

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY MAKING CLEAN-UP AND OTHER AMENDMENTS TO CHAPTERS 1.16, 2.00, 4.00, 4.04, AND 7.00 OF THE ADMINISTRATIVE CODE

The Board of Directors of the San Diego County Water Authority does ordain as follows:

1. Article 1, chapter 1.16 of the Administrative Code is amended by the addition of section 1.16.040 to read as follows:

Section 1.16.040 Refunds

The General Manager is authorized, when the General Manager deems it appropriate, to refund any monies previously paid to the Authority in an amount not to exceed \$100,000.

2. Article 2, chapter 2.00 of the Administrative Code is amended to delete section 2.00.065.

~~Section 2.00.065 Small Contractors Outreach and Opportunities Committee~~

~~The Board shall have a standing subcommittee known as the Small Contractor Outreach and Opportunities Program (SCOOP) Committee to make recommendations regarding programs, policies and practices to enhance and encourage participation in Authority contracts. The committee shall have not more than six members appointed by the Chair. The committee shall meet at least once each quarter and make reports and recommendations to the Board via the Legislation, Conservation and Outreach Committee.~~

3. Article 4, chapter 4.00 of the Administrative Code is amended by the amendment of section 4.00.010, subdivision (b) to read as follows:

(b) The General Manager may acquire real property necessary or convenient for an approved Authority project in accordance with the procedures established by this chapter whenever the acquisition is consistent with any approved budget and funds have been appropriated. Inclusion of a capital project in an adopted budget constitutes authorization for the General Manager to acquire all real property necessary or convenient to implement the project and the fair market value of the property is \$250,000 or less or the annual fair rental value of the property is \$120,000 \$250,000 or less. All other acquisitions of real property shall be approved by the Board. A project subject to the California Environmental Quality Act or National Environmental Policy Act will not be deemed approved for the purposes of this subdivision until after completion of applicable environmental review.

4. Article 4, chapter 4.00 of the Administrative Code is amended by the amendment of section 4.00.010, subdivision (c) to read as follows:

(c) Acquisition of real property includes, without limitation, purchase, lease, license, easement, acceptance of gift, dedication, or bequest, or any other lawful means of conveyance of any estate or interest in real property.

5. Article 4, chapter 4.04 of the Administrative Code is amended by the amendment of section 4.04.170, subdivision (a) to read as follows:

(a) Unless otherwise provided in this Chapter, the Authority's selection of the architects, landscape architects, professional engineers, environmental consultants, land surveyors, and construction managers, ~~construction and materials inspectors or testers, appraisers, accountants, auditors, economists, lobbyists, computer programmers, information technology consultants, management consultants, security consultants, geologists, biologists, chemists, and similar scientific, professional and technical service providers~~ shall be in accordance with the provisions of this Section and on the basis of professional qualifications and competence to perform the particular services required and at fair and reasonable prices to the Authority.

6. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.040, subdivision (b), paragraph 13 to read as follows:

(13) Water tanks over 1,500 gallons in capacity;

7. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subdivision (b), paragraph 3 to read as follows:

(3) Mortarless unreinforced walls thirty-six inches (36") or less in height for landscape purposes. Such walls shall be set back at least ten feet from the closest edge of an Authority pipeline.

8. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subdivision (b), paragraph 6 to read as follows:

(6) Moveable garden or storage sheds, and gazebos, constructed of wood, sheet-metal or plastic, with a maximum size of eight feet wide by ten feet long by eight feet high (8' x 10' x 8') with no electrical, gas or water utilities. Such sheds shall be set back at least ten feet from the closest edge of any Authority pipeline.

9. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subdivision (b), paragraph 7 to read as follows:

(7) Playground equipment, ~~and wooden gazebos~~, trellises and similar yard or landscape structures, provided that support posts do not extend beyond twelve inches deep and are not secured by concrete or other permanent method. Such uses shall be set back at least ten feet from the closest edge of an Authority pipeline.

10. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subdivision (b), to add paragraph 11 to read as follows:

(11) Storage of boxed landscape trees may be allowed under the following conditions: (a) the boxes must be no larger than 24 inches on each side, (b) the box must have a bottom, (c) the tree, including the box, must not exceed 15 feet in height, and (d) the trees can be stored no closer than 8 feet apart measured from the edges of the boxes. Boxed trees shall be set back at least 10 feet from the closest edge of an Authority pipeline.

11. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050 to renumber subdivision (b), paragraph 11 to subdivision (b), paragraph 12.

12. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050 to reorganize, renumber, and amend subdivision (c) to read as follows:

(c) Fences are authorized in accordance with this subdivision and subject to the provisions of subdivision (d).

(1.) Fences constructed of wood, plastic or metal, and pre-fabricated corrals, may be permitted no closer than ten feet (10') from the centerline of a pipeline or access or patrol road, and twenty feet (20') from the edge of any surface or above-ground facility; however, the setback from the centerline of a pipeline may be reduced upon approval by the Director of Engineering to allow a fence on a property line or right-of-way boundary that is within the ten foot setback area. Fences of concrete, stone, or similar materials are considered walls and not permitted under this subdivision.

