S A W P A

SANTA ANA WATERSHED PROJECT AUTHORITY

11615 Sterling Avenue, Riverside, California 92503 • (951) 354-4220

REGULAR COMMISSION MEETING
TUESDAY, APRIL 5, 2016 – 9:30 A.M.

AGENDA

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE (Thomas P. Evans, Chair)**

2. **ROLL CALL**

3. **PUBLIC COMMENTS**

   Members of the public may address the Commission on items within the jurisdiction of the Commission; however, no action may be taken on an item not appearing on the agenda unless the action is otherwise authorized by Government Code §54954.2(b).

4. **CONSENT CALENDAR**

   All matters listed on the Consent Calendar are considered routine and non-controversial and will be acted upon by the Commission by one motion as listed below.

   A. APPROVAL OF MEETING MINUTES: MARCH 15, 2016 5
   Recommendation: Approve as posted.

   B. USE OF BUILDING RESERVE FUNDS FOR REPLACEMENT OF TWO AIR CONDITIONING UNITS (CM#2016.22) 13
   Recommendation: Authorize the use of $10,700 from the Building Reserve Fund to replace two air conditioning units: Unit 8 and Unit 9.

5. **WORKSHOP DISCUSSION AGENDA**

   A. STRATEGIC ASSESSMENT – NEXT STEPS 15
   Presenter: Paul Brown, Paul Redvers Brown, Inc.

   B. STRATEGIC ASSESSMENT – ROUNDTABLE PROJECTS [CONTINUED] (CM#2016.23) 17
   Presenters: Mark Norton
   Recommendation: Receive and file this continuing presentation about the SAWPA Roundtable Projects.

6. **NEW BUSINESS**

   A. CORRESPONDENCE FROM ORANGE COUNTY STAKEHOLDERS 21
   Presenter: Celeste Cantú
   Recommendation: Receive and file.

   B. STATUS OF ISSUES – INLAND EMPIRE BRINE LINE (CM#2016.26) 39
   Presenters: Rich Haller
   Recommendation: Receive and file a status report on the following Inland Empire Brine Line issues: (1) Ordinance No. 8; (2) FY 2017 Rates; (3) TSS Formation Billing Formula; (4) Temporary Domestic Dischargers; (5) Relocation of Reach V to Nichols Road; and, (6) Status of Dischargers of Domestic Sewer in Brine Line.

7. INFORMATIONAL REPORTS

Recommendation: Receive and file the following oral/written reports/updates.

A. CHAIR'S COMMENTS/REPORT

B. COMMISSIONERS' COMMENTS

C. COMMISSIONERS' REQUEST FOR FUTURE AGENDA ITEMS

8. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

Company Names: Charles King Company; Spiniello

9. ADJOURNMENT

PLEASE NOTE:
Americans with Disabilities Act: Meeting rooms are wheelchair accessible. If you require any special disability related accommodations to participate in this meeting, please contact (951) 354-4220 or kberry@sawpa.org. 48-hour notification prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility for this meeting. Requests should specify the nature of the disability and the type of accommodation requested.

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours at the SAWPA office, 11615 Sterling Avenue, Riverside, and available at www.sawpa.org, subject to staff's ability to post documents prior to the meeting.

Declaration of Posting

I, Kelly Berry, Clerk of the Board of the Santa Ana Watershed Project Authority declare that on Wednesday, March 30, 2016, a copy of this agenda has been uploaded to the SAWPA website at www.sawpa.org and posted in SAWPA's office at 11615 Sterling Avenue, Riverside, California.

/s/

_____

Kelly Berry, CMC

2016 - SAWPA Commission Meetings/Events

First and Third Tuesday of the Month

(NOTE: Unless otherwise noted, all Commission Workshops/Meetings begin at **9:30 a.m.**, and are held at SAWPA.)

January 1/5/16 Commission Workshop 1/19/16 Regular Commission Meeting	**February** 2/2/16 Commission Workshop 2/16/16 Regular Commission Meeting
March 3/1/16 Commission Workshop 3/15/16 Regular Commission Meeting	**April** 4/5/16 Commission Workshop 4/19/16 Regular Commission Meeting
May 5/3/16 Commission Workshop 5/3 – 5/6/16 ACWA Spring Conference, Monterey 5/17/16 Regular Commission Meeting	**June** 6/7/16 Commission Workshop 6/21/16 Regular Commission Meeting
July 7/5/16 Commission Workshop 7/19/16 Regular Commission Meeting	**August** 8/2/16 Commission Workshop 8/16/16 Regular Commission Meeting
September 9/6/16 Commission Workshop 9/20/16 Regular Commission Meeting	**October** 10/4/16 Commission Workshop 10/18/16 Regular Commission Meeting
November 11/1/16 Commission Workshop 11/29 – 12/2/16 ACWA Fall Conference, Anaheim 11/15/16 Regular Commission Meeting	**December** 12/6/16 Commission Workshop 12/20/16 Regular Commission Meeting

