IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday, October 28, 2014

PRESENT: Supervisors Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold, and Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2014-287

RESOLUTION ENDORSING POLICIES AND PROCEDURES SET FORTH IN THE LOW RESERVOIR RESPONSE PLAN FOR THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 3

The following Resolution is now offered and read:

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District ("District") constructed, owns and operates the Lopez Dam and Reservoir, the Lopez Water Treatment Facilities, and the Lopez Water Conveyance System; and

WHEREAS, the District has agreements with the Cities of Arroyo Grande, Grover Beach and Pismo Beach, the Oceano Community Services District and San Luis Obispo County (on behalf of County Service Area No. 12) (collectively, "Zone 3 Member Agencies") for delivery of water from the Lopez Reservoir to the Zone 3 Member Agencies (collectively, "Water Supply Agreements"); and

WHEREAS, San Luis Obispo County Service Area No. 12 serves areas within and around the community of Avila Beach and is under the authority of the San Luis Obispo County Board of Supervisors; and

WHEREAS, the District also releases water from the Lopez Reservoir into Arroyo Grande Creek for the benefit of agriculture and other beneficiaries downstream of Lopez Dam, which are hereinafter referred to as "Downstream Releases;" and

WHEREAS, the Water Supply Agreements include numerous provisions establishing the rights and responsibilities of the District and the Zone 3 Member Agencies; and

WHEREAS, Article 4 of the Water Supply Agreements provide that the District can curtail delivery of water to Zone 3 Member Agencies in situations, including but not limited to, drought conditions; and

WHEREAS, on March 11, 2014, the San Luis Obispo County Board of Supervisors proclaimed a local emergency for the entire County due to exceptional drought conditions; and

WHEREAS, the District and the Zone 3 Member Agencies have prepared a Low Reservoir Response Plan (LRRP) for the purpose of providing greater certainty regarding the quantities of water that will be delivered to the Zone 3 Member Agencies during the current and future droughts and other emergencies when less than 20,000 acre feet of water is stored in the Lopez Reservoir; and

WHEREAS, the LRRP has been developed in consultation with the Zone 3 Advisory Committee and representatives of local agricultural operations; and

WHEREAS, the LRRP includes prescribed actions and an adaptive management approach that together will help to ensure that the needs of the Zone 3 Member Agencies and the beneficiaries of Downstream Releases are met during droughts and other emergencies; and

WHEREAS, during droughts and other emergencies, the LRRP provides incentives for water conservation by the Zone 3 Member Agencies by extending the period in time that the Zone 3 Member Agencies can use water that has been allocated to them in accordance with the Water Supply Agreements and/or as provided in the LRRP; and

WHEREAS, during droughts and other emergencies, the LRRP considers the needs of agriculture and other downstream beneficiaries by prescribing a reduction in water that is allocated to the Zone 3 Member Agencies by eliminating "Surplus Water" allocations to Zone 3 Member Agencies, that pursuant to the Water Supply Agreements, would otherwise result from Downstream Releases; and

WHEREAS, the adaptive management approach in the LRRP provides a reasonable mechanism to manage the Lopez Water Supply during droughts and other emergencies where conditions can change depending on hydrological and other conditions that persist during droughts and other emergencies; and

WHEREAS, it is in the public interest that policies and procedures set forth in the LRRP be implemented.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of San Luis Obispo County, State of California, as follows:

1. That the County, on behalf of County Service Area No. 12, endorses the policies and procedures set forth in the Lopez Low Reservoir Response Plan for the San Luis Obispo County Flood Control and Water Conservation District, including the policy pursuant to which the Zone 3 Agencies will only request an amount of "Surplus Water" attributable to their unused entitlements.

2. That the action of endorsing the policies and procedures set forth in the Lopez Low Reservoir Response Plan for the San Luis Obispo County Flood Control and Water Conservation District is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Section 21169 and CEQA Guidelines Section 15261(a) in that the storage and annual release of water for various uses is part of the ongoing operation of the Lopez Reservoir; and CEQA Section 21080(b)(5) and CEQA Guidelines Section 15269(c) in that the endorsement of the policies and procedures set forth in the Lopez Low Reservoir Response Plan for the San Luis Obispo County Flood Control and Water Conservation District is a specific action necessary to prevent or mitigate an emergency.

Upon motion of Supervisor Hill, seconded by Supervisor Ray, and on the following roll call vote, to-wit:

AYES: Supervisors Hill, Ray, Mecham, Arnold, and Chairperson Gibson
NOES: None
ABSENT: None
ABSTAINING: None

The foregoing resolution is hereby ADOPTED on the 28th day of October, 2014.

Bruce S. Gibosn
Chairperson, Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

BY: /s/ Erica Stuckey
Deputy County Counsel

Dated: October 17, 2014

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STATE OF CALIFORNIA, s.
County of San Luis Obispo,

I, JULIE L. RODWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, 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 28th day of October, 2014.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By _____ Deputy Clerk.