

Central Services
Joan Araujo, DirectorEngineering Services
Christopher Cooper, DirectorRoads & Transportation
Christopher Kurgan, DirectorWater & Sanitation
Joseph Pope, DirectorWatershed Protection
Glenn Shephard, Director

December 13, 2022

Board of Supervisors
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

Subject: **Approve and Authorize the Director of the Ventura County Watershed Protection District to Sign Contract Extension Waiver to the Water Supply Contract Between the Ventura County Watershed Protection District and the California Department of Water Resources. All Supervisorial Districts. All Zones.**

Recommendation:

Approve and authorize the Director of the Ventura County Watershed Protection District (District) to sign the attached Contract Extension Waiver (Waiver) to the Water Supply Contract between the District and the California Department of Water Resources (DWR), which would allow the Contract Extension Amendment to take effect January 1, 2023.

Fiscal/Mandates Impact:

There is no fiscal impact associated with this item.

Discussion:

In 1963, the Ventura County Flood Control District (now Watershed Protection District) entered into an agreement with the State of California to purchase entitlement to 20,000 acre-feet of state water. In June 1970, the Ventura County Flood Control District assigned its entitlement to Casitas Municipal Water District (Casitas); Casitas subsequently assigned an entitlement of 10,000 acre-feet to the City of Ventura (City) and 5,000 acre-feet to United Water Conservation District (United). Even though the entitlements have transferred, the District remains one of the 27 State Water Project (SWP) contractors (Contractors) with DWR.

At the request of Casitas, the City, and United, your Board authorized the District to execute the Contract Extension Amendment No. 14 (Exhibit 1) to the Water Supply Contract between the District and DWR on June 9, 2020. Among other modifications, the Contract Extension Amendment extended the term of the contract to December 31, 2085.

The Contract Extension Amendment indicates that it may not take effect if there is a pending legal challenge to its validity until after a final judgment is issued. Currently, lawsuits are challenging the Amendment's validity, and the trial court in these actions issued a positive judgment in favor of DWR on all issues. However, the cases are ongoing and are currently on appeal.



The Amendment also allows DWR and Contractors to waive the hold on implementation during litigation. At this time, 25 Contractors with more than 3,950,000 acre-feet of Table A combined have executed DWR's Contract Extension Waiver (Exhibit 2). Approval by at least 24 of those SWP Contractors with an aggregate Table A amount of more than 3,950,000 acre-feet will allow the Amendment to take effect.

Your Board's approval is requested so the District Director may sign the attached Waiver.

This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions regarding this item, please call Arne Anselm at (805) 654-3942 or the undersigned at (805) 654-2040.

Sincerely,



Glenn Shephard, P.E.
Director
Watershed Protection District

Attachments:

Exhibit 1 – Contract Extension Amendment No. 14
Exhibit 2 – Contract Extension Waiver

