



Notice of Meeting

STATE WATER SUBCONTRACTORS ADVISORY COMMITTEE

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Friday, November 5, 2021 – 10:00 to 11:00 AM

Phone line: +1 (571) 317-3122

Access Code: 648-116-485

Webinar: <https://global.gotomeeting.com/join/648116485>

Public comments can be submitted to: wthomson@co.slo.ca.us

For agenda packet attachments and more information: <https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/State-Water-Project-and-Subcontractors-Advisory-Co.aspx>

Chair: Brad Hagemann (Avila Beach CSD)

Vice Chair: Ben Fine (Pismo Beach)

AGENDA

- I. Call to Order**
 - A. Roll Call & Quorum Count
 - B. Consider Adopting Resolution Regarding Virtual Meetings (AB 361)
- II. Public Comment** *(For matters within the Committee's jurisdiction. May be limited to three minutes each.)*
- III. Review of Last Meeting's Minutes** – Approve minutes from Sept. 3, 2021.
- IV. Reports from the District** – for Information Only
 - A. Water Operations Report
 - B. Update on Water Management Tools Study & District development of internal process for use of tools to facilitate exchange and transfer options.
- V. Committee Action Items** – None
- VI. Future Agenda Items**
- VII. Date of Next Meeting:**

SWSAC Regular Meeting -- January 6, 2022, at 10:00 AM
Location TBD.
- VII. Adjournment**

Attachments

1. Agenda Item I.B – Resolution
2. Agenda Item III – Draft Minutes – Sept. 2021
3. Agenda Item IV.A – Delivery Report

CONTACT: Please contact SWSAC Secretary, Wes Thomson, with any questions: wthomson@co.slo.ca.us or (805) 781-5252.

All Americans with Disabilities Act (ADA) accommodations shall be promptly reviewed and resolved. Persons who require accommodations for any audio, visual or other disability to review an agenda, or to participate in the meeting per the ADA, are encouraged to request such accommodation 48 hours in advance of the meeting.

The purpose of the Committee is, "to monitor all aspects of this agreement and related agreements and to advise the governing bodies of District and Contractor on the functioning of this agreement and related agreements, and to recommend to the governing bodies of District and Contractor any modifications to said agreements that may, from time to time, be appropriate."
(Art. 31, Water Supply Agreement, 1992)

TO: State Water Subcontractors Advisory Committee (SWSAC)
FROM: Wes Thomson, Utilities Division Engineer
DATE: November 5, 2021
SUBJECT: Item 1.B: Consider Adopting Resolution to Continue Meeting Virtually

Summary

On March 4, 2020, California State Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect to date. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, the Brown Act (Government Code Section 54950 et seq.). On June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, noting that those provisions would remain suspended through September 30, 2021.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which allows legislative bodies subject to the Brown Act to continue meeting by teleconference, provided they make certain findings, including that meeting in person would present imminent risks to the health or safety of attendees. AB 361 requires that certain findings be made by the legislative body every 30 days.

This staff report is presented today for the SWSAC to consider the finding that holding in person meetings would present imminent risks to the health or safety of board members, staff and all attendees of SWSAC public meetings.

Recommendation

Staff recommends that the Committee adopt the attached resolution, invoking the provisions of AB 361 related to the holding of teleconferencing/virtual public meetings.

Attachment

- Resolution acknowledging the Governor's State of Emergency and Authorizing Teleconference Meetings for 30 Days per AB 361

In The STATE WATER SUBCONTRACTORS ADVISORY COMMITTEE
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Friday, November 5, 2021

PRESENT: Members _____

ABSENT: Members _____

RESOLUTION NO. 2021-001

**A RESOLUTION OF STATE WATER SUBCONTRACTORS ADVISORY COMMITTEE
ACKNOWLEDGING GOVERNOR NEWSOM'S PROCLAMATION OF A STATE OF EMERGENCY
AND AUTHORIZING MEETINGS BY TELECONFERENCE FOR A PERIOD OF
THIRTY DAYS PURSUANT TO THE RALPH M. BROWN ACT**

The following Resolution is now offered and read:

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

WHEREAS, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code Section 54950 *et seq.* (the "Brown Act"), provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), allowing legislative bodies subject to the Brown Act to continue meeting by teleconference if the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health and the federal Centers for Disease

Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and

WHEREAS, the County of San Luis Obispo currently has a “Moderate” Community Transmission metric;

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the State Water Subcontractors Advisory Committee (the “SWSAC”) deems it necessary to find holding in person meetings would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the SWSAC that:

1. The recitals set forth above are true and correct.
2. The Proclamation of State of Emergency in response to the COVID-19 pandemic issued by Governor Newsom on March 4, 2020, remains in effect.
3. Based on the recitals above, the SWSAC finds that meeting in person would present imminent risks to the health or safety of attendees.
4. Staff is directed to return at the next regularly scheduled meeting with an item for the SWSAC to consider making the findings required by AB 361 to continue meeting under its provisions.

Upon motion of Member _____, seconded by Member _____, and on the following roll call vote, to wit:

AYES: Members _____
NOES: Members _____

ABSENT: Members _____
ABSTAINING: Members _____

the foregoing resolution is hereby adopted.

Brad Hagemann
Chairperson of the State Water Subcontractors
Advisory Committee

ATTEST:

Brendan Clark
Secretary of the Water Resources Advisory Committee

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

MINUTES (Draft)

Chairperson: Brad Hagemann
Vice Chairperson: Ben Fine (absent)
Secretary: Wes Thomson (chair)

The following action minutes are listed as they were acted upon by the State Water Subcontractors Advisory Committee (SWSAC) and as listed on the Regular Meeting agenda for **September 3rd, 2021**, together with staff reports and related documents attached thereto and incorporated therein by reference.

