

RESOLUTION NO. 2010-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, TO SUPERSEDE THE SUPPLEMENTAL WATER AGREEMENTS TO THE ORCUTT COMMUNITY DEVELOPERS AND RATIFY AUTHORITY TO IMPLEMENT THE SANTA MARIA GROUNDWATER LITIGATION STIPULATION

WHEREAS, Resolution No. 2003-150 and No. 2004-137 authorized the sale of up to 900 AF of supplemental water to meet the Orcutt Community Plan's requirement to fulfill water policy that ensures that the water demand for a new discretionary development must be offset by long-term supplemental water supplies; and

WHEREAS, the Santa Maria Groundwater Litigation Stipulation contains language regarding the declaration of water rights and describes the physical solution to maintain the health of the groundwater basin through monitoring and management within three management areas known as the Santa Maria Valley, the Northern Cities, and the Nipomo Mesa management areas; and

WHEREAS, the Stipulation outlines that the monitoring and management of the Santa Maria Valley Management Area is to occur through a court-approved committee known as the Twitchell Management Authority; and

WHEREAS, the Stipulation contains several attachments including the Santa Maria Valley Public Water Purveyor Water Management Agreement between the City of Santa Maria, the City of Guadalupe, and Golden State Water Company; and

WHEREAS, Section 6.1 of the Santa Maria Valley Public Water Purveyor Water Management Agreement requires new customers of Golden State Water Company or existing customers proposing to increase their water use through a change in land use requiring a discretionary land use permit or other form of land use entitlement, as specified in Section X(D) (2) of the Stipulation, shall provide supplemental water to offset the demand associated with that prospective use; and

WHEREAS, Section 6.2 of the Santa Maria Valley Public Water Purveyor Water Management Agreement states that an additional 20-percent shall be charged to the Orcutt community developers for each Acre Foot of supplemental water purchased through Santa Maria; and

WHEREAS, the funds associated with the additional 20-percent charge per Acre Foot of supplemental water sold shall be placed into either the Twitchell operational fund or the Twitchell capital fund to offset Golden State Water Company's contribution to the Twitchell Management Authority; and

WHEREAS, New Urban Use water sales will be initiated with \$5,040 per Acre Foot of water to be designated to Golden State Water Company to offset their costs toward the Twitchell Management Authority for projects that will enhance Twitchell Yield.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Santa Maria, as follows:

1. The City Council hereby approves a Supplemental Water Purchase Agreement to:
 - A. Supersede the agreement authorized in Resolutions No. 2003-150 and No. 2004-137 to provide up to 900 Acre Feet (AF) of supplemental water annually to satisfy the Orcutt Community Plan (OCP) per the Santa Maria Groundwater Litigation Stipulation (Litigation); and
 - B. Increase the per AF cost of supplemental water by 20-percent from \$25,200 to \$30,240 for the Orcutt Community Plan water sales; and
 - C. Provide for water sales for New Urban Uses; and
 - D. Authorize the Director of Utilities and Director of Administrative Services to hold, in trust, deposits associated with the supplemental water agreements 20-percent increase per AF cost on behalf of Golden State Water Company (Golden State) to offset their costs for the court-mandated Twitchell Management Authority (TMA) per the Litigation Stipulation dated June 30, 2005; and
 - E. Authorize the Director of Utilities and Director of Administrative Services to release this portion of the supplemental water agreement deposits pertaining to the 20-percent increase per AF to Golden State to offset their financial obligations to the TMA per the Litigation Stipulation when the deposits become nonrefundable; and
2. The City Council hereby designates the Director of Utilities with the authority to implement the terms of the Litigation Stipulation dated June 30, 2005, signed by the Mayor per Resolution No. 2005-112.

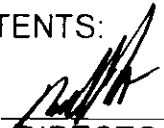
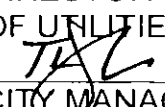
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Santa Maria held this 2nd day of February, 2010.

Mayor

ATTEST:

Chief Deputy City Clerk

APPROVED AS TO
FORM:
BY: 
CITY ATTORNEY

CONTENTS:
BY: 
DIRECTOR
OF UTILITIES
BY: 
CITY MANAGER