

CHARTER OF THE CITY OF SAN DIEGO

Section 53

1. Original Charter section approved by voters April 7, 1931

Section 53. WATER DEPARTMENT. There shall be included in the administrative organization of the City a separate department to be known as the Water Department. The accounts and records of the Water Department shall be so set up and kept that it may be ascertained therefrom at all times the exact cost of water sold to the consumer. The Department shall consist of two divisions or bureaus, viz., the Division of Development and Conservation, and the Division of Distribution.

(a) The Manager shall appoint a competent hydraulic engineer, who shall have charge of the Division of Development and Conservation and of such subordinate officers and employees in said Division as shall be authorized by ordinance. This Division shall have charge of all matters and things connected with, incidental or necessary to the development and conservation of water, and also of the conveyance and delivery of water to the distributing system of the City and to such consumers as are authorized to receive water from the City along the line of its supply.

(b) The Manager shall appoint a Superintendent of Distribution in the Water Department and such subordinate officers and employees as may be authorized by ordinance. This Division shall have charge of the distributing system of the City both within and without the territorial boundaries of the City, and of the actual distribution of water to the consumer, including the construction and maintenance of water mains, services and meters used in the distribution of water to the consumer. The Council shall from time to time establish a schedule of charges for water delivered by the City to the consumer, classified according to the purpose for which and the quantity of water used. Each such schedule shall be general in its application, and shall apply to all consumers. All Departments of the City using water from the distributing system shall pay for the same at the same rates as other consumers.

(c) Until such time as the Water Department is self-sustaining the Council must provide an adequate sum in the annual appropriation ordinance for the proper maintenance of the Department. In addition thereto, the Council shall levy annually a tax sufficient to provide a Sinking Fund for the redemption of municipal bonds heretofore or hereafter issued for water purposes, together with a sum sufficient to pay the interest thereon. The amount of money necessary to be raised each year for the redemption of water bonds and the payment of interest thereon and for the retirement of any other funded or contractual indebtedness incurred by purchase or otherwise for the development, conservation or distribution of water shall be charged annually against the Water Department on the accounts of the City. All revenue obtained by the City from the

sale and distribution of water, except such revenue as has been heretofore appropriated by valid contract to another and specific purpose, shall be used exclusively for the maintenance and operation of the Water Department; provided, however, that no revenue as herein described shall be used for capital purposes in connection with the impounding and developing system located outside territorial limits of the City. All revenues, except such as have been heretofore appropriated by contract to some specific purpose, in excess of the amount necessary for the maintenance and operation of such Water Department shall be transferred monthly to the General Fund of the City and shall be available thereafter for use for any legal City Purposes, and all such surplus funds so transferred shall be credited on the accounts of the City as a reimbursement credit for the monies paid by the City each year for the redemption of water bonds and the payment of interest thereon. Such accounts shall be kept by the City Auditor and Comptroller until such water bonds have been actually redeemed.

(d) The Manager shall appoint an Advisory Commission of three citizens who have knowledge of water development problems, to advise with and formulate plans for future water development.

(e) The Council shall have power to employ special counsel for the purpose of advising and representing the City in all matters, proceedings and things relating to or concerning the development, impounding and distribution of water.

2. Amendment voted 04-22-1941; effective 05-08-1941

Section 53. WATER DEPARTMENT. There shall be included in the administrative organization of the City a separate department to be known as the Water Department. The Department shall consist of three divisions or bureaus, viz., the Division of Development and Conservation, the Division of Distribution, and the Division of Accounts.

(a) The Manager shall appoint a competent hydraulic engineer, who shall have charge of the Division of Development and Conservation and of such subordinate officers and employees in said Division as shall be authorized by ordinance. This Division shall have charge of all matters and things connected with, incidental or necessary to the development and conservation of water, and also of the conveyance and delivery of water to the distributing system of the City and to such consumers as are authorized to receive water from the City along the line of its supply.

(b) The Manager shall appoint a Superintendent of Distribution in the Water Department and such subordinate officers and employees as may be authorized by ordinance. This Division shall have charge of the distributing system of the City both within and without the territorial boundaries of the City, and of the actual distribution of water to the consumer, including the construction and maintenance of water mains, services and meters used in the distribution of water to the consumer. The Council shall from time to time establish a schedule of charges for water delivered by the City to the

consumer, classified according to the purpose for which and the quantity of water used. Each such schedule shall be general in its application, and shall apply to all consumers. All Departments of the City using water from the distributing system shall pay for the same at the same rates as other consumers.