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SAWPA COMMISSION
REGULAR MEETING MINUTES
MARCH 15, 2016

COMMISSIONERS PRESENT	Thomas P. Evans, Chair, Western Municipal Water District Ed Killgore, Vice Chair, San Bernardino Valley Municipal Water District (9:31 a.m.) Ronald W. Sullivan, Secretary-Treasurer, Eastern Municipal Water District Phil Anthony, Orange County Water District Terry Catlin, Inland Empire Utilities Agency
COMMISSIONERS ABSENT	None.
ALTERNATE COMMISSIONERS PRESENT; NON-VOTING	Jasmin Hall, Alternate, Inland Empire Utilities Agency Steve Copelan, Alternate, San Bernardino Valley Municipal Water District
STAFF PRESENT	Celeste Cantú, Rich Haller, Larry McKenney, Mark Norton, Karen Williams, Dean Unger, Rick Whetsel, Ian Achimore, Kelly Berry

The Regular Commission Meeting of the Santa Ana Watershed Project Authority was called to order at 9:30 a.m. by Chair Evans at the Santa Ana Watershed Project Authority, 11615 Sterling Avenue, Riverside, California.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Evans led the Pledge of Allegiance.

2. ROLL CALL

Roll call was duly noted and recorded by the Clerk of the Board. Alternate Commissioner Steve Copelan was present for the roll call; however, Commissioner Killgore arrived at 9:31 a.m. and replaced Alternate Commissioner Copelan at that time.

3. PUBLIC COMMENTS

There were no public comments.

4. CONSENT CALENDAR

A. APPROVAL OF MEETING MINUTES: MARCH 1, 2016

Recommendation: Approve as posted.

B. TREASURER'S REPORT – FEBRUARY 2016

Recommendation: Approve as posted.

MOVED, approve the Consent Calendar.

Result:	**Adopted (Unanimously; 5-0)**
Motion/Second:	Anthony/Sullivan
Ayes:	Anthony, Catlin, Evans, Killgore, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

5. NEW BUSINESS

A. SAWPA STRATEGIC REVIEW – ROUNDTABLE PROJECTS (CM#2016.21)

Mark Norton provided a detailed PowerPoint presentation on the SAWPA Roundtables, and a two-page handout titled "SAWPA Roundtables." Norton began with historical information on SAWPA's vision, mission, and goals, as well as function of and criteria for Roundtable Projects.

Commissioner Sullivan noted he had hoped this meeting would include a review of the formation, function, and value of each SAWPA Roundtable, including whether or not it is appropriate for a Roundtable to continue. Specifically, who requested/initiated the Roundtable, who is funding it, and is SAWPA 100% funding or is it funded by the member agencies (in whole or in part). Norton indicated that these items would be addressed in his presentation. Commissioner Sullivan also requested a regular update given to the Commission on the Roundtables; Norton noted a quarterly written report is provided as part of the agenda packet, but more detailed presentations can be provided about specific Roundtable projects to supplement the quarterly written report.

Detailed information was provided for the following active Roundtables. (FTE = Time utilized of Full Time Employee Working 2080 hrs/year.)

Southern California Salinity Coalition **SAWPA Authorization: 2002**
Budget: $338,534 (2016) **Total FTE: 0.09** **Funding Source: Coalition Members Contributions; SAWPA as a whole contributes $10,000/year.**
Discussion: The Coalition is actively working on a Drought policy to address salt issues that arise with increased salinity resulting from less rainfall dilution. Commissioner Sullivan voiced his support of the Salinity Coalition and a desire for more frequent updates. Chair Evans voiced his desire for increased efforts in communicating task force achievements to the Commission.

Imported Water Recharge Workgroup **SAWPA Authorization: 2008**
Budget: $9,920 (2016) **Total FTE: 0.03** **Funding Source: Workgroup Contributions**
Discussion: This workgroup came together to examine the impact of imported water salt content; their efforts allow continued flexibility with anti-degradation rules while importing water. The workgroup and subsequent agreement with the Regional Board helped avoid a new permit requirement and potential litigation, thus saving $10-$20 million long term. Commissioner Sullivan voiced his support of this workgroup and suggested SAWPA make better use of this information when working with the State.

Basin Monitoring Program Task Force **SAWPA Authorization: 2004**
Budget: $178,197 (2016) **Total FTE: 0.21** **Funding Source: Task Force Agency Contributions**
Discussion: Addresses TDS and nitrate levels in groundwater and the Santa Ana River; mandated by Regional Board; was the first to establish a max benefit demonstration that is and can be applied to basins statewide where agencies, through a collaborative process, can ensure that downstream

beneficial uses are still maintained and managed. SAWPA facilitates the management of this task force. Chair Evans asked why more time is spent to work on this task force compared to others. Norton advised extensive time is needed when an amendment to the basin plan is involved; there is conflict resolution and collaboration as to what the Regional Board will accept. Cantú noted that the result of this work is millions and millions of dollars in savings to every single discharger because we have more flexibility in what we can discharge into the river. If we did not have this task force and its achievements, the dischargers would be forced to upgrade their plants costing them many millions of dollars. We are able to avoid those costs in this watershed because of this task force. Commissioner Sullivan requested a copy of the most recent report submitted to the Regional Board.

