



Meeting Date: 09 / 09 / 08

<input type="checkbox"/> ACTION	<input type="checkbox"/> TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Anthony Emmert, Water Resources Manager Agenda Item No. I-10

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) [Signature]

DATE: August 28, 2008

TO: City Council

FROM: Mark Norris, Assistant Public Works Director
Public works Department

SUBJECT: Memorandum of Understanding with the Watersheds Coalition of Ventura County (WCVC)

RECOMMENDATION

That City Council:

1. Approve the WCVC Integrated Regional Water Management Plan (IRWMP) "Non-County Agencies" Memorandum of Understanding (MOU) (A-7091) and authorize the Mayor to sign the MOU.
2. Authorize the City Manager to sign any future "new participant" WCVC IRWMP MOU that are substantially in the format previously approved by the City Council.

DISCUSSION

In November 2002, California voters approved the passage of Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, which provided funding for a new water resource planning model known as Integrated Regional Water Management Planning (IRWMP). Proposition 50 authorized \$500 million toward projects that were part of such an IRWM Plan. The principle behind integrated planning is that projects that are conceived and administered by a regional group for regional benefit often achieve greater overall benefit than those conceived and administered by individual agencies. Proposition 50 Chapter 8 gave priority to funding projects that increased water supply, improved water quality, improved flood protection and enhanced habitat and recreation. Although water stakeholders in Ventura County have a long history of working together to address water resources issues, no comprehensive regional water plan existed at the time the proposition was approved.

In response to this funding opportunity, key water stakeholders in the Santa Clara River and Ventura River Watersheds formed the Ventura Countywide Integrated Regional Water Management (VCIRWM) Group in September 2004. As Proposition 50 Chapter 8 required funded projects to be part of an integrated regional plan, the VCIRWM Group immediately initiated an effort to prepare a

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draft plan meeting the state's requirements, and submitted the plan in July 2005. In 1996, in order to address regulatory issues in the watershed, key stakeholders in the Calleguas Creek Watershed formed the Calleguas Creek Watershed Steering Committee (CCWSC), and developed a Watershed Management Plan. The CCWSC completed the Plan in November 2004. In 2005, the CCWSC amended the Plan to meet the state's requirements for an IRWMP.

In July 2005, the VCIRWM Group and the CCWSC each applied for a Step 1 Proposition 50 Implementation Grant to construct and advance the projects outlined in their respective Interim and Adopted IRWMPs. In the fall of 2005, the Department of Water Resources, as one of the agencies authorized to oversee Proposition 50 grants, requested the voluntary consideration of a number of Regions for the purposes of application for Step 2 Implementation Grant funds. In April 2006, the Watersheds Coalition of Ventura County (WCVC) was formed by joint resolution of the Ventura Countywide Integrated Regional Water Management Group and Calleguas Creek Steering Committee to oversee the consolidation of the two IRWMPs, submit a Step 2 Implementation Grant application for \$25 million, and pursue future IRWM funding.

In April 2006, the Watersheds Coalition of Ventura County by Resolution 06-01 authorized, designated and requested the County of Ventura to file an application for a Proposition 50, Step 2 Implementation Grant and to enter into an agreement with the State. On January 18, 2007, the State Water Resources Control Board announced an award in the amount of \$25 million to the Watersheds Coalition of Ventura County. The grant is helping to fund 11 of the Region's priority projects for water supply, water quality, habitat, and flood protection – leveraging local and federal contributions to construct more than \$65 million in water-related improvements in the County. The City of Oxnard's project is the Septic Conversion Project College Park Phase (or Groundwater Contamination Elimination Project).

The State of California is pleased with the IRWMP concept, and intends to continue to provide funding to approved Regions through various funding mechanisms. Several million dollars will be available through Proposition 84 for Ventura County water-related projects within the next few years. WCVC is actively preparing for a funding submittal. One of the necessary tasks is to establish a formal Memorandum of Understanding (MOU) between the involved agencies and organizations and to establish a lead agency. Execution of the "Non-county agencies" MOU with the County of Ventura (Attachment #1) and payment of the annual WCVC administrative charge will ensure that the City of Oxnard remains eligible for upcoming Proposition 84 funding and any other future IRWMP funding.

FINANCIAL IMPACT

This MOU is for a period of five (5) years with a not to exceed \$50,000 expenditure. The cost of the MOU will be approximately \$10,000 annually. There are sufficient funds in the Fiscal Year 2008/2009 Budget in the amount of \$5,000 in Account Number 601-6010-846-8357(Water), and \$5,000 in Account Number 611-6103-846-8357 (Wastewater Collection).

