WHEREAS, the forty year water service contract with the United States Bureau of Reclamation for delivery of water from the Cachuma Project will expire in May 1995.
Negotiations are currently under way to renew that contract. The Bureau of Reclamation has required that the Cachuma Project be subjected to an environmental review process which is now being undertaken. It appears likely that the District's yield from the Cachuma Project after contract renewal will be less than the current yield as a result of the dedication of water for environmental enhancement purposes on the lower Santa Ynez River; and

WHEREAS, the Southern California Water Company is a Santa Barbara County water purveyor which currently holds rights to an entitlement to 3,000 acre feet per year of water from the State Water Project and has given notice of its intent to sell 2,500 acre feet of that entitlement. The Goleta Water District has identified itself as a potential purchaser of the entitlement. It is the intent of this Ordinance to authorize the acquisition and use of that entitlement; and

WHEREAS, the District estimates the annual cost of the Southern California Water Company entitlement to be $500 per acre foot of water delivered to the District. The entitlement acquisition is intended to reduce the long-term costs of water to the District and its customers in that alternative supplies that would be available, and necessary to meet the District's long-term demand would be more expensive than the water available from Southern California Water Company. The District's cost analysis of the acquisition is available at the District office.

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

1. The District is authorized to acquire an additional entitlement to the State Water Project in an amount of up to 2,500 acre feet per year, which is currently available from the Southern California Water Company. This entitlement will supplement the 4,500 acre feet per year authorized by the voters in originally adopting the SAFE Water Supplies Ordinance. This authorization shall provide for the payment of all costs of the acquisition and use of any additional entitlement acquired. Due to the controversy concerning the physical ability of the State Water Project to deliver its full contractual commitments, the District shall plan for the delivery of 3,800 acre feet per year of water as the amount of firm average long-term yield. The District's total State Water Project entitlement includes the basic entitlement of 4,500 acre feet per year, the District's share of the drought buffer held by the Central Coast Water Authority and the entitlement acquired pursuant to this authorization. Any excess water actually delivered over 3,800 acre feet per year shall be stored in the Goleta groundwater Central basin until the basin is replenished to its 1972 level, for use during drought conditions.

2. Enactment of this Ordinance shall comply with all applicable law, including the California Environmental Quality Act.

3. If adopted, this Ordinance shall be an amendment to the SAFE Water Supplies Ordinance adopted by the electorate in June, 1991, which amended and superseded the Responsible Water Policy Ordinance,
originally adopted by the electorate in 1973. Paragraph 1 of this Ordinance shall amend and fully supersede paragraph 6 of the SAFE Water Supplies Ordinance. All other provisions of the SAFE Ordinance shall remain in full force and effect. If adopted, this Ordinance may not be modified except pursuant to a vote of the electorate of the District.

4. 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 of law, it is the intention of the District that the remainder of the Ordinance shall be enforced.
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 1/3 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.