

**EXHIBIT A
AMENDING SECTION 13.04.050**

ORDINANCE SECTION 2. Napa Municipal Code Section 13.04.050 (“Metered Rates for Interruptible Surplus Agricultural Water Service”) is hereby amended by repealing the previous language in its entirety, and adopting language to read as follows:

“13.04.050 Interruptible surplus agricultural water service.

A. Purpose: The purpose of this section is to establish requirements associated with interruptible surplus agricultural water service provided to private property owners located outside City limits.

B. Definitions: The following words and phrases, whenever used in this section, shall be construed as defined under this subsection:

“Director” means the Utilities Director of the City of Napa, or designee of the Utilities Director or City Manager.

“Interruptible Surplus Agricultural Water” means water available for irrigation use on agricultural lands located outside the City limits, which shall be subject to interruption, reduction, or discontinuance in whole or in part without notice in case of an actual or anticipated shortage of water supply, storage, or delivery capacity or facility outage.

C. Director’s Authority and Discretion. The Director has the following authority:

1. The Director is authorized to estimate the total amount of Interruptible Surplus Agricultural Water available based on water supply storage, water supply allocations, weather forecasts, projected water demands and other applicable factors.
2. By March 1 of each year, the Director shall provide written notice to each customer with an agreement for Interruptible Surplus Agricultural Water of the allocation percentage available.
3. At any time, the Director is authorized to adjust the allocation percentage or to interrupt, reduce, or discontinue Interruptible Surplus Agricultural Water service without prior notice in the case of an actual or anticipated shortage of water supply, storage or delivery capacity, or facility outage. The Director is authorized to shut off or limit use of services accordingly until such time that the Director determines they can be restored. The Director shall provide written notice as soon as feasible to each customer impacted by an action taken under this Subsection (C)(3).
4. The Director is authorized to enter into Interruptible Surplus Agricultural Water service agreements and subsequent amendments with private property owners, subject to approval as to form by the City Attorney, in accordance with this

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Section, applicable law and regulations. The Director is authorized to terminate any Interruptible Surplus Agricultural Water service agreements.

5. The Director's authority, as set forth in Subsections (C)(1) through (C)(4) above, is not subject to review or appeal and is considered final.

D. General Provisions.

1. Persons requesting Interruptible Surplus Agricultural Water service shall make a written request to the Director on the form prescribed therefor. Said request shall include information showing compliance with the terms and conditions identified in Subsections (D)(2) and (D)(3) below and shall be signed by the owner of the property on which said water is to be used, or by his or her duly authorized agent. Separate requests shall be required for noncontiguous parcels under the same ownership.
2. A written agreement shall be required between the City and the owner of the subject property to establish the terms and conditions for Interruptible Surplus Agricultural Water service, in a form approved by the City Attorney. At a minimum, the following terms and conditions shall be included in the agreement:
 - a. The agreement shall identify an initial term of no more than five (5) years, and parameters by which the term may be extended thereafter from year to year, unless terminated earlier.
 - b. The agreement shall identify the maximum annual water supply available for each Interruptible Surplus Agricultural Water service connection which shall be less than or equal to 200,000 gallons per acre of irrigated agricultural land.
 - c. The agreement shall provide that charges for Interruptible Surplus Agricultural Water shall be at a rate established by the City Council as designated for "Outside Irrigation" customers. The Bimonthly Fixed Service Charge adopted by the City Council shall also be included as a charge in the agreement.
 - d. The agreement shall require the payment of all relevant fees and charges, as well as compliance with all relevant regulations and other requirements applicable to other water service connections.
 - e. The agreement shall require that a completely separate service connection and cross connection control device or reduced pressure backflow prevention device shall be required for Interruptible Surplus Agricultural Water service.

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- f. The agreement shall provide that the Director has the sole discretion to adjust the allocation percentage or to interrupt, reduce, or discontinue Interruptible Surplus Agricultural Water service without notice in the case of an actual or anticipated shortage of water supply, storage, or delivery capacity, or facility outage. The agreement shall also provide that the Director is authorized to shut off or limit use of services accordingly until such time that the Director determines they can be restored.
3. Existing City water mains may not be extended in order to provide Interruptible Surplus Agricultural Water. The City reserves the right to perform a hydraulic analysis, at requestor's expense, to determine if sufficient capacity exists in existing water mains to support a proposed Interruptible Surplus Agricultural Water service.
4. The service charge, quantity charge, and fines for Interruptible Surplus Agricultural Water service shall be the rate established for Outside Irrigation as set by resolution by the City Council.
5. It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to take Interruptible Surplus Agricultural water in a quantity that exceeds the amount authorized by an agreement entered into in accordance with this Section.