

RESOLUTION NO. 14-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
SUPPORTING FORMATION OF A WATER DISTRICT OVER A PORTION OF THE NORTH
COUNTY (a.k.a., PASO ROBLES) GROUNDWATER BASIN

WHEREAS, in recent years declining groundwater levels have been reported in certain areas of the North County (a.k.a., Paso Robles) Groundwater Basin; and

WHEREAS, in August 2013, the San Luis Obispo County Board of Supervisors adopted Ordinance No. 3246 (the “County Ordinance”), establishing a temporary moratorium on new or expanded irrigated crop production and other activities throughout the unincorporated area and other portions of the Paso Robles Groundwater Basin; and

WHEREAS, recognizing that the County Ordinance will expire and that its focus is limited to crop irrigation, stakeholders throughout the Basin have been exploring options for more comprehensive basin management; and

WHEREAS, formation of a California Water District¹ was proposed by local property owners to develop supplemental water projects, promote and administer conservation programs, and generally manage basin resources; and

WHEREAS, the landowners proposing formation of a California Water District submitted information showing the new district would encompass approximately 460 square miles of the overall 790 square miles North County (a.k.a., Paso Robles) Groundwater Basin, specifically excluding (i) land within the City limits; (ii) the identified “sub-basin” from which Atascadero Mutual Water Company, Templeton Community Services District and the City pump; (iii) Monterey County; and (iv) areas served by existing water retailers; and

WHEREAS, on February 18, 2014, City Council adopted Resolution No. 14-021, supporting formation of a California Water District over a portion of the North County (a.k.a., Paso Robles) Groundwater Basin; and

WHEREAS, the coalition of local landowners sought a variation in the composition and election of the future governing board of the proposed California Water District, where such variation from the general provisions of the California Water District law would requires legislative action; and

WHEREAS, State Assembly Member Katcho Achadjian agreed to carry legislation to support formation of a new California Water District in North County, referred to as the “Paso Robles Basin Water District,” where such legislation was introduced on February 21, 2014 as Assembly Bill 2453 (AB 2453), and which legislation contained language to form the new district and address local land owner board composition and election preferences; and

WHEREAS, independent of AB 2453, two other bills have been introduced in the legislature proposing new statewide requirements for “sustainable groundwater management,” which bills are Senate Bill 1168 (Pavley; D-Agoura Hills) and Assembly Bill 1739 (Dickinson; D-Sacramento), which, as currently drafted (last amended June 17, 2014), would require local agencies to prepare and adopt new plans to achieve sustainable groundwater management within basins that the California Department of Water Resources has designated as

¹ A California Water District is a type of water district established under the California Water Code.

either medium or high priority, and which would authorize the State to step-in and manage a groundwater basin if local agencies fail to act; and

WHEREAS, since the time the local basin management bill (AB 2453) was introduced, it has undergone substantial amendments, such as formation by a majority of landowners within the proposed district according to one vote per landowner, and providing additional groundwater management authorities to the proposed new district, some of which are similar to and some of which differ from the provisions of AB 1739 and SB 1168 (above); and

WHEREAS, the coalition of local landowners that originally proposed the formation of a new water district currently have withdrawn support for AB 2453 as presently amended; and

WHEREAS, the County Board of Supervisors has not yet formally adopted a formal position on AB 2453, as presently amended; and

WHEREAS, a strong possibility exists that some form of new statewide legislation will be passed in 2014 regarding sustainable groundwater management and that the new requirements will apply to the entire North County (a.k.a., Paso Robles) Groundwater Basin; and

WHEREAS, new statewide groundwater management laws would authorize multiple local agencies to coordinate efforts in carrying out sustainable groundwater management in accordance with new requirements, which coordination could occur by way of joint powers agreement or other similar agreement; and

WHEREAS, a modification of AB 2453 to enable, rather than require, a newly formed district to implement specific powers in portions of the unincorporated area could reduce the risk of formation failure yet preserve the ability of a future district to exercise management and regulatory powers under new statewide groundwater management laws that are likely to pass, and in a manner that represents the interest of those stakeholders; and

WHEREAS, the formation of a new water district with groundwater management authorities in portions of the unincorporated area consistent with state law is a sensible option to help address groundwater basin and other local water resource issues; and

WHEREAS, as a matter of policy the City Council steadfastly asserts that local solutions to local challenges are the preferred means of addressing local mutual interests;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of El Paso de Robles does hereby support legislation enabling formation of a new water district in portions of the unincorporated area provided the legislation is amended to be consistent with new statewide legislation regarding sustainable groundwater management, and provided the new district once formed would be authorized to exercise all powers within its boundaries in accordance with the new statewide legislation; and

BE IT FURTHER RESOLVED that the City Council urges local land owners to promptly form the proposed local groundwater district, and

BE IT FURTHER RESOLVED that the City Council supports the development of a joint powers or similar agreement with the County of San Luis Obispo and/or the County Flood Control and Water Conservation District, and, if formed, a newly formed water district in the unincorporated area, to carry out sustainable

groundwater management for the Paso Robles Groundwater Basin in accordance with applicable state laws; and

BE IT FURTHER RESOLVED that the City Council supports immediate action to review the 2011 Paso Robles Groundwater Basin Management Plan prepared and adopted by the City and the County Flood Control and Water Conservation District as a foundational document for additional sustainable groundwater management planning and action in the Paso Robles Groundwater Basin.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said City Council held on the 5th day of August, 2014, by the following vote:

AYES: Strong, Martin, Hamon, Picanco
NOES:
ABSENT:
ABSTAIN: Steinbeck (recused himself due to a stated a conflict of interest)



Duane Picanco, Mayor

ATTEST:



Caryn Jackson, Deputy City Clerk