Middle Santa Ana River Pathogen TMDL Task Force
SAWPA Authorization: 2004

Budget: $370,000 (2016)
Total FTE: 0.21
Funding Source: Task Force Agency Contributions

Discussion: The Regional Board asked SAWPA to support, and named specific parties who are responsible; the Regional Board is a member. Participants in this task force avoided costs in excess of $2 billion through the task force efforts according to the Counties Comprehensive Bacteria Reduction Plan.

Stormwater Quality Standards Task Force
SAWPA Authorization: 2003

Budget: $143,878(2016)
Total FTE: 0.09
Funding Source: Task Force Agency Contributions

Discussion: This task force is concluding its efforts and transitioning into a regional monitoring program. Members: OC Flood Control, Riverside County Flood Control and Water Conservation District and SB County Flood Control, Regional Board, SAWPA. This was not a requirement of the Regional Board; the entities came together looking for more regional and less expensive approaches to meet standards throughout every single reach in the river. Of the $143,878 2016 budget, SAWPA will contribute $50,000. The avoided costs to the task force participants is $1-$2 billion per county for bacteria treatment at all stormwater pipe outfalls according to the task force CDM Economic Analysis.

Santa Ana Fish Conservation Team & Arundo Mitigation Bank
SAWPA Authorization: 2002; 2011

Budget: $322,761 (2016)
Total FTE: 0.21
Funding Source: Task Force Agency Contributions, SAWPA Mitigation Credit Sales

Discussion: SAWPA staff administers the Arundo removal contracts and conducts work under the fish conservation team. SAWPA contributes $10,000. The results of the Arundo removal efforts have created increased flows to downstream parties from the non-native plant removal. The fish conservation team provides a strong stakeholder involvement through a Riverwalk habitat survey program and other river habitat restoration efforts.

Emerging Constituents (EC) Program Task Force **SAWPA Authorization: 2012**
Budget: $87,638 (2016) **Total FTE: 0.09** **Funding Source: Task Force Agency Contributions**
Discussion: Annual EC monitoring reports 2010-2013 provided important data and information to guide the SWRCB Blue Ribbon Panel and reduce from over 100 down to seven the required EC monitoring constituents; savings of over $5 to $10 million long term within the watershed in reduced monitoring costs.

Forest First **SAWPA Signed MOU: 2011**
Budget: $54,569 (2016) **Total FTE: 0.02** **Funding Source: Outside Agencies**
Discussion: Formalized an MOU with the USFS; no task force formed at this point, but it is anticipated a task force will be formed within the next year. USFS has institutionalized SAWPA relationship as a template for others in the State. Benefits include protection of water quality, release of more water to downstream, and reduce debris flows to recharge basins.

DWR Water Energy Grant Implementation **SAWPA Authorization: 2015; 2016**
Budget: $938,985 (2016) **Total FTE: 0.17** **Funding Source: $2.34M grant; $520,000 local match partners**
Discussion: Provides water and energy savings to disadvantaged communities through turf removal and retrofit and indoor water/energy efficiency devices. This is a grant-funded program, with a local match for the turf removal portion. SAWPA staff handles implementation and management; grant funding fully pays for SAWPA's 0.17 FTE.

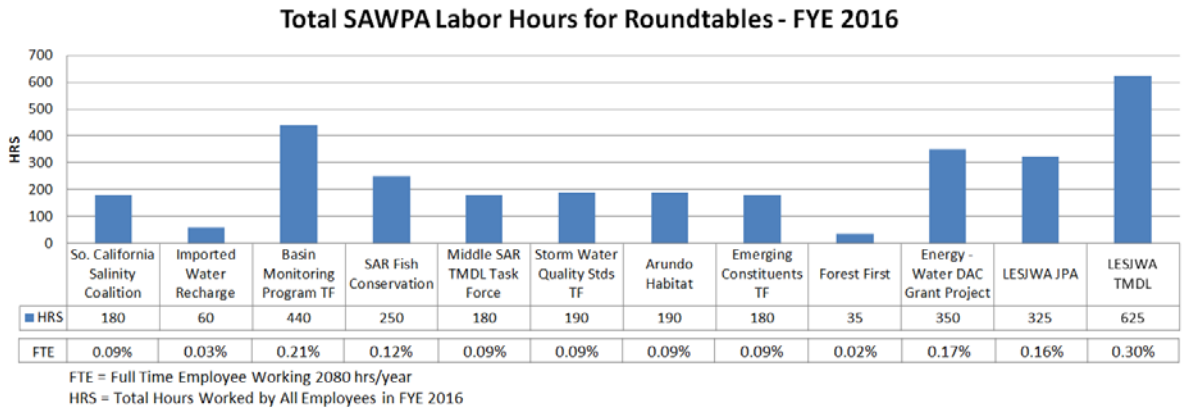
Lake Elsinore & San Jacinto Watersheds Authority (LESJWA) Administration **SAWPA Authorization: 2000**
Budget: $100,000 (2016) **Total FTE: 0.16** **Funding Source: LESJWA Member Agency Contributions**
Discussion: Constructs projects that benefit Lake Elsinore, Canyon Lake, and upper watershed water quality. SAWPA provides staff support to Lake Elsinore and Canyon Lake Nutrient TMDL Task Force and the LESJWA Board. Funded by LESJWA's five member agencies, once of which is SAWPA. Chair Evans, a former LESJWA Board Member, noted SAWPA contributes $10,000 annually, but also bills LESJWA for SAWPA staff time. LESJWA funds and holds an annual informational summit for the public; the next summit will be held April 27 at Elsinore Valley MWD.