(2.) Fence posts may be secured in concrete or similar material that is poured into the post hole. ~~Fences of concrete, stone or similar materials are considered walls and not permitted under this subdivision.~~

(3.) When a fence is located in a manner that obstructs direct access to an Authority pipeline or other structure, or between an Authority pipeline or other structure and the Authority's regular patrol road, the Director shall require that a fence be constructed and maintained in a manner that permits visibility through the fence at a height of thirty-six inches (36"), and may require installation of a gate.

(4.) The Director may permit a fence that crosses a pipeline if the fence (i) meets the requirements of paragraph 2 5 of this subdivision, and (ii) has posts that are constructed to minimize interference with the Authority's works and have a minimum of eighteen inches (18") of vertical separation from bottom of the post hole to the top of pipe. Fences include, without limitation, prefabricated portable corrals.

(5.) Any fence that crosses the Authority's right of way shall include a gate within the right of way as specified by the Director of Engineering. Gateposts shall be installed in accordance with the provisions of this chapter governing fence posts. Gates must not swing to the open or closed position uncontrollably, unless constructed with a latching

mechanism to control undesired movement of the gate. Gates shall have reflective caution signs or markings easily visible from a distance of one hundred (100) yards. Gate attachment/locking device shall provide space for an Authority lock that works independently of any lock installed by the permittee. Chains may be used as a locking mechanism for gates. If a gate is located adjacent to a public or private roadway that crosses the right of way, then the gate shall be set back, whenever feasible, as follows: (i) if the gate opens towards the roadway, the setback shall be a minimum of forty feet (40') from the closest edge of the roadway, (ii) if the gate opens away from the roadway, the setback shall be a minimum of thirty (30') feet from the closest edge of the roadway. Subject to the provisions of this chapter, fencing or other material to deter access around the gate may be placed in the right of way as specified by the Director of Engineering.

13. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.050, subdivision (d), paragraph 1 to read as follows:

(1) Any structure or use shall be set back a minimum of twenty (20') feet from the edge of any Authority surface facility, unless otherwise provided in subdivisions (b) or (c). ~~In the case of buried facilities the setback shall be measured at the surface from the vertical extension of the edge of the facility.~~ The setback from rights of way used for access or patrol road purposes shall be 10 feet from the centerline of the road.

14. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.060, subdivision (b), paragraph 3 to read as follows:

(3) Any use or structure shall be set back a minimum of twenty feet (20') from the edge of any Authority surface facility, ~~whether surface or subsurface, or, in the case of rights of way used for access or patrol road purposes, 10 feet from the centerline of the road,~~ unless a closer setback is specifically otherwise provided in this section. The setback from rights of way used for access or patrol road purposes shall be 10 feet from the centerline of the road. The Director of Engineering may reduce or eliminate the setback requirement for a use if the Director finds that the reduction will not be detrimental to the Authority. The reasons for and conditions of the reduction or elimination shall be stated in the permit issued for the use.

15. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.060, subdivision (b), paragraph 13 to read as follows:

(13) ~~Storage of boxed landscape trees may be permitted so long as: (a) the boxes are no larger than 24 inches on each, (b) the box has a bottom, (c) the tree, including the box, do not exceed 15 feet high, and (d) the trees are stored no closer than 8 feet apart measured from the edges of the boxes.~~ Water tanks less than 1,500 gallons in capacity and not anchored to the ground may be permissible with a setback from an Authority facility as determined by the Director of Engineering.

16. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.160, subdivision (c), paragraph 1, to add subparagraph (C) to read as follows:

(C) Storm drain pipes 18 inches in diameter or less.

17. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.190, subdivision 2 to read as follows:

(2) The lease establishes terms and conditions for use of the leased property consistent with the provisions of this chapter, ~~including without limitation, Section 7.00.080;~~

18. Article 7, chapter 7.00 of the Administrative Code is amended by the amendment of section 7.00.190, subdivision 4 to read as follows:

(4) The lease term does not exceed 510 years.

19. The General Counsel shall incorporate these changes into the Administrative Code. The highlighting of text in this ordinance is for convenience and will not be incorporated into the codified text.

20. This ordinance shall be effective upon adoption.

21. The Clerk of the Board shall cause this ordinance to be posted in full in a prominent location on the Water Authority's website pursuant to Section 1.00.040 of the Administrative Code.

ADOPTED this 25 day of August, 2016.

AYES: Unless noted below all Directors voted aye.

NOES: None.

ABSTAIN: None.

ABSENT: Barnum (P), Boyle, Brady, Cherashore, Hall (P), Heinrichs, Simpson, Verbeke (P), Watkins, and Wilson.



Mark Weston, Chair

ATTEST:


Jim Madaffer, Secretary

I, Melinda Cogle, Clerk of the Board of the San Diego County Water Authority, certify that the vote shown above is correct and this Ordinance No. 2016-03 was duly adopted at the meeting of the Board of Directors on the date stated above.



Melinda Cogle, Clerk of the Board