

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 1/7/15

Departmental Concurrence

**SUBMITTAL TO THE FLOOD CONTROL AND
 WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
 January 6, 2015

SUBJECT: Ratification and Approval of First Amendment to Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area; 6 Years; 1st/3rd Districts ; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve the First Amendment to Memorandum of Understanding (MOU) between and among the District, the Rancho California Water District, the County of Riverside, collectively referred to as the Riverside County Upper Santa Margarita Regional Water Management Group (RWMG); the San Diego County Water Authority, the City of San Diego, and the County of San Diego, collectively referred to as the San Diego County RWMG; and the County of Orange, the Municipal Water District of Orange County, and the South Orange County Wastewater Authority, collectively referred to as the Orange County RWMG; and
2. Authorize the Chairman to execute the Amendment documents on behalf of the District.

BACKGROUND:

Summary

Continued on Page 2

LMD:blm
 P8/166043

WARREN D. WILLIAMS
 General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS N/A

Budget Adjustment: N/A
 For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:
 Imelda Delos Santos

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FORM 11: Ratification and Approval of First Amendment to Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area; 6 years; 1st/3rd Districts. \$0]

DATE: January 6, 2015

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

In 2006, California voters approved Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act (Public Resources Code, §§ 75020-75029) (Prop. 84). Prop. 84 authorized the California Legislature to appropriate state bonds funding to Integrated Regional Water Management (IWRM) projects. Prop. 84 charged the Department of Water Resources (DWR) with the task of allocating funds among nine (9) regional funding areas within the State.

Under the Act, the DWR allocated ninety-one million dollars (\$91,000,000) to the San Diego Sub-Region Funding Area (Funding Area), which is comprised of three (3) Regional Water Management Groups (RWMGs): the San Diego County RWMG, the Orange County RWMG, and the Riverside County Upper Santa Margarita RWMG. The Riverside County Upper Santa Margarita RWMG is comprised of the District, the County of Riverside, and the Rancho California Water District.

On March 31, 2009 the Board of Supervisors approved an MOU between the District and the other RWMG participating agencies within the Funding Area (Item 11.4).

The MOU established the Tri-County Funding Area Coordination Committee (TRI-County FACC), comprised of at least one representative from each of the three (3) RWMGs in the Funding Area, and established a formula for the internal division of Prop. 84 funds allocated to the Funding Area.

This Amendment is necessary to extend the MOU for an additional six (6) years to accommodate delays in State funding cycles.

In addition, the parties desire to recognize a funds allocation shift of one hundred eighty-one thousand eight hundred seventy-five dollars (\$181,875) from the Riverside County Upper Santa Margarita RWMG to the San Diego County RWMG. This reallocation of funds is necessary to facilitate the funding of a mutually-beneficial project led by the San Diego County RWMG to develop water quality targets for the Santa Margarita River Watershed.

County Counsel has approved this Amendment as to legal form.

A companion item appears on the County Board's agenda on this same date.

Impact on Residents and Businesses

This Amendment addresses the division of existing State funds and will entail no new fees, taxes or bonded indebtedness to residents and businesses.

SUPPLEMENTAL:

Additional Fiscal Information

The District is not obligated to make any financial contributions to the TRI-County FACC at this time.

LMD:blm

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FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
FOR INTEGRATED REGIONAL WATER MANAGEMENT PLANNING
AND FUNDING IN THE SAN DIEGO SUB-REGION FUNDING AREA

The Memorandum of Understanding (MOU) for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area between the San Diego County Regional Water Management Group (SDRWGMG Planning Region Agencies), Orange County Regional Management Group (OCRWMG Planning Region Agencies), and Riverside County Upper Santa Margarita Regional Water Management Group (RCRWMG Planning Region Agencies), which was executed by the parties on April 28, 2009, is hereby amended as follows:

1. Pursuant to Section 9 (Term of Agreement) in the original MOU, which allows for contract extensions by mutual agreement of the Parties, the term of the contract is extended for six years and the termination date is changed from December 31, 2014, to December 31, 2020. Section 9 of the MOU is amended to reflect this change.
2. To better facilitate grant funding for identified mutual goals and projects, the allocation of Proposition 84 Funds shown in Attachment B of the MOU for Riverside Upper Santa Margarita (RCRWMG Planning Region Agencies) is decreased by \$181,875, and this amount shall be reallocated to San Diego County (SDRWGMG Planning Region Agencies) as RCRWMG Planning Region Agencies share of the two regions' jointly funded project, Implementing Nutrient Management in the Santa Margarita River Watershed, Phase 2, under the Department of Water Resources' Proposition 84, Round 2 grant program.
3. All other terms, covenants, and conditions in the original MOU as amended shall remain in full force and effect and shall be applicable to this first amendment.