Lake Elsinore and Canyon Lake Nutrient TMDL Task Force **SAWPA Authorization: 2004**
Budget: $981,780 (2016) **Total FTE: 0.30** **Funding Source: Task Force Agency Contributions and OWOW DWR Grant**
Discussion: Formed with the support of the Regional Board; SAWPA provides staff support through LESJWA to the Lake Elsinore and Canyon Lake Nutrient TMDL Task Force. Commissioner Sullivan requested copies of monitoring reports (including the location of the monitoring stations), as well as copies of reports going to the State.

Relative to each task force, Commissioner Sullivan requested an accounting of the source and amount of money coming in and where/how the money is spent. Commissioner Anthony agreed, and emphasized his desire to understand what SAWPA does relative to each task force, what SAWPA is paid to do and who pays SAWPA to do it, as well as the amount contributed to each task force by SAWPA. It was the consensus of the Commission for staff to provide a more detailed overview of each task force prior to budget approval, and include in that overview the information requested by the Commissioners over the course of this presentation.

Commissioner Sullivan voiced concern that duplicative work is being performed and suggested perhaps studies could be combined to save on consulting time. Mr. Norton stated that concerted efforts are undertaken to avoid duplicative work and whenever opportunities arise to combine efforts, they are undertaken. An example is the upcoming Regional Monitoring Program for pathogens required by the Regional Board, which is being combined with the Middle SAR Pathogen TMDL efforts to avoid duplication and reduce costs. Commissioner Sullivan also voiced his desire for increased monitoring of the flows going into the Inland Empire Brine Line from each reach, and the results of that increased monitoring provided to the Commission. Mr. Haller indicated that his Department is responsible for this monitoring and monitoring results are actively being taken at strategic locations to address discrepancies in total suspended solids measurements.

Chair Evans referenced a table from Norton's PowerPoint presentation titled "Total SAWPA Labor Hours for Roundtables – FYE 2016," and requested at a future Commission meeting staff update the table and provide for each task force how much is directly paid by SAWPA and how much does SAWPA receive, in cash, for each of these activities. This would provide the Commission with a more complete picture; perhaps it could be provided on an annual basis. Additionally, Chair Evans requested staff provide the Commission more detailed reporting, with an emphasis on task force costs, activities and benefits.



6. INFORMATIONAL REPORTS

Recommendation: Receive and file the following oral/written reports/updates.

A. CASH TRANSACTIONS REPORT – JANUARY 2016

B. INTER-FUND BORROWING – JANUARY 2016 (CM#2016.19)

C. PERFORMANCE INDICATORS/FINANCIAL REPORTING – JANUARY 2016 (CM#2016.20)

D. GENERAL MANAGER'S REPORT

E. STATE LEGISLATIVE REPORT

F. SAWPA GENERAL MANAGERS MEETING NOTES

- March 8, 2016

G. CHAIR'S COMMENTS/REPORT

H. COMMISSIONERS' COMMENTS

Commissioner Sullivan noted there had been discussion regarding a designated time by which all sewage was to be eliminated from the Brine Line. At some point this issue should be readdressed.

I. COMMISSIONERS' REQUEST FOR FUTURE AGENDA ITEMS

7. CLOSED SESSION

At 11:14 a.m., Chair Evans recessed the meeting to Closed Session. Discussion of Agenda Item No. 7.B. was inclusive of both Spiniello and Charles King Company; Rich Haller participated in the discussion.

A. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION – PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: Executive Counsel

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

Company Name: Spiniello

C. CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION – PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

Number of Potential Cases: One

Chair Evans resumed Open Session at 12:33 p.m., and announced the following action was taken on Agenda Item No. 7.B. by the Commission during Closed Session.

MOVED, authorize the expenditure of up to $250,000 for the law firm of Hunt Ortmann Palffy Nieves Darling & Mah, Inc. to provide legal services in connection with the Reach V Rehabilitation and Improvement Project construction contracts.

Result:	**Adopted (Unanimously; 5-0)**
Motion/Second:	Sullivan/Anthony
Ayes:	Anthony, Catlin, Evans, Killgore, Sullivan
Nays:	None
Abstentions:	None
Absent:	None

8. ADJOURNMENT

There being no further business for review, Chair Evans adjourned the meeting at 12:35 p.m.

Approved at a Regular Meeting of the Santa Ana Watershed Project Authority Commission on Tuesday, April 5, 2016.

