

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD DENYING APPEAL OF SOUTHERN CALIFORNIA
EDISON

WHEREAS, the City Council adopted the City's Water Use Neutrality Policy ("Policy") on January 15, 2008;

WHEREAS, the Policy has since been applied to all new development projects in the City of Oxnard subject to its provisions;

WHEREAS, the Policy was also reviewed and reaffirmed by the City Council on October 27, 2009;

WHEREAS, the Policy requires that non-exempt development projects which were not anticipated in the City's 2005 Urban Water Management Plan ("UWMP") provide offsets for their projected water use;

WHEREAS, exempt projects are projects that are exempt from review under the California Environmental Quality Act and which will therefore normally consume only small amounts of water;

WHEREAS, Southern California Edison ("SCE") has applied for permits to develop an electrical generating facility (the "project") on property owned by Southern California Edison within the City;

WHEREAS, the project will have a water demand of up to 27 acre-feet per year and a projected water usage of up to 728 acre-feet over the life of the project;

WHEREAS, the project was not anticipated in the City's 2005 UWMP, and is not exempt from the Policy;

WHEREAS, SCE has submitted a proposal to comply with the Policy for the project by providing the City funds to purchase 728 acre-feet of water from the Calleguas Municipal Water District ("CMWD"), the City's supplier of water imported from the State Water Project;

WHEREAS, the details of this proposal are set forth in a letter from Mark Nelson, Director of SCE's Generation Planning & Strategy division to City Attorney Alan Holmberg, dated March 14, 2011;

WHEREAS, SCE's proposal was determined not to comply with the Policy by City staff. SCE was notified of this determination by letter dated April 13, 2011;

WHEREAS, SCE has appealed this determination pursuant to Section 22-6 of the Oxnard Municipal Code;

WHEREAS, the City Council has conducted a hearing on May 17, 2011, and considered the City staff report, documents referenced therein, written materials submitted by SCE, oral presentations of City Staff, oral presentations by SCE and comments by members of the public.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The foregoing recitals are true and correct and are incorporated herein as findings.
2. The City Council finds that the SCE's proposal of March 14, 2011 is not consistent with, and does not satisfy the requirements of the Policy. Contrary to the intent and the requirements of the Policy, the proposal does not provide for any reduction of existing water use in the City to offset increased water demand from the project, nor does it provide any new source of water that will not be drawn from existing City sources of water supply. The project will instead result in a net increase in projected demand of 728 acre-feet on City water supplies over the life of the project, which demand would be not be offset by any corresponding reductions in existing potable water use in the City nor the availability of any new source of water. Payment for the water in advance, as proposed by SCE, will not increase the amount of water physically available to the City over the life of the project, nor ensure that actual future water demand from the project will not cause or contribute to future imbalance between reliable, available City water supplies and water demand.
3. Based on the foregoing findings, the appeal of City staff's determination of inconsistency with the Policy is denied and the determination of staff made in the April 13, 2011, letter to SCE is affirmed.
4. This decision is made without prejudice to SCE's right to submit any new or different proposal for compliance with the Policy at any time.

PASSED AND ADOPTED this ____ day of _____, 2011 by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney