

ORDINANCE NO. 2005-01

**AN ORDINANCE OF THE PAJARO VALLEY WATER MANAGEMENT AGENCY
AMENDING SECTION 6 OF THE AUGMENTATION CHARGE ORDINANCE
PERTAINING TO COLLECTION OF CHARGES**

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The Board of Directors of the Pajaro Valley Water Management Agency does hereby find and determine as follows:

1. Pursuant to the Pajaro Valley Water Management Agency Act (the "Act"), Section 124-502, the Board of Directors finds and determines that the public necessity requires that Section 6 of the Augmentation Charge Ordinance, as adopted by Ordinance 2003-01, must be amended in order to simplify and clarify the process for collection of Augmentation Charges authorized by Article 10 of the Act.

NOW, THEREFORE, the Board of Directors of the Pajaro Valley Water Management Agency does hereby ordain that Section 6 of the Augmentation Charge Ordinance adopted pursuant to Ordinance No. 2003-01 shall be and hereby is amended to read as follows:

SECTION 6. COLLECTION OF CHARGES

- 6.01 Method of Collection. Augmentation Charges shall be billed to the Owner of the Parcel on which the Extraction Facility is located. PVWMA may provide a duplicate copy of a bill for Augmentation Charges to any person, upon written consent of the Owner. Procedures for collection of Augmentation Charges shall be established by separate resolution approved by the Board of Directors and shall include an opportunity for an administrative hearing to contest the charges. Any person who fails to exhaust available administrative remedies in accordance with such procedures shall thereafter be barred from contesting the amount or validity of such charges in any subsequent action. The Agency may avail itself of any available legal remedy, including but not limited to those specified in the Agency Act, to collect delinquent Augmentation Charges.
- 6.02 Attorneys Fees. The Agency is authorized to recover any and all legal expenses incurred, including costs of suit and attorney's fees, as the prevailing party in any action filed in a court of law by the Agency to collect delinquent Augmentation Charges or any action filed in a court of law by persons challenging the Agency's authority to impose or collect Augmentation Charges, or the validity or amount of such charges.

SECTION 2. APPLICATION OF ORDINANCE

The provisions of this ordinance shall be administered in conjunction with and complement all other Agency ordinances and resolutions, including the Prior Ordinances. Section headings used in this ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

SECTION 3. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the validity of the remaining portion of this ordinance, including any other section, subsection, sentence, clause, or phrase therein.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect on July 1, 2005.

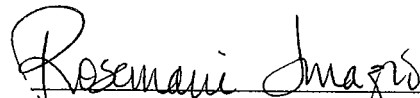
PASSED AND ADOPTED this 15th day of June, 2005, by the following votes:

AYES: Directors: Carroll, Dobler, Gallino, Imazio, Miljanich

NOES: Directors: Eiskamp

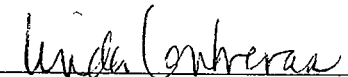
ABSENT: Directors: Capurro

ABSTAIN: Directors: None



Rosemarie Imazio, Vice Chair

ATTEST:



Linda Contreras, Secretary