

FORM APPROVED COUNTY COUNSEL
11/12/15
DATE:
BY: JAMES L. LUCAS

Departmental Concurrence

910

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Executive Office

SUBMITTAL DATE:
November 6, 2015

SUBJECT: Ratification and Approval of Second Amendment to Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area; 5 Years; 1st/3rd Districts; [\$0].

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve the Second Amendment to Memorandum of Understanding (MOU) between and among the County of Riverside (County), Riverside County Flood Control and Water Conservation District, and the Rancho California Water District, 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 County.

BACKGROUND:

Summary

See page 2

Steven Horn
Sr. Management Analyst

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 COUNTY 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:
Ivan M. Chand

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: December 8, 2015
xc: EO, Flood

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 1.6.2015 3-6 | District: 1,3 | Agenda Number: 3-7

(Companion Item 11-1)

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

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 (IRWM) 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 County, Riverside County Flood Control and Water Conservation District, and the Rancho California Water District.

On March 31, 2009 the Board of Supervisors approved an MOU between the County and the other RWMG participating agencies within the Funding Area (Item 3.7). This 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.

On January 6, 2015 the MOU was amended to extend the term from December 31, 2014 to December 31, 2020 and to also reallocate funds between the Riverside County and San Diego County RWMGs to address agreed to cost-shares for a mutually beneficial joint Proposition 84 IRWM project that was being led by the San Diego County RWMG in the Santa Margarita Watershed. In November 2014, the voters approved Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act (Public Resources Code, sections 79740-79744); which appropriated new funding for competitive grants for IRWM projects. The purpose of this amendment is to:

- 1) Extend the term of the existing MOU between the San Diego, Orange County and Riverside County Regional Water Management Groups for an additional 5 years (to 2025) to cover the expected term of Proposition 1 grant programs; and
- 2) Extend the MOU to include a formula for the fixed distribution of \$52.5 million in San Diego Sub-Region Proposition 1 grant funds between the three County IRWM Regional Management Groups using the existing cost-sharing formula agreed to for Proposition 84.

County Counsel has approved this Amendment as to legal form.

A companion item appears on the District'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 County is not obligated to make any financial contributions to the TRI-County FACC at this time.

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

**Second 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 (SDRWMG 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 and amended by the parties on January 29, 2015, 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 MOU is extended for five years and the termination date is changed from December 31, 2020 to December 31, 2025. Section 9 of the MOU is amended to reflect this change.

2. Add new Recital B as follows:

Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Public Resources Code, sections 79740-79744), authorizes the Legislature to appropriate funding for competitive grants for Integrated Regional Water Management (IRWM) projects. Funding is administered by the Department of Water Resources (DWR).

3. The existing Recital B is renamed Recital C and is amended as follows:

The intent of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 and the Water Quality, Supply, and Infrastructure Improvement Act of 2014 is to encourage integrated regional strategies for management of water resources and to provide funding through competitive grants, for projects that protect communities from drought, protect and improve water quality, promote environmental stewardship, and improve local water security by reducing dependence on imported water.

4. The existing Recitals C-H are renamed Recitals D-I.

5. The renamed Recital E is amended to add the following paragraphs::

The San Diego Sub-Region has been allocated \$91 million through Proposition 84. For the purposes of this agreement, the formula for allocating Proposition 84 funds among the Parties will be based on a combination of land area and population as of 2007. The division of funding shall be consistent with Attachment B.

The San Diego Sub-Region has been allocated \$52.5 million through Proposition 1.

6. For the purposes of this agreement, the formula for allocating Proposition 1 funds among the Parties will be based on a combination of land area and population as of 2013. The division of

DEC 08 2015 37

funding shall be consistent with Attachment C.

7. Section 12 is amended as follows:

Any notices sent or required to be sent to any party shall be mailed to the following addresses:

San Diego Agencies

Mark Stadler, Principal Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave., San Diego CA 92129

Lan Wiborg, Deputy Director of Long Range Planning & Water Resources
City of San Diego
525 B Street, 3rd Floor, San Diego CA 92101

Ramin Abidi, Deputy Director
Land Development Division, Department of Public Works
5510 Overland Avenue, Suite 210 (MS O350) San Diego, CA 92123-1239

Orange County Agencies

Mary Anne Skorpanich, Director, OC Watersheds
Orange County Public Works
2301 N. Glassell, Orange, CA 92865-2773

