

# Full Text of Measure N (2002 March)

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Pajaro Valley Water Management Agency Seawater Intrusion

ORDINANCE No. 2002-01

AN ORDINANCE OF THE PAJARO VALLEY WATER MANAGEMENT AGENCY AUTHORIZING THE BOARD OF DIRECTORS TO INCREASE THE AUGMENTATION CHARGE TO NO MORE THAN THAT ALLOWED BY STATE LAW TO IMPLEMENT DIVERSIFIED WATER SUPPLY PROJECTS, INCLUDING LOCAL, RECYCLED OR IMPORTED WATER, AS ADOPTED BY THE PVWMA BOARD OF DIRECTORS TO STOP SEAWATER INTRUSION

The people of the Pajaro Valley Water Management Agency do ordain as follows:

## FINDINGS

WHEREAS, the aquifers within the Pajaro Valley are experiencing serious seawater intrusion, resulting from the pumping of groundwater in excess of the amount of recharge to the basin; and

WHEREAS, the Pajaro Valley Water Management Agency ("Agency") was formed, among other reasons, to provide integrated management of the ground and surface water resources within the Pajaro Basin. As the sole local agency responsible for the integrated management of water resources for the Pajaro Basin, the Agency bears responsibility for the management and augmentation of water supplies for domestic, agricultural, municipal and industrial purposes; and

WHEREAS, in 1993, the Agency developed a long-term Basin Management Plan ("1993 BMP"), which identified various water supply projects involving local water sources and importation of supplemental water, to balance water demands with water supplies in the Pajaro basin; and

WHEREAS, Ordinance 98-2, enacted by the voters of Agency in June 1998, directed the Agency to postpone for the next ten (10) years and until the results of local solutions have been analyzed any decision for the design and construction of any pipeline to import supplemental water from the Central Valley Project, and the purchase of supplemental water from outside the Agency; and

WHEREAS, Ordinance 98-2 further directed that the Augmentation Charges authorized by Section 124-1001 of the Agency's enabling Act (Cal. Water Code App. Ch. 124) shall not exceed \$50 per acre-foot until modified by a vote of the people; and

WHEREAS, in accordance with Ordinance 98-2, the Agency has implemented viable conservation measures and constructed viable local water projects, including the Harkins Slough Local Water Supply Project and a component of the Coastal Distribution System; and

WHEREAS, Ordinance 98-4, enacted by the voters of Agency in June 1998, directed the Agency not to enter into any contract with the State or Federal government for water from the State Water Project or the Central Valley Project ("CVP") without approval of the voters of the Agency; and

WHEREAS, in response to the directives in Ordinances 98-2 and 98-4, and based on studies, technical data, hydrologic analysis and engineer's reports, the Agency issued a Draft Revised Basin Management Plan ("Draft Revised BMP") in August 2001 which identifies additional viable local water projects, water reclamation and recycling, and projects for the importation of water in order to most efficiently and cost effectively balance the groundwater basin; and

WHEREAS, the Agency has issued a Draft Revised BMP Environmental Impact Report ("Draft EIR") which evaluates the environmental effects of, and recommends applicable mitigation measures for, the various projects considered in the Draft Revised BMP; and WHEREAS, based on the information presented in the Draft Revised BMP and various economic analyses performed by and for the Agency, the Agency has concluded that any viable combination of projects presented in the Draft Revised BMP will require funds beyond those currently authorized under Ordinance 98-2; and

WHEREAS, pursuant to Ordinances 98-2 and 98-4, in order to increase the Augmentation Charge above \$50 per acre-foot, or take certain action in connection with the importation of water, the Agency must obtain approval from the voters; and

WHEREAS, unless Ordinances 98-2 and 98-4 are amended in accordance with this Ordinance, the Agency will be unable to develop diversified water supply projects to stop seawater intrusion as described in the Draft Revised BMP.

## ORDINANCE

### SECTION 1: STATEMENT OF PURPOSE

The people of the Pajaro Valley Water Management Agency ("Agency") hereby enact this ordinance in order to permit and fund implementation of water supply projects identified in the Draft Revised Basin Management Plan, ("Draft Revised BMP"), subject to certification of the Final Revised BMP EIR and adoption of applicable feasible mitigation measures by the Agency Board of Directors ("Board").

### SECTION 2: AUGMENTATION CHARGE

2.1 The Board may increase the Augmentation Charge authorized pursuant to Sections 124-1001 of the Pajaro Valley Water Management Agency Act (Cal. Water Code App. Ch. 124), to an amount not to exceed the maximum charge as described in Section 124-1003 of the Agency's Act, which is fifteen percent (15%) of the highest charges for water levied by the City of Watsonville.

2.1.1 Any actual increase of the Augmentation Charge by the Board of Directors beyond the current Augmentation Charge of \$50 per acre-foot, as established by Ordinance 98-2, shall be based upon all of the following:

1. A selection by the Board of water supply projects to be implemented pursuant to the Final Revised BMP and in accordance with the Final Revised BMP EIR, certified by the Board, including adoption of feasible mitigation measures, as applicable; and
2. The actual cost of water supply projects to be implemented, based on an engineer's estimate of the cost to implement the projects, including costs associated with capturing, storing, purchasing and distributing supplemental water; and
3. Compliance with the requirements of the Agency's Act.

### SECTION 3: ACQUISITION OF SUPPLEMENTAL WATER

The Board may take all steps necessary to acquire supplemental water from the Central Valley Project (CVP) or State Water Project (SWP) or any other sources outside the Agency's boundaries, and design and construct a pipeline to import supplemental water from the CVP or any other source into the Agency's boundaries.

### SECTION 4: COMPLIANCE WITH CEQA

Nothing in this Ordinance is intended to provide authority to the Board to take any action or implement any project without first complying with all applicable laws, including the California Environmental Quality Act ("CEQA").

### SECTION 5: APPLICATION OF ORDINANCE

The provisions of this Ordinance shall be administered in conjunction with and complement all other Agency Ordinances. To the extent the terms of this Ordinance conflict with any other Agency Ordinance, upon its effective date, this Ordinance shall revise, amend and supercede any and all previous Ordinances of the Agency.

Section headings used in this ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section. Words used in any gender include any other gender. The singular number includes the plural, and the plural the singular. Words used in the present tense include the future as well as the present.

#### SECTION 6: EFFECTIVE DATE

If approved by the voters, this Ordinance shall take effect thirty days after certification of the election results, pursuant to California Elections Code Section 9191(b).

#### SECTION 7: SEVERABILITY

If any subdivision, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not effect the validity or enforcement of the remaining portions of this Ordinance. It is the people's express intent that each remaining provisions of this Ordinance would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.