_____
Thomas P. Evans, Chair
Attest:

_____
Kelly Berry, CMC
Clerk of the Board

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COMMISSION MEMORANDUM NO. 2016.22

DATE: April 5, 2016

TO: SAWPA Commission

SUBJECT: Use of Building Reserve Funds for Replacement of Two Air Conditioning Units

PREPARED BY: Rich Haller, Executive Manager of Engineering and Operations

RECOMMENDATION
It is recommended that the Commission authorize the use of $10,700 from the Building Reserve Fund to replace two air conditioning units: Unit 8 and 9.

DISCUSSION
Unit 8 is no longer repairable. Unit 9 is currently in need of an Evaporator Coil replacement totaling up to $2,622. Both units are original equipment installed in 1991 and are no longer cost effective to attempt repair. By replacing the units at the same time, SAWPA can save a total of $2,024.00.

Total estimated price is as follows:

Replace Unit 8 (2.5 ton):	$ 6,712.00
Replace Unit 9 (2 ton):	$ 5,985.00
Replace both Units (9 and 8):	$ 10,673.00
Total Savings	$ 2,024.00

Price includes removal, installation, clean up, haul away, and City permit.

RESOURCE IMPACTS
The current balance of the Building Reserve Fund is $735,869.63

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March 29, 2016

Mr. Tom Evans, Chairman
Ms. Celeste Cantu, General Manager
Santa Ana Watershed Project Authority
11615 Sterling Avenue
Riverside, California 92503

Subject: Santa Ana Watershed Project Authority (SAWPA) Strategic Review

Dear Mr. Evans and Ms. Cantu:

The purpose of this letter is to express our appreciation for the efforts undertaken to date to conduct the initial strategic assessment of SAWPA and to request additional actions to complete the strategic review process.

The research and materials prepared and presented by Mr. Paul Brown at the Commission Workshop held on March 1, 2016, were very helpful in pointing out both commonly held and divergent views on the roles and strategic direction of the organization. This was an excellent initial step in what we hope will be a constructive process to achieve organizational alignment among SAWPA staff and its member agencies.

To continue forward with this review process, we request that SAWPA further engage the services of Mr. Brown to conduct additional facilitated workshops and necessary supporting activities to address and achieve consensus on the following:

- SAWPA's mission and purpose, including a reevaluation of SAWPA's mission statement, scope and current strategic initiatives along with those contained in its 2011 Strategic Plan;
- Evaluation and prioritization of SAWPA's engagement on all projects and activities relative to its core mission and duties, including but not limited to the discretionary task forces, and other so-called "roundtables";
- The role in which the Commission would like the member agency General Managers to have in the review and deliberative decision making process relating to technical, financial, business, administrative and other matters;

Board of Directors
Randy A. Record, *President* David J. Slawson, *Vice President* Joseph J. Kuebler, CPA, *Treasurer* Philip E. Paule Ronald W. Sullivan

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300
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- Consistency of SAWPA's management and operations relative to the existing Joint Exercise of Powers Agreement, particularly the requirements to form Project Committees for SAWPA's non-administrative activities;
- Alignment of SAWPA staffing and resource levels with the scope, duties and activities of the organization established by the Commission through the strategic review process; and
- Resolution of other items identified in Mr. Brown's assessment such as the suggestion to increase the Joint Powers Authority membership beyond the five agencies, and to expand the scope of SAWPA and the OWOW process to compete for funding from the federal government and other sources.

We believe the evaluation prepared and presented by Mr. Brown was a valuable first step and uniquely qualifies him to complete the strategic review process to addresses the items identified herein. However, we also understand he may have limited availability. As such, we request that SAWPA work with Mr. Brown to determine to what extend he is able to support this effort and, in coordination with the member agency General Managers, prepare a written scope of work for completing the facilitated strategic review process.

If Mr. Brown is not available to undertake the full facilitated strategic review, we would support soliciting a proposal from another qualified third party consultant to conduct this work and perhaps retaining Mr. Brown in a limited advisory role.

Our hope is that Mr. Brown's contract extension can be placed on the agenda for consideration and approval at the regular Commission meeting of April 19, 2016 or, if another consultant needs to be engaged, the earliest opportunity thereafter.

Once again, we want to thank you for your efforts leading and carrying out this very important strategic review process.

Sincerely,

Ronald W. Sullivan
Board Member and SAWPA Commissioner

Paul D. Jones II, P.E.
General Manager

c: SAWPA Commission
SAWPA member agency General Managers
EMWD Board of Directors

COMMISSION MEMORANDUM NO. 2016.23

DATE: April 5, 2016

TO: SAWPA Commission

SUBJECT: Strategic Review – Roundtable Projects (cont.)

PREPARED BY: Mark R. Norton, Water Resources & Planning Manager

RECOMMENDATION
That the Commission receive and file this presentation and overview about the SAWPA Roundtable Projects.

