



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Flood Control
Department No.: 054
For Agenda Of: October 7, 2008
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Scott McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas Fayram, Deputy Public Works Director, 568-3436

SUBJECT: **State Water Project Resolution to delegate certain routine actions to the Public Works Director**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Adopt a resolution entitled "Delegating to the Public Works Director the Authority to Approve Certain Actions regarding the State Water Project".

Summary Text:

The Board of Supervisors, acting as the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District (District) is asked to approve and execute the attached Resolution which is intended to streamline approval of certain administrative actions associated with delivery of water to Santa Barbara County purveyors by the Central Coast Water Authority (CCWA). This delegation would be limited to actions which do not raise policy issues and are within the scope of existing agreements with the State and CCWA and are limited to the following conditions:

1. consistent with the existing State Water Contract with the State and Transfer of Financial Responsibility Agreement with Central Coast Water Authority,
2. do not affect the terms of the State Water Contract including amount of water stipulated and the terms of payment,
3. do not affect the institutional relationships among the District, the State and CCWA, and
4. do not affect the financial protections provided to the District by CCWA and its members.

Background:

The Santa Barbara County Flood Control and Water Conservation District (District) originally contracted for a share of the State Water Project (SWP), but has transferred its rights and responsibilities through Water Supply Retention Agreements (executed in the mid 1980's) and the November 21, 1991 agreement with CCWA. The SWP contract establishes the District and its taxpayers as the ultimate guarantor for financial obligations of the "State" portion of the project. (The distribution facilities downstream of Vandenberg Air Force Base and the water treatment plant, the "local facilities," were financed with bonds issued by CCWA directly.) The State accepts the transfer of obligations and rights but still regards the District as the contractor in case of default by CCWA in making its payments. Since the District remains the contractor for the project, your Board must approve any proposed Amendments to the SWP Contract. However the State also requires District approval on virtually all other CCWA actions, many of which are within their purview and have been otherwise delegated to them by the November 1991 agreement.

Since 1991 CCWA has managed construction and operation of the Coastal Branch and the District has not played a direct role in delivery or payment issues relating to the State Water Project; however the State still desires the ultimate Contracting entity to acknowledge and approve virtually all actions relating to the Project. Thus approval by your Board has been necessary in virtually every agreement, policy level or otherwise, between the CCWA and the State.

Each time the District Board is asked to approve an action associated with the SWP, time and resources are expended. While these efforts are necessary and appropriate where policy issues are raised or where action is outside the scope of existing agreements, many actions have been well within the scope of existing agreements and thus arguably action by your Board as policy-makers was not needed. District staff and CCWA have identified the scope of actions which do not appear to require policy determinations and recommend that these actions be delegated to the Director of Public Works, (since the District is part of the Water Resources Division of Public Works Department).

The recommended Resolution is intended to simplify certain straightforward CCWA actions while assuring the discretionary decisions still come before your Board for consideration. Since the CCWA Board meets regularly and is subject to the "Brown Act" the public will still receive adequate opportunity to review and comment on those straightforward actions that would not come before your Board.

Fiscal and Facilities Impacts:

Budgeted: Yes. Staff time to administer these types of issues for the SWP is included every year in the Water Agency cost center of the Water Resources Division of the Public Works Department as shown on page D-336 in the budget book.

Fiscal Analysis:

| <u>Funding Sources</u> | <u>Current FY Cost:</u> | <u>Annualized On-going Cost:</u> | <u>Total One-Time Project Cost</u> |
|------------------------|-------------------------|--------------------------------------|--|
| General Fund | | | |
| State | | | |
| Federal | | | |
| Fees | | | |
| Other: | | | |
| Total | \$ - | \$ - | \$ - |

Narrative:

Since CCWA is responsible for all SWP costs, including costs of operation, Board action will have no fiscal impacts on the County or the Flood Control District.

Special Instructions:

Direct the Clerk of the Board to send a copy of the minute order along with three certified copies of the Resolution to the Flood Control District office, Attn: Christina Lopez.

The District will forward this Resolution to the CCWA and the State for their records.

Attachments:

Resolution entitled “Delegating the County Public Works Director the Authority to Approve Certain Actions Regarding the State Water Project”

Authored by:

Matt Naftaly, Interim Water Agency Manager, 568-3442