The individuals executing this first amendment to the MOU represent and warrant they have the legal capacity and authority to do so on behalf of their respective legal entities.

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area on the dates shown on the attached counterpart signature page:

1 **SAN DIEGO COUNTY WATER AUTHORITY**

2

3 In witness whereof, each party hereto has executed this agreement as of the date shown hereon.

4

5 Date: _____

By: _____

6 **KEN WEINBERG**
7 Director of Water Resources

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8 **APPROVED AS TO FORM**
9 San Diego County Water Authority

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11 Date: _____

By: _____

12 General Counsel
13 San Diego County Water Authority

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CITY OF SAN DIEGO

In witness whereof, each party hereto has executed this agreement as of the date shown hereon.

CITY OF SAN DIEGO

Date: _____

By: _____

TONY HEINRICHS
Deputy Chief Operating Officer

I HEARBY APPROVE the form and legality of the
foregoing Memorandum of Understanding.

JAN I. GOLDSMITH
City Attorney

Date: _____

By: _____

Raymond C. Palmucci
Deputy City Attorney

Mr. W. Downs Prior
City of San Diego
Purchasing and Contracting Department
1200 3rd Avenue, Suite 200
San Diego, CA 92101

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COUNTY OF SAN DIEGO

In witness whereof, each party hereto has executed this agreement as of the date shown hereon.

Date: _____ By: _____
RICHARD E. CROMPTON, Director
Department of Public Works

APPROVED AS TO FORM
County Counsel,
County of San Diego, California

Date: _____ By: _____
James O'Day
Senior Deputy County Counsel

Richard E. Crompton
Department of Public Works
County of San Diego
5510 Overland Ave., Suite 410, Mailstop O332
San Diego, CA 92123

1 **ORANGE COUNTY AGENCIES**

2 In witness whereof, each party hereto has executed this agreement by a duly authorized
3 representative as of the date shown hereon.

4
5 **ORANGE COUNTY PUBLIC WORK**

6 By _____ Date _____

7 Name: Shane L. Silsby, P.E.

8 Title: Director

9 **APPROVED AS TO FORM: COUNTY COUNSEL**

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11 By _____ Date _____
12 County Counsel

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MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

By _____ Date _____
Larry Dick, President

By _____ Date _____
Maribeth Goldsby, Secretary

APPROVED AS TO FORM:

Legal Counsel for Municipal Water District of Orange County

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SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

By _____ Date _____
Mike Dunbar, Chairman

By _____ Date _____
Secretary

APPROVED AS TO FORM:

Legal Counsel, South Orange County Wastewater Authority

1 **RANCHO CALIFORNIA WATER DISTRICT**
2 A California Water District

3
4 By: _____
5 MATTHEW G. STONE, General Manager

6
7 Date: _____

8 APPROVED AS TO FORM:

9 By: _____
10 JAMES B. GILPIN, General Counsel

11 Date: _____

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13 ATTEST:

14 By: _____
15 KELLI GARCIA, District Secretary

16 Date: _____

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS**

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By _____
MARION ASHLEY, Chairman
Supervisor, Fifth District
Riverside County Board of Supervisors

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

Date: _____

By _____
Deputy

APPROVED AS TO FORM:

GREGORY P. PRIAMOS
County Counsel

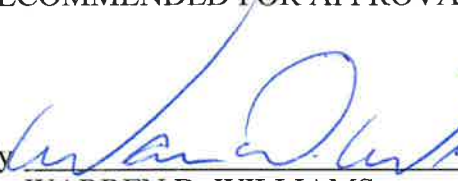
By _____
Aaron Gettis
Deputy County Counsel

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL: **RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

By 
WARREN D. WILLIAMS
General Manager-Chief Engineer

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:
GREGORY P. PRIAMOS
County Counsel

ATTEST:
KECIA HARPER-IHEM
Clerk of the Board

By 
AARON GETTIS
Deputy County Counsel

By _____
Deputy

(SEAL)

1st Amendment to MOU -
For Integrated Regional Water Management Planning and
Funding in the San Diego Sub-Region Funding Area
12/2014