DISCUSSION
At the March 15, 2016 Commission meeting, Mark Norton, Planning Department Manager, provided an overview of the Roundtable Projects including when each was formed and established, roles and responsibilities, accomplishments, benefits, resources, schedule and deliverables of each. More detail was requested on the funding breakdown by outside contributors, grants and/or SAWPA for each Roundtable project. Further, a detailed list of tasks undertaken by SAWPA staff for the Roundtables is attached.

RESOURCE IMPACTS

None

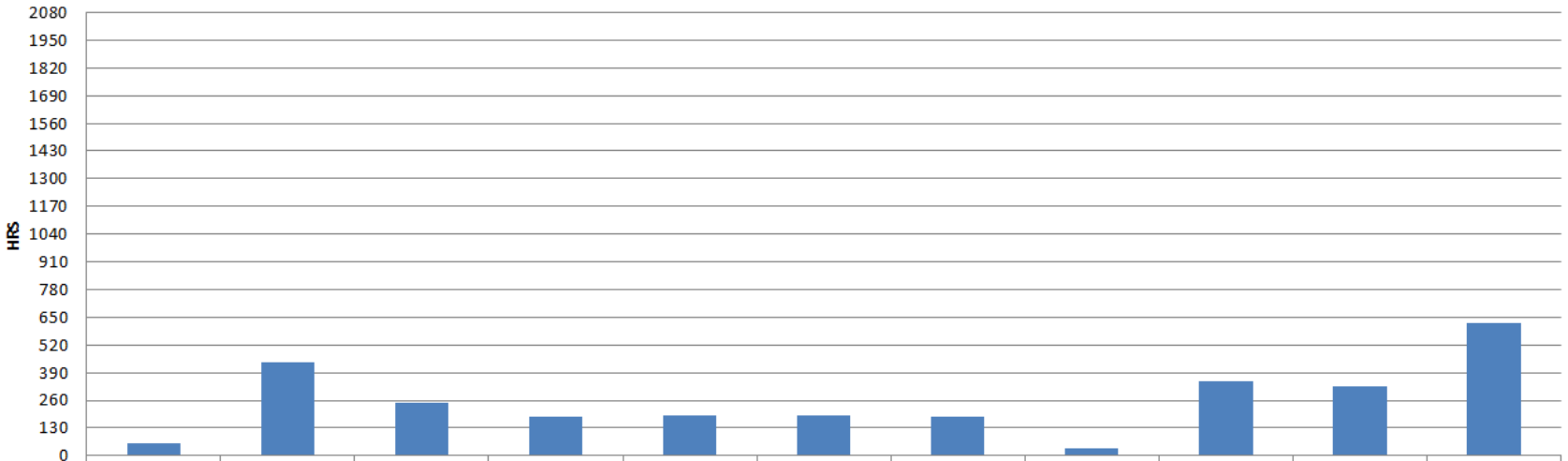
Attachments:
1. List of SAWPA Staff Task Breakdown for Roundtables
2. Total SAWPA Labor Hours and Funding for Roundtables – FYE 2016

SAWPA Staff Task Breakdown for Roundtables

1. Serve as leader, facilitator and in some cases, Chair, of the Roundtable meetings to ensure consensus.
2. Conduct independent studies, research or analyses including data, maps, charts, tables, diagrams, reports and fact sheets as requested by Roundtable members and SAWPA executive management related to specific Roundtable activities.
3. Research, collect, receive, compile, integrate and analyze information pertaining to water-related data for a specific Roundtable; compile and maintain appropriate data sheets for purposes of analysis; ensure that research and forecasting methodologies utilize optimum research techniques as they relate to each Roundtable.
4. Manage and coordinate the Roundtable project or program to ensure compliance with environmental requirements, established standards, specifications, Agency policies, and cost and schedule limitations.
5. Prepare RFPs and RFQs for consultant services. Evaluate and assist in the selection of consultants; provide administration of all contracts for assigned projects and programs; evaluate and critique work products of consultants including technical reports, memoranda, power point presentations and environmental documents; respond to correspondence as needed
6. Manage Roundtable projects and programs per Agency policies and procedures with particular emphasis on obtaining maximum job quality, accurate cost control, compliance with schedules, and satisfactory project relations.
7. Compile and develop environmental documentation as needed for Roundtable projects and programs; manage the work of environmental consultants in their provision of documentation and mitigation monitoring activities to meet the requirements and regulations of State and Federal agencies.
8. Attend Regional Board and State Board meetings as needed to provide oral status report of study prior to consultant presentations.
9. Work directly with other agencies to obtain or provide water resource planning data related to a specific Roundtable; receive updated data from a variety of sources; screen, filter, and prepare data to ensure compatibility with Agency computer systems.
10. Perform liaison and coordination activities with government and public agencies, NGOs, research and regulatory organizations, universities and the public related to each Roundtable
11. Prepare all Roundtable formation Agreements, Consultant Agreements, Task Orders and Amendments
12. Prepare and manage Roundtable annual budgets showing cost breakdown of study costs by agency, revenue needs and obtain Roundtable approval.

