

FULL TEXT OF MEASURE H91  
GOLETA WATER DISTRICT  
Ordinance 91-01  
SAFE WATER SUPPLIES ORDINANCE

THE PEOPLE OF THE GOLETA WATER DISTRICT,  
COUNTY OF SANTA BARBARA, STATE OF  
CALIFORNIA, DO ORDAIN AND ENACT THE  
FOLLOWING ORDINANCE WHICH SHALL BE  
KNOWN AS THE *SAFE WATER SUPPLIES  
ORDINANCE*:

RECITALS:

Whereas, the Goleta Water District ("District") faces a significant shortage of water to meet current long-term water demands of its customers as determined by the State Department of Water Resources and the Santa Barbara County Flood Control and Water Conservation District in their 1985 Santa Barbara County Water Project Alternatives study; and

Whereas, a drought emergency was declared in Santa Barbara County in 1990 following four years of below normal precipitation within Santa Barbara County and, in the future, the District will continue to be subject to recurring drought cycles which will threaten the ability of the District to meet the health and safety needs of its customers unless new and diversified, long term water projects are developed; and

Whereas, the District relies exclusively on local water supplies to meet its current water demand, which supplies originate entirely within Santa Barbara County and which supplies are all subject to the same climatic conditions; and

Whereas, in the absence of a system limiting the District's authority to provide new and/or additional water service connections without first mandating groundwater storage of water in wet years for use in dry years (a "drought buffer program") District customers may face severe water shortage in the future; and

Whereas on October 1, 1990 the Board of Directors of the Goleta Water District adopted a Water Supply Management Plan which includes use of water supplies from both a desalting plant and the State of Water Project; and;

Whereas, the District is a party to an agreement with the Santa Barbara County Flood Control and Water Conservation District entitled "Water Supply Retention Agreement" dated December 11, 1984 which it executed on June 28, 1986 (the "WSRA") entitling the District to 4,500 acre feet per year from the State Water Project, and

has executed amendments thereto; and

Whereas, the District is also a party to a "Contract for Preliminary Studies for Financial Feasibility, Preliminary Design and Environmental Review Under State Water Supply Contract" (the "Design and EIR Agreement") dated June 2, 1986 but did not identify itself as a proposed participant in the preliminary studies in response to the "Notice of Intent to Request Preliminary Studies" for the Coastal Branch and the Mission Hills Extension of the California Aqueduct given by the city of Santa Maria on or about May 24, 1986; and

Whereas, the WSRA and its amendments and the Design and EIR Agreement contain the ways and means to provide for a long term solution to the existing drought emergency and to the ongoing water shortage within the County of Santa Barbara; and

Whereas, the District has a duty to provide a permanent, reliable water supply to its residents.

NOW, THEREFORE, THE FOLLOWING ORDINANCE IS ENACTED INTO LAW:

I Drought Buffer

1. In each year, commencing in the first year the State Water Project makes deliveries to the District, the District shall, after providing service to its existing customers, commit at least 2,000 acre feet of its water supply (the "Annual Storage Contribution") to the Goleta Central Basin either by direct injection or by reduction in groundwater pumping. The water so stored in the Central Basin shall constitute the District's "Drought Buffer".

2. The Drought Buffer may be pumped and distributed by the District only to existing customers and only in the event that a drought on the South Coast causes a reduction in the District's annual deliveries from Lake Cachuma. The Drought Buffer cannot, under any circumstances, be used by the District as a supplemental water supply to serve new or additional demands for water within the District.

3. Unless and until the Central Basin water level rises to 100% of its 1972 levels, the District shall be required to make its Annual Buffer Commitment. Thereafter, for so long as the District maintains the Central Basin at or above 1972 levels, the District may utilize the yield of the Central Basin to lower the cost of water service to existing customers.

II Water Supply Distribution Plan

4. The District shall be forbidden from providing new or additional potable water service connections to any property not previously served by the District until all of the following conditions are met:

a. District is receiving 100% of its deliveries normally allowed from the Cachuma Project;

- b. The District has met its legal obligations required by the judgment in Wright v Goleta Water District;
  - c. Water rationing by the District is eliminated;
  - d. The District has met its obligation to make its Annual Storage Commitment to the Drought Buffer.
5. For each year in which the conditions of paragraph 4, have been met, the District shall be authorized to release 1% of its total potable water supply to new or additional service connections and if such new releases are authorized, the District shall permanently increase the size of the Annual Storage Commitment made to the Drought Buffer by 2/3 of the amount of any release for new or additional uses so that safe water supplies in times of drought shall not be endangered by any new or additional demands.

