

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tues day April 27, 2010

PRESENT: Supervisors Bruce S. Gibson, Adam Hill, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Frank Mecham

ABSENT: None

RESOLUTION NO. 2010-132

RESOLUTION AUTHORIZING APPROVAL OF A MEMORANDUM OF AGREEMENT AMONG THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, UNITED STATES DEPARTMENT OF AGRICULTURE, AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE LOS OSOS WASTEWATER PROJECT

The following Resolution is now offered and read:

WHEREAS, the California State Water Resources Control Board (State Water Board) and the US Department of Agriculture (USDA) may assist the County of San Luis Obispo (County) in constructing the Los Osos Wastewater Project (Project) with funding through the State Water Board's Clean Water State Revolving Fund (CWSRF) Program, and with the USDA's Rural Utilities Service using federal stimulus funds, and with possible additional funds through the Water Resources Development Act; and

WHEREAS, the grants and low interest loans available through the CWSRF and USDA Rural Utilities Service funding programs may aid in the mitigation of Project affordability challenges for individual home owners in Los Osos; and

WHEREAS, the State Water Board and USDA have responsibilities for compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) in conjunction with their funding approvals; and

WHEREAS, the State Water Board and USDA have elected to comply with Section 106 of the NHPA for the Project through execution and implementation of a Memorandum of Agreement (MOA) pursuant to § 800.6(b)(1) and (c) with the State Historic Preservation Officer (SHPO); and

WHEREAS, the State Water Board has previously executed an MOA with the SHPO for the Los Osos Community Services District project, which has a substantially similar Area of

Potential Effects as that currently proposed by the County; and

WHEREAS, the County has participated in the consultation pursuant to CFR § 800.2(c)(4) and has been invited to be a signatory to this MOA; and

WHEREAS, the State Water Board, USDA, and the County have consulted and will continue to consult Native Americans concerning the Project in accordance with 36 CFR § 800.2(c); and

WHEREAS, State Water Board and USDA will make compliance with this MOA a condition of the County's financing contracts; and

WHEREAS, the timely execution of the MOA is necessary to secure the grants and low interest loans available through the use of federal stimulus funds; and

WHEREAS, the Director of Public Works has the authority to ensure that the Project is carried out in full compliance with the conditions of the MOA.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the San Luis Obispo County, County of San Luis Obispo, State of California, that the Director of Public Works is hereby authorized and directed to sign and file, for and on behalf of the County of San Luis Obispo, the Memorandum of Agreement necessary to comply with Section 106 of the NHPA between the State Water Board, USDA, SHPO, and the County provided County Counsel determines that the Memorandum of Agreement does not differ in a substantial, material way from that previously approved for the Los Osos Community Services District project (Attached for reference as Exhibit "A") and approves as to form and legal effect; and

BE IT FURTHER RESOLVED that the County of San Luis Obispo hereby agrees and does further authorize the Director of Public Works or his/her designee to certify that the County of San Luis Obispo has and will comply with the conditions of the Memorandum of Agreement as may be required by any financing or financial assistance received from the State Water Board Clean Water State Revolving Fund Program, and the USDA Rural Utilities Service.

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Upon motion of Supervisor Gibson, seconded by Supervisor Patterson, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Patterson, Hill, Achadjian, Chairperson Mecham

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

FRANK MECHAM
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: C.M. CHRISTENSEN
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: /s/ Timothy McNulty
Deputy County Counsel

Dated: 4-15-2010

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, Julie L. Rodewald, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 12th day of May, 2010.

(SEAL)

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By C.M. Christensen
Deputy Clerk.