13. Prepare SAWPA Budget worksheets, assumptions and projections for each Roundtable project for inclusion in SAWPA Budget.
14. Direct and forecast any additional funding needed for staffing, equipment, materials, and supplies; direct the monitoring of and approve expenditures; recommend adjustments as necessary.
15. Facilitate related Scoping Committee meetings, Technical Review Committee meetings, and Consultant coordination meetings
16. Respond to information requests and make presentations to the SAWPA Commission, Committees, other agencies, and public interest groups; participate in and represent the Agency in meetings with the public, citizen groups, NGOs, professional associations, private firms, and other agencies; make recommendations to executive staff and the Commission.
17. Coordinate and integrate Roundtable activities with other SAWPA departments, consultants, engineers, and outside planning and water resource agencies
18. Schedule special presentations of pertinent interest for Roundtable Meetings
19. Prepare grant applications to supplement project funding
20. Provide access to project database for consultant use upon approval of impacted Roundtable members.
21. Discuss, develop and coordinate meetings, handouts, and general study progress with Consultants
22. Prepare newsletter articles, brochures, fact sheets and project and program descriptions for distribution.
23. Post all handouts, presentations, reports and other resource material related to Roundtable to respective Roundtable webpages.
24. Inform Roundtable parties of OWOW activities including Call for Projects under OWOW, State and Federal grant programs and application process
25. Provide written quarterly status reports about study to SAWPA Commission and Santa Ana River Dischargers Association.
26. Prepare Roundtable meeting agendas, meeting notes or minutes, meeting location and audio-visual setup, review minutes and finalize for distribution to Roundtable members
27. Send invoices to all Roundtable members and record receipt of funds
28. Forward and coordinate any amendments to Roundtable agreements for distribution and signature follow-up.
29. Distribute all meeting handouts to Roundtable members not in attendance
30. Forward all review comments from Roundtable members to consultants

Total SAWPA Labor Hours for Roundtables - FYE 2016



	Imported Water Recharge	Basin Monitoring Program TF	SAR Fish Conservation	Middle SAR TMDL Task Force	Storm Water Quality Stds TF	Arundo Habitat	Emerging Constituents TF	Forest First	Energy - Water DAC Grant Project	LESJWA JPA	LESJWA TMDL	Total
HRS	60	440	250	180	190	190	180	35	350	325	625	2825
FTE	0.03%	0.21%	0.12%	0.09%	0.09%	0.09%	0.09%	0.02%	0.17%	0.16%	0.30%	1.37%

Contributions

												Total
SAWPA	$ -	$ -	$ 10,000	$ -	$ 50,000	$ -	$ -	$ -	$ -	$ 10,000	$ -	$ 70,000
Other	$ 9,920	$ 270,557	$ 23,000	$ 340,000	$ -	$ 44,490	$ 13,000	$ 54,569	$ -	$ 167,263	$ 869,500	$ 1,792,299
Grants	$ -	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ -	$ 938,985	$ -	$ -	$ 1,038,985

FTE = Full Time Employee Working 2080 hrs/year
HRS = Total Hours Worked by All Employees in FYE 2016

February 29, 2016

Celeste Cantu
General Manager
Santa Ana Watershed Project Authority
11615 Sterling Avenue
Riverside, CA 92503

Dear Ms. Cantu:

As you are aware, stakeholders in Orange County have been discussing options to improve the Santa Ana River Watershed Integrated Regional Water Management (IRWM) process. We are writing to request a meeting with you and your staff to discuss some suggested changes to the current IRWM process that have been proposed by several agencies within Orange County.

The suggestion to evaluate the current IRWM process was initiated in 2015 by the Orange County Water District (OCWD) Board of Directors who requested that their staff pursue alternative approaches. As a result, OCWD engaged with other Orange County agencies in discussing the options of either refining the IRWM funding process or forming a new region for Orange County within the Santa Ana Funding Area.

Since that time, meetings with a variety of agencies and stakeholders have allowed for a robust discussion of ideas aimed at improving and strengthening integrated regional water management in our watershed. Informing this discussion has been a look at the experience of other Funding Areas, especially the San Diego Funding Area that includes the southern portion of Orange County. A discussion paper was prepared to explain the state's IRWM program, outline the Santa Ana Funding Area history, present suggested alternatives, and discuss advantages to identified alternatives. A copy of this document is attached.

We appreciate in advance your attention to this request. Please contact Peer Swan at pswan@ix.netcom.com to coordinate a meeting so that we can begin what we hope is an effort to further expand collaboration and cooperative efforts within the Santa Ana River Watershed.

Sincerely,

Peer Swan
Chair, Newport Bay Watershed Executive Committee

Marilyn Thoms
Manager, Watershed Management Division
OC Environmental Resources

Michael R. Markus, P.E.
General Manager, Orange County Water District

James D. Herberg, P.E.
General Manager, Orange County Sanitation District

Attachment: Options for Alternative Approaches to Integrated Regional Water Management in the Santa Ana Watershed

OPTIONS FOR ALTERNATIVE APPROACHES TO INTEGRATED REGIONAL WATER MANAGEMENT IN THE SANTA ANA WATERSHED
February 2016

INTRODUCTION

The IRWM program for the Santa Ana River Watershed is managed by the Santa Ana Watershed Project Authority (SAWPA).[1] In preparation for the availability of Proposition 84 grants, SAWPA organized watershed stakeholders under the umbrella of the One Water One Watershed (OWOW) initiative. With the support of stakeholders, SAWPA prepared a watershed-wide IRWM plan, applied to and was accepted by the Department of Water Resources (DWR) as a region in the Santa Ana Funding Area, and managed the selection of projects for grant funding.

