

# BEFORE THE BOARD OF SUPERVISORS

*of the*

## SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

PRESENT: Supervisors

ABSENT:

**RESOLUTION NO. \_\_\_\_\_**

### **RESOLUTION DELEGATING JOINT AUTHORITY TO THE PUBLIC WORKS DIRECTOR AND COUNTY COUNSEL TO EXECUTE CONFIDENTIALITY AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES**

The following resolution is hereby offered and read:

**WHEREAS**, the San Luis Obispo County Flood Control and Water Conservation District (District) has been a State Water Project contractor since 1963 and the District's contract with the California Department of Water Resources (DWR) for State Water is set to expire in 2035; and

**WHEREAS**, water provided by the State Water Project (SWP) is a critical component of the County's overall long term water supply, and

**WHEREAS**, the DWR has invited SWP contractors to participate in informal discussions on issues pertaining to State Water contract extensions and amendments; and

**WHEREAS**, DWR is requiring the District to sign a confidentiality agreement (Attachment "A") in order to participate in the informal discussions; and

**WHEREAS**, the informal discussions may lead to formal negotiations between DWR and interested SWP contractors, and as pursuant to the Monterey Settlement Agreement, formal negotiations between DWR and the SWP contractors will occur in public; and

**WHEREAS**, delegating joint authority to the Public Works Director and County Counsel to execute confidentiality agreements with DWR would allow staff to participate in discussions, be informed and prepare for formal negotiation processes.

**NOW, THEREFORE BE IT RESOLVED AND ORDERED**, by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, State of California, that:

1. The District hereby finds the above recitals to be true and correct.
2. The District hereby delegates joint authority to the Public Works Director and County Counsel to execute confidentiality agreements with DWR.
3. The District hereby delegates to County Counsel the authority to retain outside legal counsel to consult with County Counsel on State Water Project issues so long as the total annual fees do not exceed \$20,000 per year, and Public Works has such funds within its State Water Project operating budget to pay such outside legal counsel for said services.

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Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN  
County Counsel



By: Patrick J. Foran  
Deputy County Counsel

Dated: May 1, 2012

STATE OF CALIFORNIA,            }        ss.  
County of San Luis Obispo,

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

(SEAL)

By \_\_\_\_\_  
Deputy Clerk.