

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

906B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
December 8, 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 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

CSS:blm
P8/200639

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:

Steven C. Horn

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

On motion of Supervisor Benoit, 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: Flood

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

(Companion Item 3-7)

Prev. Agn. Ref.: 11.4 of 03/31/2009 | Districts: 1,3/1,3 | Agenda Number:

11-1

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

FORM 11: 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; 6 years; 1st/3rd Districts; [\$0]

DATE: December 8, 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 (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 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.

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 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.

CSS:blm:bjp

**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 (SDRWGM Planning Region Agencies), Orange County Regional Management Group (OCRWMG Planning Region Agencies), and Riverside County Upper Santa Margarita Regional Water Management Group (RCRWGM 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.

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

3 7. Section 12 is amended as follows:

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

6 **San Diego Agencies**

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

9
10 Lan Wiborg, Deputy Director of Long Range Planning & Water Resources
City of San Diego
11 525 B Street, 3rd Floor, San Diego CA 92101

12 Ramin Abidi, Deputy Director
Land Development Division, Department of Public Works
13 5510 Overland Avenue, Suite 210 (MS O350) San Diego, CA 92123-1239

14 **Orange County Agencies**

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

17
18 Karl Seckel, Assistant General Manager
Municipal Water District of Orange County
19 18700 Ward Street, Fountain Valley, CA 92708

20 Betty Burnett, General Manager
South Orange County Wastewater Authority
21 34156 Del Obispo Street, Dana Point, CA 92629

22 **Riverside County Agencies**

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

25
26 Steve Horn, Senior Management Analyst
County of Riverside
27 4080 Lemon Street 4th floor, Riverside, CA 92501

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2 Warren D. Williams
3 Riverside County Flood Control and Water Conservation District
4 1995 Market Street, Riverside, CA 92501

5 8. Attachment C, Allocation of Proposition 1 Funds, is added.

6 9. All other terms, covenants, and conditions in the original MOU as amended shall remain
7 in full force and effect and shall be applicable to this first amendment.

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

10 IN WITNESS WHEREOF, the parties have executed this Second Amendment to the
11 Memorandum of Understanding for Integrated Regional Water Management Planning and
12 Funding in the San Diego Sub-Region Funding Area on the last date shown on the attached
13 counterpart signature page.
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1 **SAN DIEGO COUNTY WATER AUTHORITY**

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

4 Date: _____ By: _____
5 ROBERT R. YAMADA
6 Director of Water Resources

7 APPROVED AS TO FORM
8 San Diego County Water Authority

9 Date: _____ By: _____
10 General Counsel
11 San Diego County Water Authority

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1 **CITY OF SAN DIEGO**

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

3 CITY OF SAN DIEGO

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5 Date: _____

By: _____

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HALLA RAZAK

Director of Public Utilities

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8

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

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10

JAN I. GOLDSMITH

City Attorney

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12

Date: _____

By: _____

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Raymond C. Palmucci

Deputy City Attorney

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15

Teri Juybari

16

City of San Diego

Public Utilities Department

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9192 Topaz Way, MS 901A

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San Diego, CA 92123

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1 **COUNTY OF SAN DIEGO**

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

3
4 Date: _____

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

6
7 APPROVED AS TO FORM
8 County Counsel,
9 County of San Diego, California

10 Date: _____

By: _____
James O'Day
Senior Deputy County Counsel

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14
15 Richard E. Crompton
16 Department of Public Works
17 County of San Diego
18 5510 Overland Ave., Suite 410, Mailstop O332
19 San Diego, CA 92123
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1 **COUNTY OF ORANGE BOARD OF SUPERVISORS**

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3 By _____ Date _____
4 Todd Spitzer, Chairman

5 APPROVED AS TO FORM: COUNTY COUNSEL

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7 By _____ Date _____
8 County Counsel

1 **MUNICIPAL WATER DISTRICT OF ORANGE COUNTY**

2
3 By _____ Date _____
4 Larry Dick, President

5 By _____ Date _____
6 Maribeth Goldsby, Secretary

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8
9 APPROVED AS TO FORM:

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11 _____
12 Legal Counsel for Municipal Water District of Orange County

1 **SOUTH ORANGE COUNTY WASTEWATER AUTHORITY**

2
3 By _____ Date _____
4 Mike Dunbar, Chairman

5 By _____ Date _____
6 Secretary

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9 APPROVED AS TO FORM:

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11 _____
12 Legal Counsel, South Orange County Wastewater Authority
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1 **RANCHO CALIFORNIA WATER DISTRICT**
2 A California Water District

3 By: _____
4 JEFF ARMSTRONG, Interim General Manager

5 Date: _____

6
7 APPROVED AS TO FORM:

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

10 Date: _____

11
12 ATTEST:

13 By: _____
14 KELLI GARCIA, District Secretary

15 Date: _____

1 **COUNTY OF RIVERSIDE BOARD OF SUPERVISORS**

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3 **APPROVED AS TO FORM:**

4 Gregory P. Priamos
5 County Counsel

6
7 By _____
8 Aaron Gettis
9 Deputy County Counsel

10 County of Riverside
11 Board of Supervisors

12 By _____
13 Marion Ashley, Chairman
14 Supervisor, Fifth District
15 Riverside County Board of Supervisors

16 **ATTEST:**

17 **KECIA HARPER-IHEM**
18 Clerk of the Board

19 Date: _____

20 By _____
21 Deputy

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

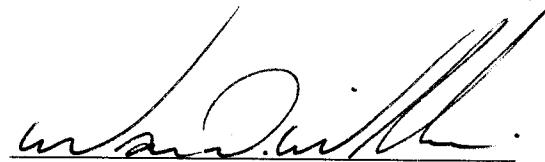
2 DEC 08 2015

3 (to be filled in by Clerk of the Board)

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5 RECOMMENDED FOR APPROVAL:

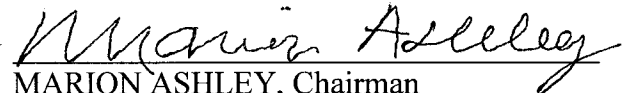
**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

6
7 By



8 WARREN D. WILLIAMS
9 General Manager-Chief Engineer

By



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

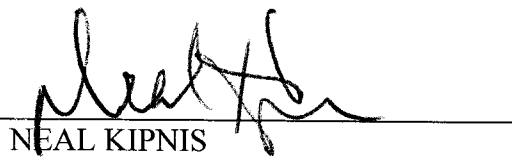
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11 APPROVED AS TO FORM:

ATTEST:

12 GREGORY P. PRIAMOS
13 County Counsel

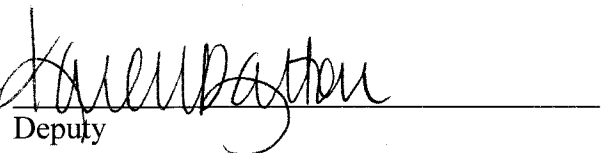
KECIA HARPER-IHEM
Clerk of the Board

14
15 By



16 NEAL KIPNIS
17 Deputy County Counsel

By



Deputy

(SEAL)

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27 P8/200637
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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%

10/29/15
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