(c) The City Manager shall appoint a qualified accountant who shall have charge of the Division of Accounts and of such subordinate officers and employees in said Division as shall be authorized by ordinance. This Division shall have charge of all accounts and records required to be kept and maintained by Section 109 of this Charter with respect to said Water Department.

(d) The Council must provide an adequate sum in the annual appropriation ordinance for the proper maintenance of the Department. In addition thereto, the Council shall levy annually a tax sufficient to provide for the redemption of municipal bonds heretofore or hereafter issued for water purposes. together with a sum sufficient to pay the interest thereon. The amount of money necessary to be raised each year for the redemption of water bonds and the payment of interest thereon and for the retirement of any other funded or contractual indebtedness incurred by purchase or otherwise for the development, conservation or distribution of water shall be charged annually against the Water Department on the accounts of the City. All revenues, except such as have been heretofore appropriated by contract to some specific purpose, in excess of the amount necessary for the maintenance and operation of such Water Department shall be transferred monthly to the General Fund of the City and shall be available thereafter for use for any legal City purposes, and all such surplus funds so transferred shall be credited on the accounts of the City as a reimbursement credit for the monies paid by the City each year for the redemption of water bonds and the payment of interest thereon. Such accounts shall be kept by the City Auditor and Comptroller until such water bonds have been actually redeemed.

(e) The Manager shall appoint an Advisory Commission of three citizens who have knowledge of water development problems, to advise with the City Manager and the Council on plans for future water development.

(f) The Council shall have the power to employ special counsel for the purpose of advising and representing the City in all matters, proceedings and things relating to or concerning the development, impounding and distribution of water.

3. Amendment voted 03-11-1947; effective 03-24-1947

Section 53. WATER DEPARTMENT. There shall be included in the administrative organization of the City a separate department to be known as the Water Department. The Manager shall appoint a Director of the Water Department who shall have supervision of the operations of the Water Department. The Department shall consist of such divisions as may be created by ordinance. The financial information and records on

which the amounts are to be kept shall be established and maintained by the Water Department Accountant, in accordance with methods set forth in Section 109 of the City Charter.

All revenues of the Water Department shall be deposited in a Water Department Fund. The Manager shall include in the annual budget the estimated expenditure and reserve requirements of the Water Department Fund. The City Council using such estimates as a basis shall include in the annual appropriation ordinance for the Water Department Fund provision for operating and maintenance costs; replacements, betterments, and expansion of facilities; payments necessary for obtaining water from the Colorado River; any other contractual obligations; reserves for future expansion of water utility plant; reserves for future water purchases. In addition thereto, the Council shall levy annually a tax sufficient to provide for the redemption of municipal bonds heretofore or hereafter issued for water purposes, together with a sum sufficient to pay the interest thereon. The amount of money necessary to be raised each year for the redemption of water bonds, and the payment of interest thereon and for the retirement of any other funded or contractual indebtedness incurred by purchase or otherwise for the development, conservation or distribution of water shall be charged annually against the Water Department on the accounts of the City. Only after providing the requirements for Water Department purposes as set forth above may the City Council in the annual appropriation ordinance provide for the transfer to the General Fund of the City any excess revenues accruing to the Water Department Fund. Such revenue transferred to the General Fund shall be available thereafter for use for any legal City purpose. All such surplus funds so transferred shall be credited on the accounts of the City as a reimbursement credit for the monies paid by the City each year for the redemption of Water Bonds and the payment of interest thereon, costs of services and facilities furnished to the Water Department by other City departments and funds, and an amount equal to the estimated loss in taxation which would be paid to the City by the Water Utility if it were not municipally owned, together with a reasonable profit on the City's investment in the water system.

The Manager shall appoint an Advisory Commission of five citizens who have knowledge of water development problems and who shall not serve longer than five years without being reappointed, whose duties shall be as prescribed in Section 43 of this Charter.

The Council shall have the power to employ special counsel for the purpose of advising and representing the City in all matters, proceedings and things relating to or concerning the development, impounding and distribution of water.

4. Amendment voted 09-17-1963; effective 02-11-1964

See current Charter.