

# Editorial: A high-water mark in Ojai's fight for control

**POSTED:** 4:19 PM, Apr 16, 2015

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An appeals court has added its voice to the chorus saying the people of Ojai have a perfect right to take control of their local water service.

We find it gratifying that the process for local control of water is moving ahead despite the delays and difficulties of the legal battle.

The ruling issued this week by the 2nd District Court of Appeal appropriately upheld the earlier correct decision of a Ventura County Superior Court judge who ratified the Ojai effort.

Approved in 2013 by an overwhelming 87 percent of voters, the Ojai movement calls for the local operations of the privately owned Golden State Water Co. to be purchased with public funds and turned over to the local, public Casitas Municipal Water District.

Golden State is resisting the change; the company argues that a key issue is how the public funds would be raised and spent.

This week, the Ventura-based Court of Appeal said, just like Superior Court Judge Kenneth Kellegrew did last year, the financing method proposed — under the state's Mello-Roos law — is an appropriate and lawful mechanism in this instance.

It's reassuring and pleasing that a second court has found the plan acceptable since water service is important to the community and the proper use of public funding authority must be ensured, too.

As the appeals court stated, Golden State Water rates are more than twice as high as those charged by the neighboring Casitas district, and the average annual rate increase in Ojai over a 20-year period has been almost double the increases of the publicly owned Casitas district.

The appeals court said Golden State Water's stance in this litigation "is neither sound policy nor supportable by the statutory text. Like the trial court, we will not set the will of the voters aside."

An attorney representing Golden State, understandably displeased with the appeals court ruling, commented that the court's opinion indicates its decision may have been influenced by, among other things, "the outcome of the popular vote in Ojai."

We see it another way. We don't believe the court's acknowledgment of the landslide election indicates the court was influenced by it. But the lopsided vote still deserves mention.

Why? Because we, like the courts, are unaware of a problem with the proposed funding method; but we are mindful that the Casitas district will sell as much as \$60 million in bonds to buy Golden State's assets through eminent domain. Ojai taxpayers will pay off the bonds over time.

Thus the 2013 election — the "will of the voters," as the court called it — demonstrated profound local support for this civic undertaking.

That's worth noting because whenever a new tax, even a temporary one like this, is proposed it's reassuring to observe such a concerted sense of approval, unity and civic purpose as shown by the people of Ojai as they are opening the spigot on a worthwhile, but not cheap, long-term investment in their community.

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