

Ordinance 2000-03



An Ordinance of the Board of Directors of the
Pajaro Valley Water Management Agency

Mandating Completion of the Farm Water Conservation Plan

FINDINGS

1. 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.
2. The Pajaro Valley Water Management Agency Act (Act) provides that conservation and economically efficient management of water resources are necessary to meet the needs of agriculture, industry and urban communities and further provides that water conservation programs appropriately include the ability of a water management agency to recognize existing beneficial uses.
3. The Agency recognizes the importance of collecting information from its agricultural water users relative to their water conservation measures, so that the Agency can effectively carry out its powers and purposes of managing groundwater resources.
4. In this year and/or subsequent years, the Agency proposes to distribute the Farm Water Conservation Plan (Plan) in substantially the same form as that attached as Exhibit A to this Ordinance and incorporated herein, to its agricultural water users in order to gather the information it needs to effectively carry out its powers and purposes.
5. The Agency acknowledges that there is a split of opinion amongst its agricultural water users as to whether response to the Plan should be done on a mandatory or a voluntary basis, and enacted Resolution No. 2000-03 as a means to encourage voluntary responses to the Plan.
6. The Agency received a response rate of forty-seven percent (47%) to the Plan distributed to all agricultural water users within Agency boundaries in February/March, 2000.
7. Due to the low response rate, which is inadequate for the Agency's purposes, the Agency is acting pursuant to the authority granted in the Agency's Act, Section 124-102 and 124-501, and in accordance with Finding #3 in Resolution No. 2000-03 which provides for the Agency to reconsider a re-distribution of the Plan after imposing a requirement that the Plan information be provided on a mandatory basis.
8. The Agency intends to maintain the confidentiality of such responses to the extent permitted by law.

NOW THEREFORE be it ordained as follows:

SECTION ONE:

A. Collection of Information.

1. Obtaining and utilizing the information requested in the Plan is necessary for meeting the long-term goals of the Agency.
2. The Plan shall be distributed to the Agency's agricultural water users with a deadline for a mandatory response.
3. The operator of each Farming Unit shall be required to submit a completed Plan. "Farming Unit" shall be defined to mean a block of land (a ranch or adjacent ranches) and the well or wells that serve it. Where a Farming Unit is operated by a person or entity different from the landowner, the operator of the Farming Unit shall be responsible for completing the Plan.

B. Enforcement. If any Farming Unit which has been requested to complete a Plan fails to return a completed Plan to the Agency within the time stated in the Plan, the Agency shall be entitled to take any and all of the following actions:

1. Imposition of civil liability on the part of the failing party to the Agency for a sum not to exceed three hundred dollars (\$300), pursuant to the Agency's authority granted in California Water Code Appendix Section 124-1108. Imposition of this penalty shall be limited to the payment of \$300 in any one year by any individual or entity.
2. The name of any party failing to complete the Plan shall be made available for public posting and distribution.
3. Recovery of any and all legal expenses incurred, including costs of suit and attorney's fees, as the prevailing party in any action to enforce the provisions of this Ordinance.

SECTION TWO: PUBLICATION AND APPLICATION

The provisions of this Ordinance shall be read in conjunction with and complement all other Agency ordinances and resolutions, and shall apply to all parcels within the boundaries of the Agency.

SECTION THREE: EFFECTIVE DATE

This Ordinance shall be effective 30 days after its adoption.

SECTION FOUR: 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 affect the validity or enforcement of the remaining portions of this Ordinance, or of any other provisions of the Pajaro Valley Water Management Agency ordinances and resolutions. It is the Agency's express intent that each remaining provision 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.

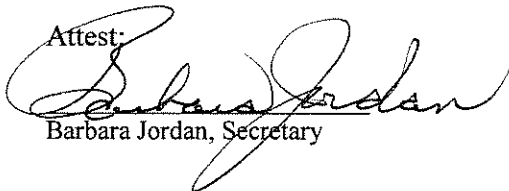
SECTION FIVE: REVIEW BY BOARD OF DIRECTORS

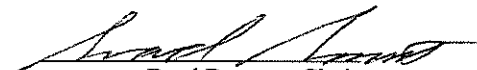
Not later than three (3) years from the effective date of this ordinance, the Board of Directors shall review this Ordinance and determine whether the Ordinance should remain in effect without change, be amended or be repealed.

PASSED AND ADOPTED by the Pajaro Valley Water Management Agency, County of Santa Cruz, State of California, the 21st day of June 2000, by the following vote:

AYES: Bennett, Capurro, Carroll, Imazio, Koenig, Mauthe, Roediger
NOES: None
ABSENT: None

Attest:


Barbara Jordan, Secretary


Brad Bennett, Chair