

# 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 GRANTING A ONE-TIME EXTENSION OF TIME FOR LOPEZ WATER CONTRACTORS AND STATE WATER CONTRACTORS TO SUBMIT PROPOSED AMENDMENTS TO THEIR WATER DELIVERY SCHEDULES FOR WATER YEAR 2014-2015 AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO AMEND THE DELIVERY SCHEDULES CONSISTENT WITH THE SUBMITTED WRITTEN REQUESTS FOR PROPOSED AMENDMENTS**

The following Resolution is hereby 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 and the City of Grover Beach, the City of Pismo Beach, the City of Arroyo Grande, the Oceano Community Services District and County of San Luis Obispo Service Area No. 12 (collectively, “Zone 3 Contractors”) entered into Water Supply Contracts in 1966 and amended in August 2000 providing that the District shall supply certain quantities of water to the Zone 3 Contractors, and providing that the Zone 3 Contractors shall make certain payments to the District, and setting forth the terms and conditions of such supply and payment (collectively, the “Lopez Water Supply Contracts”); and

**WHEREAS**, County Service Area No. 12 (“County”) has entered into subcontracts with a number of agencies, including Avila Valley Mutual Water Company, Avila Beach Community Services District, and San Luis Coastal Unified School District (collectively, “Lopez Water Supply Subcontractors”) pursuant to which the County delivers a portion of its Lopez Entitlement to each Lopez Water Supply Subcontractor; and

**WHEREAS**, the Lopez Water Supply Contracts provide that the amounts, times and rates of delivery of Lopez water to each Zone 3 Contractor shall be in accordance with a water delivery schedule; and

**WHEREAS**, on or before October 1 of each Calendar Year, each Lopez Water Supply Contractor is to submit a preliminary water delivery schedule to the District, indicating the amounts of water desired during each month of the succeeding three (3) Water Years; and

**WHEREAS**, on or before January 1 of each Calendar Year, the District shall determine and furnish to the each Lopez Water Supply Contractor a water delivery schedule for the next succeeding Water Year, which shall show the amounts of water to be delivered to the Zone 3 Contractor; and

**WHEREAS**, a water delivery schedule may be amended by the District upon request by a Zone 3 Contractor; and

**WHEREAS**, proposed amendments shall be submitted by a Zone 3 Contractor within a reasonable time prior to the date the desired change is to become effective; and

**WHEREAS**, on December 16, 2014, the District adopted a resolution adopting certain policies and procedures set forth in the Low Reservoir Response Plan (LRRP) for the San Luis Obispo County Flood Control and Water Conservation District Zone 3; and

**WHEREAS**, under the LRRP, each Zone 3 Contractor may “bank” or “carry over” its unused Entitlement from the prior Water Year; and

**WHEREAS**, the District has also entered into Water Supply Contracts with a number of agencies, including the Avila Valley Mutual Water Company, the Avila Beach Community Services District, the San Luis Coastal Unified School District, the San Miguelito Mutual Water Company, the City of Pismo Beach and the Oceano Community Services District (collectively, “State Water Subcontractors”) providing that the District shall supply certain quantities of State Water Project water to the State Water Subcontractors and setting forth the terms and conditions of such supply and payment (collectively, the “State Water Supply Subcontracts”); and

**WHEREAS**, similar to the Lopez Water Supply Contracts, the State Water Supply Subcontracts provide that the amounts, times and rates of delivery of State water to each State Water Subcontractor shall be in accordance with a water delivery schedule; and

**WHEREAS**, on or before September 1 of each year, each State Water Subcontractor is to submit a preliminary water delivery schedule to the District, indicating the amounts of water desired during each month of the succeeding five (5) years; and

**WHEREAS**, on or before December 15 of each year, the District shall determine and furnish to each State Water Subcontractor a water delivery schedule for the next succeeding year which shall show the amounts of water to be delivered to the State Water Subcontractor; and

**WHEREAS**, a water delivery schedule may be amended by the District upon request by a State Water Subcontractor; and

**WHEREAS**, proposed amendments shall be submitted by a State Water Subcontractor within a reasonable time prior to the date the desired change is to become effective; and

**WHEREAS**, based on the provisions of the LRRP, a number of agencies that are both Lopez Water Contractors or Subcontractors and State Water Subcontractors (collectively, "Dual Contractors") requested to amend their delivery schedules in order to "exchange" Lopez water with State water delivered during the prior year; and

**WHEREAS**, District staff notified each Dual Contractor (the City of Pismo Beach, the Oceano Community Services District, the Avila Beach Community Services District, the Avila Valley Mutual Water Company, and the San Luis Coastal Unified School District) of the opportunity to request a modification to their water delivery schedules; and

**WHEREAS**, the District subsequently received formal requests from the City of Pismo Beach, the Oceano Community Services District and the Avila Beach Community Services District (collectively, "Requesting Agencies"); and

**WHEREAS**, based on the nature of the Lopez Water Supply Contracts and the State Water Supply Subcontracts, the District requested that each Lopez Water Contractor and each Dual Contractor execute a consent form affirming that it has no objection to and will not challenge the District's one-time extension of the period of time within which the Requesting Agencies can request an amendment to their water delivery schedules for the prior year; and

**WHEREAS**, each such agency has returned an executed consent form.

**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 San Luis Obispo County Flood Control and Water Conservation District hereby grants a one-time extension of time for the Lopez Water Supply Contractors and Subcontractors and the State Water Contractors to submit proposed amendments to their water delivery schedules pursuant to Article 9, Paragraph (C) of the Lopez Water Supply Contracts and Article 8, Paragraph (c)(3) of the State Water Subcontracts for Water Year 2014-2015; and

2. The Director of Public Works is authorized and directed to amend the delivery schedules for the City of Pismo Beach, the Oceano Community Services District and the Avila Beach Community Services District for Water Year 2014-2015 consistent with the written requests for proposed amendments submitted by each agency.

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 on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: September 1, 2015

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

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 \_\_\_\_\_.

Board  
(SEAL)

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

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