



April 30, 2015

**TO:** LOCSD Board of Directors

**FROM:** Robert Miller, District Engineer

**SUBJECT: Agenda Item 11E – 5/7/2015 Board Meeting**  
Amendments to Stage III of the Water Shortage Contingency Plan

**President**  
R. Michael Wright

**Vice President**  
Marshall E. Ochylski

**Directors**  
Charles L. Cesena  
Jon-Erik G. Storm  
Louis G. Tornatzky

**General Manager**  
Kathy A. Kivley

**District Accountant**  
Michael L. Doyel

**Fire Chief**  
Robert Lewin

**Battalion Chief**  
Phill Veneris

**DESCRIPTION**

The purpose of this agenda item is to amend Stage III of the adopted Water Shortage Contingency Plan by adding a suspension to the processing of new Intent to Serve letters.

**STAFF RECOMMENDATION**

Staff recommends that the Board adopt the following motion:

***Motion: I move that the Board adopt the Resolution 2015-12 amending Stage III of the District's Water Shortage Contingency Plan.***

**BACKGROUND AND DISCUSSION**

At the April 2015 meeting, the Board adopted a resolution declaring a Stage III Water Shortage Emergency based on the climate trigger of rainfall of less than 43" in the last 3 years. The Board also provided direction to Staff to bring back a resolution amending Stage III to include a temporary suspension in the processing of new Intent to Serve letters. The attached resolution, if adopted, will provide the temporary suspension contemplated by the Board. This suspension will not impact Intent to Serve applications filed prior to April 2, 2015, including the application submitted by Dr. Novy, which is being considered as a separate item on the agenda.

**FINANCIAL IMPACT**

The financial impact associated with this item is expected to be minor, and includes the potential loss of connection fee revenue associated with new water system connections.

Attachment: LOCSD Resolution 2015-12

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**RESOLUTION NO. 2015-12**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT  
AMENDING STAGE III OF THE DISTRICT'S WATER SHORTAGE CONTINGENCY PLAN**

**WHEREAS**, the Los Osos Community Services District ("District") became effective January 1, 1999, pursuant to an election and Resolution No 98-239 of the Board of Supervisors of the County of San Luis Obispo, and under the authority of the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code §56000 et seq.); and

**WHEREAS**, in September, 2014, the District adopted a Water Shortage Contingency Plan that identified voluntary and mandatory water use restrictions and shortage stages I-V designed to reduce water demand in response to drought or other water quality or supply deficiencies.

**WHEREAS**, on April 2, 2015, the District declared a Stage III Emergency pursuant to the guidelines within the adopted Water Shortage Contingency Plan.

**WHEREAS**, the Board of Directors desires to modify Stage III of the adopted Water Shortage Contingency Plan to suspend the processing of Intent to Serve letters for the establishment of new water services.

**WHEREAS**, the public hearing for adopting this Resolution has been properly noticed pursuant to Government Code §54954.2 (The Brown Act).

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED**, by the Board of Directors of the District as follows:

1. The above recitals are true and correct.
2. Stage III of the Water Shortage Contingency Plan is hereby modified to suspend the processing of all new Intent to Serve applications, unless such applications were submitted and deemed complete prior to April 2, 2015.
3. All Ordinances, Resolutions and sections of Ordinances and Resolutions that are inconsistent with this Resolution are hereby repealed.
4. The Board of Directors of the District finds that the proposed modification to the Stage III Water Shortage Emergency adopted by this Resolution is exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The District General Manager is directed to prepare and file appropriate notices.
5. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Upon the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_  
and on the following roll call vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

The following Resolution is hereby passed, approved and adopted by the Board of Directors of the Los Osos Community Services District on the 7<sup>th</sup> day of May 2015.

\_\_\_\_\_  
R. Michael Wright  
President, Board of Directors  
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Ann G. Kudart  
Deputy Secretary to the Board of Directors

\_\_\_\_\_  
Michael W. Seitz  
District Legal Counsel