

RESOLUTION NO. 2014-32
Introduced by the Water Management
and Long Range Planning Committee

RESOLUTION NO. 2014-32

**A RESOLUTION OF THE GOLETA WATER DISTRICT BOARD OF
DIRECTORS DIRECTING THE DENIAL OF APPLICATIONS FOR NEW
AND ADDITIONAL SERVICE CONNECTIONS FOR POTABLE WATER
BEGINNING ON OCTOBER 1, 2014 AND EXEMPTING THEREFROM
PROJECTS WITH EXISTING ENTITLEMENT TO POTABLE WATER**

WHEREAS, the Goleta Water District ("District") is a County water district organized and existing under the laws of the State of California; and

WHEREAS, through a voter initiative, in June 1991 the residents of the Goleta Water District (District) passed the SAFE Water Supplies Ordinance (SAFE Ordinance); and

WHEREAS, the SAFE Ordinance prohibits the District from providing new or additional water service connections to any property not previously served by the District unless all of the following conditions are met:

- a. The 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; and
- d. The District has met its obligation to make its Annual Storage Commitment to the Drought Buffer [in the groundwater basin]; and

WHEREAS, the District has been notified by the Cachuma Operation and Maintenance Board that the District will receive only 45% of its normal deliveries from the Cachuma Project for the water year beginning October 1, 2014; and

WHEREAS, as a result of the reduction in deliveries from the Cachuma Project, condition (a) above will not be met as of October 1, 2014; and

WHEREAS, California Water Code section 350 provides that the District Board of Directors ("Board") has the authority to declare a water shortage emergency condition; and

WHEREAS, California Water Code Section 353 authorizes the Board to adopt regulations and restrictions to conserve the water supply for the greatest public benefit and Section 356 specifically authorizes the District to deny applications for new and additional service connections during a water shortage emergency; and

WHEREAS, the Board declared a Stage One Water Shortage, on March 11, 2014 by Resolution No. 2014-08 and on September 9, 2014 the Board declared a Stage Two Water Shortage Emergency by Resolution No. 2014-31; and

WHEREAS, the District's Drought Preparedness and Water Shortage Contingency Plan adopted on July 8, 2014 ("Contingency Plan"), provides that upon the declaration of a Stage Two Water Shortage Emergency, the Board will adopt demand reduction targets focused heavily on water use limits and prohibitions that will reduce non-essential use; and

WHEREAS, this Board has conducted a duly noticed public hearing on September 9th 2014 to determine what regulations should now be adopted in response to the Stage Two Water Shortage Emergency Declaration and to consider this Resolution; and

WHEREAS, the District plans to adopt restrictions on water use by current customers through adoption of a separate ordinance but believes that even with such restrictions in place, further restrictions are required to conserve water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, applicants to the District have requested clarification from the District regarding the implementation of the proposed prohibition on approval of applications for new and additional service connections; and

WHEREAS, because the prohibition on approval of new and additional service connections is aimed at preserving water that has not already been allocated to a property, properties that currently possess existing potable water entitlements should not be subject to it.

NOW THEREFORE BE IT FOUND, DETERMINED AND RESOLVED by the Board of Directors of the Goleta Water District as follows:

1. The above recitals are true and correct.
2. Pursuant to its authority under Water Code Section 350 et seq. and based upon the declaration of the Stage Two Water Shortage Emergency and the water supply factors considered in that declaration, starting on October 1, 2014 the District will cease approving applications for new or additional service connections including applications for additional development on properties with District service connections.
3. On and after October 1, 2014, the District is prohibited under the SAFE Ordinance from providing new or additional service connections to any property not previously serviced by the District.
4. Parties meeting any of the conditions below before October 1, 2014 are deemed to be existing customers of the Goleta Water District for purposes of this Resolution:
 - a. Existing customers with an active service connection who are not seeking to change the use or development on their property.
 - b. Parties with a pre-existing water use entitlement based on prior use as defined in the Goleta Water District Code, the amount of which is sufficient for the use or development being proposed.
 - c. Parties who have fully paid a new water supply charge for an amount of potable water that is sufficient for the use or development being proposed.
 - d. Parties who have an existing agreement with the District entitling them to an amount of potable water that is sufficient for the use or development being proposed.
or
 - e. Parties who have sufficient water for the development or use being proposed based upon a combination of the above as computed under the District Code Title 5.
5. Parties who met the requirements set forth in Section 4 of this resolution before October 1, 2014 shall not be subject to the prohibition on approval of new or additional potable water service connections set forth in this Resolution.

6. Nothing contained in this resolution shall restrict or prohibit the authority of the District to modify, alter, restrict, prohibit, ban or otherwise limit water connections and allocations and use of water allocations or otherwise restrict or limit the delivery of potable water or to take other future legislative actions relating to this matter under California Water Code Section 350 et seq. and California Water Code Sections 31026 and 31027.

7. The Board of Directors finds that the restrictions set forth in this resolution are necessary to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

8. This resolution shall remain in full force and effect during the period of the water shortage emergency and until the supply of water available for distribution within such area has been replenished or augmented as determined by the District Board of Directors in consideration water supply conditions including the conditions set forth in the SAFE Ordinance.

9. This resolution shall take effect on October 1, 2014.

PASSED AND ADOPTED by the Board of Directors of the Goleta Water District this 9th day of September 2014 by the following roll call vote:

AYE: Directors Bertrando, Cunningham, Hanson, Merrifield, Rosen

NAY: None


ABSENT: None

ABSTAIN: None

ATTEST:



JOHN D. MCINNES
DISTRICT SECRETARY



WILLIAM C. ROSEN, PRESIDENT
BOARD OF DIRECTORS