

BEFORE THE BOARD OF SUPERVISORS

of the

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

_____ day _____, 2022

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION APPROVING EXECUTION OF AMENDED AND RESTATED WATER SUPPLY CONTRACTS WITH THE ZONE 3 CONTRACTORS AND ADOPTING A NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21000 ET SEQ. (CEQA)

The following Resolution is now offered and read:

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District (District) Zone 3 Contractors (Contractors) receive water entitlements from Lopez Reservoir via individual but substantially identical Water Supply Contracts (Contracts) with the District that were originally executed in 1966 and subsequently amended and restated; and

WHEREAS, the Contractors wish to again restate and amend the Contracts to provide storage rights for each of the Contractors to store their unused entitlement, surplus water and State Water Project Water year over year in Lopez Reservoir and to permit the refunding of the bonds associated with the completed Lopez Dam Seismic Retrofit Project in order to reduce the costs of debt service (which purposes may advance on a similar schedule or on different schedules); and

WHEREAS, providing storage rights allows for flexibility of multi-year water resource planning and enhanced water supply portfolio management for the Contractors; and

WHEREAS, the proposed Amended and Restated Contracts continue to make clear that legally required water releases, including, without limitation, releases pursuant to any Habitat Conservation Plan, shall have first priority when the District is distributing Lopez Reservoir water; and

WHEREAS, Environmental Division staff prepared a Negative Declaration for the proposed Amended and Restated Contracts (Project) which was approved by the Environmental Division Manager and which concludes that the Project will not have a significant effect on the environment and that no mitigation measures are required; and

WHEREAS, prior to commencement of preparation of the Negative Declaration, staff conducted early consultation with potentially affected local, State and Federal agencies, Native American groups and other potentially interested parties but no substantive comments were received; and

WHEREAS, notice of intent to adopt the proposed Negative Declaration was also published in a local newspaper and circulated to the relevant, local, State and Federal agencies through the State Clearinghouse and by mail and the thirty (30) day review period for the Project ended on February 28, 2022; the only comments received were from the County of San Luis Obispo Department of Parks and Recreation opining that the Project would have potential net benefits for recreational use; and

WHEREAS, the form of the Amended and Restated Contracts and the Negative Declaration have been presented to and considered at this meeting of the Board of Supervisors together with a summary of all comments received during the public review process; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California acting as the governing board of the San Luis Obispo County Flood Control and Water Conservation District, as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Approval of Amended and Restated Water Supply Contracts. The Amended and Restated Water Supply Contracts substantially in the form presented to and considered during this meeting of the Board of Supervisors are hereby approved. Any one of the Chairperson or Vice Chairperson of said Board, and each of them (collectively, the Authorized Officers) is hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver an Amended and Restated Water Supply Contract on substantially similar terms to each Contractor, with such insertions and changes as may be approved by the Authorized Officer executing the same, such approval to be conclusively evidenced by such execution and delivery provided that said Amended and Restated Water Supply Contract is approved as to form and legal effect by County Counsel. To accommodate the possibility of financing purposes proceeding on a different schedule than water storage purposes reflected in the form of the Amended and Restated Water Supply Contracts, the amendments contemplated in the form of the Amended and Restated Water Supply Contracts related to financing matters may instead be effected under a separate amendment document with each Contractor which the Board of Supervisors hereby approves and authorizes the Authorized Officer to execute and deliver, with such changes therein as the Authorized Officer shall approve, subject to prior approval of such changes by County Counsel, such approval to be conclusively established by the execution and delivery thereof by the Authorized Officer.

Section 3. Negative Declaration. The Board of Supervisors reviewed and considered the information contained in the Negative Declaration and the whole record and finds that there is no substantial evidence that the Project will have a significant effect on the environment, that the Negative Declaration reflects the lead agency's independent judgment and analysis, and hereby adopts the Negative Declaration.

Section 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

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:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By:  _____
Deputy County Counsel

Dated: July 29, 2022 _____

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