

City Files Third Lawsuit Challenging Illegal United Water District Charges

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Yesterday, the City of Ventura filed a third lawsuit against the United Water Conservation District (United) for failing to establish fair and equitable rates for all ratepayers who draw water from aquifers within their boundaries. The lawsuit stems from the United Board's approval of rates in October 2013 without following due process and cost of service pricing principles required by the State Constitution and Proposition 218.

"While we understand and support United's critical mission to protect and replenish the groundwater aquifers that we all share in Ventura County, they must further this mission in compliance with the law," said Ventura Mayor Cheryl Heitmann. "Municipal customers use about 25% of the water, yet pay for nearly 50% of United's costs. To move forward, we must insist that United's rate process be transparent and equitable for all customers."

This is the third lawsuit the city has been forced to file against United's illegal setting of rates. The city won the first two lawsuits when the Santa Barbara Superior Court in July 2013 ruled that United had been unconstitutionally overcharging the City of Ventura. The court agreed with the city that it was unlawful to charge municipal and industrial customers three times the rate charged to agricultural customers in the absence of evidence demonstrating that municipal and industrial customers receive three times the benefit of the agricultural customers.

In response, the United Board appealed the decision and subsequently conducted several rate studies to justify the status quo, unfair rate structure. The \$1.4 million the court ordered United to pay is being held in a reserve account pending a decision on United's appeal.

In the meantime, recognizing that the appeal would settle the ongoing dispute, the city made a proposal to United, which would have saved both parties money, to wait until the appeal was decided before initiating a third lawsuit. The United Board refused, and as a result the city has been forced to go to court again to protect its water customers from unreasonable rates.

This release can be found on the City of Ventura's website at www.cityofventura.net. ###