### III State Water Supply

6. Due to controversy concerning the physical ability of the State Water Project to deliver its full contractual commitments, District shall plan for delivery of only 2,500 acre feet per year as the amount of the firm new yield from the State Water Project. Any excess water actually delivered shall be stored in the Goleta Groundwater basin for use in drought.

7. The District shall immediately either (a) give Notice of its Intention to Request Construction of Described Project Facilities under the State Water Contract, as provided for in Section 5(a)(1) of the WSRa or (b) respond to any such notice previously given by any other Contractor as provided for in Section 5(a)(2) of the WSRa that it wishes to participate in the described project.

8. The Project Facilities to be constructed pursuant to the Notice of Intention shall be the Mission Hills and Santa Ynez Extensions of the Coastal Branch of the California Aqueduct and required water treatment facilities and other appurtenant facilities (herein the "Project Facilities").

9. The District agrees, pursuant to section Section 5(a)(2) of the WSRa, that the time for determination of participation and sizing of the Project Facilities may be any date on or after September 1, 1992 agreeable to the other participants.

10. The District shall, in the shortest time lawfully possible, exercise all of its rights and fulfill all of its obligations under the WSRa, including the payment of any monies required thereunder.

11. The District shall file a Late Request to Amend, pursuant to Section 3(f) of the Design and EIR Agreement, and agrees to pay its proportionate share of all costs required by said Section 3(f) and any amounts required under Section 3(g) of said Design and EIR Agreement.

12. The District, or the Santa Barbara Water Purveyors Agency, or any other joint powers agency of which the District is a member or may become a member for such purposes, may issue revenue bonds ("bonds") from time to time in an amount not to exceed Forty-Two Million Dollars (\$42,000,000.00) to provide funds to

finance the District's pro rata share of the costs and expenses under the WSRa and the Design and EIR Agreement. Said bonds shall be used for the purposes of constructing the Project Facilities, including without limitation, any and all necessary facilities required for the delivery of State Project Water pursuant to the WSRa to the District through the Coastal Branch of the California Aqueduct, including any and all expenses incidental thereto or connected therewith, and shall include, without limitation, the cost of acquiring rights of way, the cost of constructing and/or acquiring all buildings, equipment and related personal and real property required to complete the Project Facilities, and the engineering, environmental review, inspection, legal and fiscal agent's fees, costs incurred by the District or joint powers agency in connection with the issuance and sale of such bonds, and reserve fund and bond interest estimated to accrue during the construction period and for a period of not to exceed twelve (12) months after completion of construction, such bonds to be payable from the District's water revenues, to bear interest at a rate or rates not to exceed the legal maximum from time to time, and to mature in not more than forty (40) years from the date of issuance.

13. This Ordinance shall be submitted to a vote of the people of the District in compliance with the requirements of Section 5(a)(4)(1) of the WSRa and pursuant to Elections Code Section 5201.

14. All actions taken pursuant to this Ordinance shall be in compliance with all local, state and federal environmental protection laws. Nothing in the Ordinance shall be construed to require such compliance prior to the election provided for herein.

15. This Ordinance shall be liberally construed and applied in order to fully promote its underlying purposes. If any word, sentence, paragraph or section of this Ordinance is determined to be unenforceable by a court law, it is the intention of the District that the remainder of the Ordinance shall be enforced.

16. If adopted, this ordinance shall be an amendment to the Responsible Water Policy Ordinance adopted by the people in May, 1973, and may not be modified except pursuant to the vote of the electorate of the District. To the extent that the provisions of this ordinance conflict with that ordinance or any prior ordinance or measure previously enacted by the District or the voters of the District, the provisions of this ordinance shall control. To the extent that the provisions of this Ordinance conflict with any other ordinance or measure adopted at the same election, the ordinance or measure receiving the highest number of affirmative votes shall control.

17. Nothing herein is intended to affect the rights of any parties nor the obligations of the District pursuant to the judgment in the action know as Wright v Goleta Water District, Santa Barbara Superior Court Case No. SM57969.

18. This ordinance shall take effect immediately upon being approved by a majority vote of the votes cast at the election.