Karl Seckel, Assistant General Manager
Municipal Water District of Orange County
18700 Ward Street, Fountain Valley, CA 92708

Betty Burnett, General Manager
South Orange County Wastewater Authority
34156 Del Obispo Street, Dana Point, CA 92629

Riverside County Agencies

Richard Aragon, Finance Manager
Rancho California Water District
42135 Winchester Road, Temecula, CA 92590

Steve Horn, Senior Management Analyst
County of Riverside
4080 Lemon Street 4th floor, Riverside, CA 92501

Warren D. Williams
Riverside County Flood Control and Water Conservation District
1995 Market St. Riverside, CA 92501

8. Attachment C, Allocation of Proposition 1 Funds, is added.
9. 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 second 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 Second Amendment to the Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area on the last date shown on the attached counterpart signature page.

SAN DIEGO COUNTY WATER AUTHORITY

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

Date: _____

By: _____

ROBERT R. YAMADA

Director of Water Resources

APPROVED AS TO FORM

San Diego County Water Authority

Date: _____

By: _____

General Counsel

San Diego County Water Authority

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: _____

HALLA RAZAK

Director of Public Utilities

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

Teri Juybari
City of San Diego
Public Utilities Department
9192 Topaz Way, MS 901A
San Diego, CA 92123

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

COUNTY OF ORANGE BOARD OF SUPERVISORS

By _____ Date _____
Todd Spitzer, Chairman

APPROVED AS TO FORM: COUNTY COUNSEL

By _____ Date _____
County Counsel

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

SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

By _____ Date _____
Mike Dunbar, Chairman

By _____ Date _____
Secretary

APPROVED AS TO FORM:

Legal Counsel, South Orange County Wastewater Authority

RANCHO CALIFORNIA WATER DISTRICT

A California Water District

By: _____
JEFF ARMSTRONG, Interim General Manager

Date: _____

APPROVED AS TO FORM:

By: _____
JAMES B. GILPIN, General Counsel

Date: _____

ATTEST:


By: _____
KELLI GARCIA, District Secretary

Date: _____

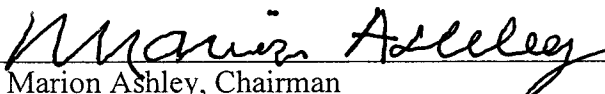
COUNTY OF RIVERSIDE BOARD OF SUPERVISORS

APPROVED AS TO FORM:

Gregory P. Priamos
County Counsel

By _____
Aaron Gettis
Deputy County Counsel

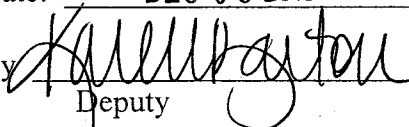
County of Riverside
Board of Supervisors

By _____
Marion Ashley, Chairman
Supervisor, Fifth District
Riverside County Board of Supervisors

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

Date: DEC 08 2015

By _____
Deputy

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 _____
NEAL KIPNIS
Deputy County Counsel

By _____
Deputy

(SEAL)

Attachment C

Allocation of Proposition 1 Funds

Each of the three planning regions has IRWM project and program needs that far exceed the funding allocated to the funding area. Significant local match funding for selected projects is available in each planning region. Funding for planning and timing of implementation may vary among the planning regions. Because of these factors and because not all of the Proposition 1 funding may be made available at the same time, the Tri-County FACC members will cooperate and coordinate on individual funding cycle applications to ensure that the sum of the total grant requests does not exceed the amount identified for the funding region in any given cycle. Total allocations to the parties will be divided according to the schedule below. The allocations are based on a formula that is similar to that used to allocate funding in the Proposition 1 bond language. (Note: Proposition 1 allocates \$52.5 million to the San Diego Sub-Region (or Funding Area). DWR has indicated it will spend approximately 5 percent of the funds for program delivery costs. Therefore, the allocations to the three planning regions are indicated in percentages of the total funds that will be available over the life of the program.)

			Allocations (in % of \$ totals)		
Planning Region	Population	Area (Acres)	\$14.5 M on Land	\$38 M on Population	Total
Riverside Upper Santa Margarita	292,227	405,233	16.38%	6.84%	9.46%
South Orange County	613,800	168,192	6.8%	14.37%	12.29%
San Diego County	3,364,191	1,901,203	76.83%	78.78%	78.25%
Total	4,270,218	2,474,628	100%	100%	100%