- I. Call to Order & Roll Call (Quorum Count)
Call to order at approx. 10:02 AM; a quorum was established.
- II. Public Comment
None.
- III. Review of Last Meeting's Minutes
May 7 and July 2 meeting minutes approved.
- IV. Reports from the District
 - A. Water Operations Report
 - DWR's SWP is allocation for 2021 is holding at 5%.
 - District is projecting to have 12,200 Acre Feet in storage in San Luis Reservoir.
 - DWR is projecting that there is a greater than 50% chance that next year allocation will be 20% or less.
 - B. Water Management Tools Study
 - Next meeting with Stakeholder not yet scheduled, but will be announced.
- V. Discussion / Action
 - A. Process for New Water Management Tools
 - i. Requests for SWP supplies will be considered with respect to "critical" and "non-critical" SGMA basins within SLO County.
 - ii. The District is still operating under its 2003 State water policies for managing the "excess" (unsubscribed) portion of the 25,000 AF Table A contract.
 - iii. District will be moving forward to develop an internal process for managing exchange and transfer requests.
- VI. Future Agenda Items
 - Next regular meeting is November 5th, 2021, 10:00 AM.

Meeting Adjourned at 11:00 AM.

2021 STATE WATER DELIVERIES (DRAFT)

| | | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|---------------------|----------------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|------------|------------|----------|----------|----------|---------------|
| <i>SHANDON TO</i> | CSA 16 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0.0 |
| <i>CHORRO V. TO</i> | CMC | 28.9 | 25.4 | 29.4 | 27.8 | 32.2 | 29.6 | 30.1 | 32 | 30 | 0 | 0 | 0 | 264.8 |
| | County Ops | 30.6 | 26.9 | 31.2 | 29.5 | 34.2 | 31.3 | 31.9 | 33 | 32 | 0 | 0 | 0 | 280.9 |
| | Cuesta | 14.0 | 12.3 | 15.2 | 14.3 | 16.6 | 15.2 | 15.5 | 16 | 15 | 0 | 0 | 0 | 134.8 |
| | City of Morro Bay | 80.4 | 73.4 | 84.2 | 92.4 | 101.0 | 101.9 | 104.6 | 103 | 95 | 0 | 0 | 0 | 835.5 |
| <i>LOPEZ TO</i> | City of Pismo Beach | 0.0 | 0.0 | 0.0 | 140.1 | 140.0 | 165.6 | 180.0 | 160 | 116 | 0 | 0 | 0 | 902.0 |
| | Oceano CSD | 0.0 | 0.0 | 0.0 | 58.3 | 66.8 | 66.6 | 62.6 | 49 | 43 | 0 | 0 | 0 | 346.7 |
| | San Miguelito MWC | 4.5 | 6.6 | 12.8 | 14.1 | 16.3 | 12.4 | 12.5 | 13 | 9 | 0 | 0 | 0 | 101.1 |
| | Avila Beach CSD | 4.8 | 5.0 | 5.9 | 6.0 | 6.0 | 6.0 | 6.0 | 7 | 6 | 0 | 0 | 0 | 52.7 |
| | Avila Valley MWC | 1.0 | 1.0 | 1.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2 | 2 | 0 | 0 | 0 | 15.0 |
| | San Luis Coastal USD | 0.13 | 0.16 | 0.36 | 0.40 | 0.49 | 0.50 | 0.50 | 1 | 0 | 0 | 0 | 0 | 3.10 |
| | TOTAL | 164.4 | 150.8 | 180.1 | 384.9 | 415.5 | 431.1 | 446 | 415 | 349 | 0 | 0 | 0 | 2936.6 |

Note: 1. Deliveries based on CCWA monthly delivery reporting and subcontractor request.
2. All delivery values reported are in volumetric units of acre-feet (AF).

2021 STATE WATER REQUESTS

| | | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|---------------------|----------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| <i>SHANDON TO</i> | CSA 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>CHORRO V. TO</i> | CMC | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 396 |
| | County Ops | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 420 |
| | Cuesta | 16 | 16 | 17 | 17 | 17 | 17 | 17 | 17 | 17 | 17 | 16 | 16 | 200 |
| | City of Morro Bay | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 1200 |
| <i>LOPEZ TO</i> | City of Pismo Beach | 0 | 0 | 0 | 0 | 140 | 175 | 180 | 160 | 185 | 175 | 150 | 95 | 1260 |
| | Oceano CSD | 0 | 0 | 0 | 70 | 75 | 75 | 75 | 75 | 70 | 75 | 65 | 60 | 640 |
| | San Miguelito MWC | 7 | 7 | 10 | 12 | 13 | 13 | 13 | 12 | 9 | 9 | 7 | 8 | 120 |
| | Avila Beach CSD | 5 | 5 | 6 | 6 | 6 | 6 | 6 | 7 | 6 | 6 | 6 | 5 | 70 |
| | Avila Valley MWC | 1.0 | 1.0 | 1.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 1.0 | 2.0 | 20 |
| | San Luis Coastal USD | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 6 |
| | TOTAL | 198 | 198 | 203 | 276 | 422 | 457 | 462 | 442 | 458 | 453 | 414 | 355 | 4332 |

Note: DWR delivery allocation assumed* = 100%
*Assumes District can supply requested delivery under 100% allocation scenario.

STATE WATER PROJECT

San Luis Obispo County Flood Control and Water Conservation District

P:\State Water\Water Ops\DELIVERY\Actuals\2021_Delivery Report Summary\211102-SLO-Deliveries thru Sept 2021_DRAFT

Prepared by WT, 11/2/2021