Attachment #1 - Agreement No. A-7091 Memorandum of Understanding (MOU) between City of Oxnard and the County of Ventura

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Memorandum of Understanding (MOU) between City of Oxnard and the County of Ventura to Participate in the Watersheds Coalition of Ventura County's Integrated Regional Water Management (IRWM) Planning Efforts

This agreement is made effective September 9, 2008, by and between the County of Ventura (County) and the City of Oxnard with respect to the following recitals:

Whereas, a *stakeholder group* known as the Watersheds Coalition of Ventura County (WCVC) comprised of representatives from a diverse group of interests throughout Ventura County was established to pursue integrated regional water management goals for the three main watersheds of Ventura County (Calleguas Creek, Santa Clara River and Ventura River); and

Whereas, the primary role of the WCVC is to develop a comprehensive integrated Regional Water Management (IRWM) Plan, as defined in California Water Code Section 10530 et seq., and to prepare and submit grant applications on behalf of various stakeholders to fund projects identified by the IRWM Plan; and

Whereas, WCVC requested that the County of Ventura serve as the Coalition's lead agency for purposes of coordinating IRWM planning activities locally and executing agreements with the State; and

Whereas, the County and other WCVC member entities pursuant to statute, adopted the WCVC IRWM Plan; and

Whereas, in accordance with the State's IRWM program guidelines, the WCVC is required to facilitate IRWM planning with an open, public process and to produce and maintain various information resources including, but not limited to, a local database, website, and the IRWM Plan, itself, as outlined in a scope of work (Attachment A) adopted by the WCVC; and

Whereas, with the passage of Proposition 84 and future water and water-related bonds, there will be ongoing opportunities for funding IRWM Plan amendments and projects; and

Whereas, it has been determined that the WCVC's IRWM program and stakeholder process, initiated to draft an IRWM Plan should be continued into the future to provide an ongoing forum for regional collaboration on water-related planning and to fulfill various obligations associated with the State's IRWM planning and implementation grant programs; and

Whereas, the purpose and intent of this agreement is to set forth mutual responsibilities involving the County and the City of Oxnard regarding: 1) ongoing IRWM program

coordination, planning and implementation; 2) ongoing opportunities for funding future IRWM Plan amendments and projects; and, 3) reimbursement to the County for related staffing costs.

In consideration of the mutual duties set forth in this agreement, the parties agree as follows:

1. The County, as the lead agency for WCVC, is responsible for and will:
 - a. Coordinate activities of the WCVC based on the approved scope of work and at the WCVC's direction, including preparation of the updated IRWM Plan and Plan amendments consistent with future funding program guidelines.
 - b. Prepare WCVC and related committee meeting agendas and coordinate meeting preparation and meeting follow-up.
 - c. Consult with members of the WCVC on an as-needed basis.
 - d. Obtain water-related project input from the WCVC participating jurisdictions consistent with Paragraph 2 below.
 - e. Assist the WCVC with the ongoing efforts of the watershed committees.
 - f. Coordinate with other Ventura County agencies, jurisdictions and agencies in presenting the updated IRWM Plan and IRWM Plan amendments to policy boards, commissions and councils.
2. The County and the City of Oxnard will work together so that the IRWM program, updated Plan, Plan amendments and projects comply with and incorporate relevant sections of Proposition 84, Chapter 2 of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act and future IRWM program principles and criteria, as determined by the State.
3. The annual cost of administering the WCVC shall be borne by the WCVC participating agencies based on an approved scope of work. A general consensus vote in support of the annually proposed scope of work by WCVC shall constitute approval. The City of Oxnard's participation in this MOU constitutes its consent to annually fund the City of Oxnard's fair share of the cost of administration as determined by WCVC. The City of Oxnard's obligation to pay its share of the annual cost is subject to the City of Oxnard appropriating sufficient funds for each funding year.
4. The County has and will continue to maintain a special account within the CEO's Trust Account for IRWM program activities in which the funds received from the City of Oxnard under Paragraph 3 will be placed.

5. Costs for the County's staffing services will be reimbursed from the Trust Account. Costs will include staff planning, coordination and preparation services, and any materials provided by the County. The County has the right to contract for administrative services in support of WCVC for work designated in the approved scope of work.
6. The agreement shall become operational upon the City of Oxnard providing its initial fair share contribution as determined by the WCVC and the County's acceptance of the contribution. County shall have the ability to terminate this Memorandum of Understanding in the event that sufficient funding to continue the IRWM program process is not contributed by WCVC members. This MOU supercedes the previous MOU regarding IRWM planning efforts and County costs.
7. The term of this agreement is from September 9, 2008 to September 9, 2013.

IN WITNESS THEREOF, the Parties hereto have authorized their respective agents to enter into this Agreement as follows:

CITY OF OXNARD

COUNTY OF VENTURA

Dr. Thomas E. Holden, Mayor

Peter C. Foy, Chair Board of Supervisors

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg
Interim City Attorney