of Directors

EXHIBIT "A"

Administrative Code of the San Geronio Pass Water Agency

As of August 18, 2014