In 2016, DWR will begin dispersing a new round of IRWM funds provided under Proposition 1. In preparation for this new funding opportunity, stakeholders in the watershed have an opportunity to consider alternatives to the current Santa Ana Watershed IRWM program. Two alternative approaches that may be considered include:

1. Working with SAWPA and SAWPA member agencies to refine the OWOW IRWM funding process; or

2. Forming additional Integrated Regional Water Management (IRWM) regions within the Santa Ana Funding Area.

These alternative approaches are discussed below.

BACKGROUND

Proposition 84[2] authorized $5.3 billion to fund water, parks, and natural resources projects of which $1 billion of the funds were allocated for IRWM programs for 12 designated hydrologic regions of the state, referred to as "Funding Areas" (see Figure 1). Proposition 1[3] authorized additional funding for IRWM programs, including $63 million for the Santa Ana Funding Area for "Regional Water Security, Climate, and Drought Preparedness."

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1 SAWPA is a joint powers authority created by 5 water districts to plan and build facilities to protect water quality in the watershed.

[2] The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006

[3] Water Quality, Supply and Infrastructure Improvement Act of 2014

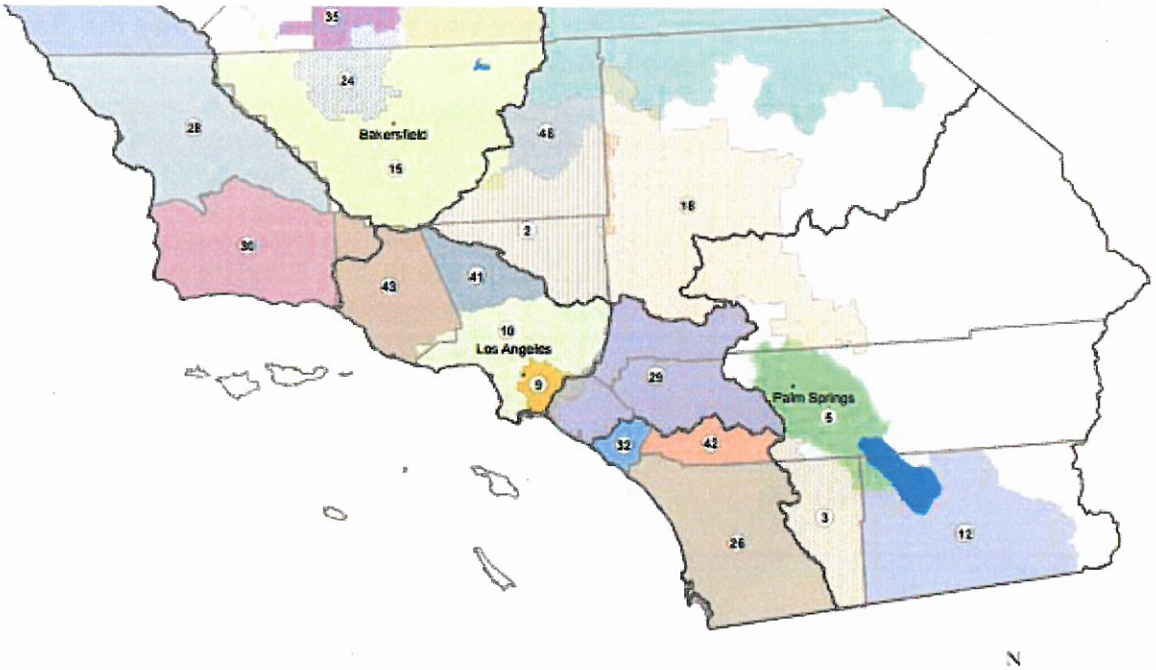
The Integrated Regional Water Management Planning Act[4] created a process (Regional Acceptance Process) for regions to be formed within the designated Funding Areas. Within each of the Funding Areas, any group of stakeholders can organize and apply to DWR to be designated as a "Region" through this process. Once formed, a Region can prepare a plan and compete with other recognized regions for funding within the Funding Area. Forty-eight regions have been approved within the 12 Funding Areas in the state. The regions formed within Southern California are shown in Figure 2.

In the Santa Ana Funding Area, SAWPA organized stakeholders, received approval from DWR to be a recognized Region, managed the preparation of the *One Water, One Watershed* (OWOW) Plan, and distributed the Proposition 84 IRWM funds in the watershed. There is currently only one DWR recognized region in the Santa Ana Funding Area.

Figure 1: IRWM Funding Areas

[4] CWC Sec. 10530 et seq., passed in 2008

Figure 2: IRWM Regions in Southern California



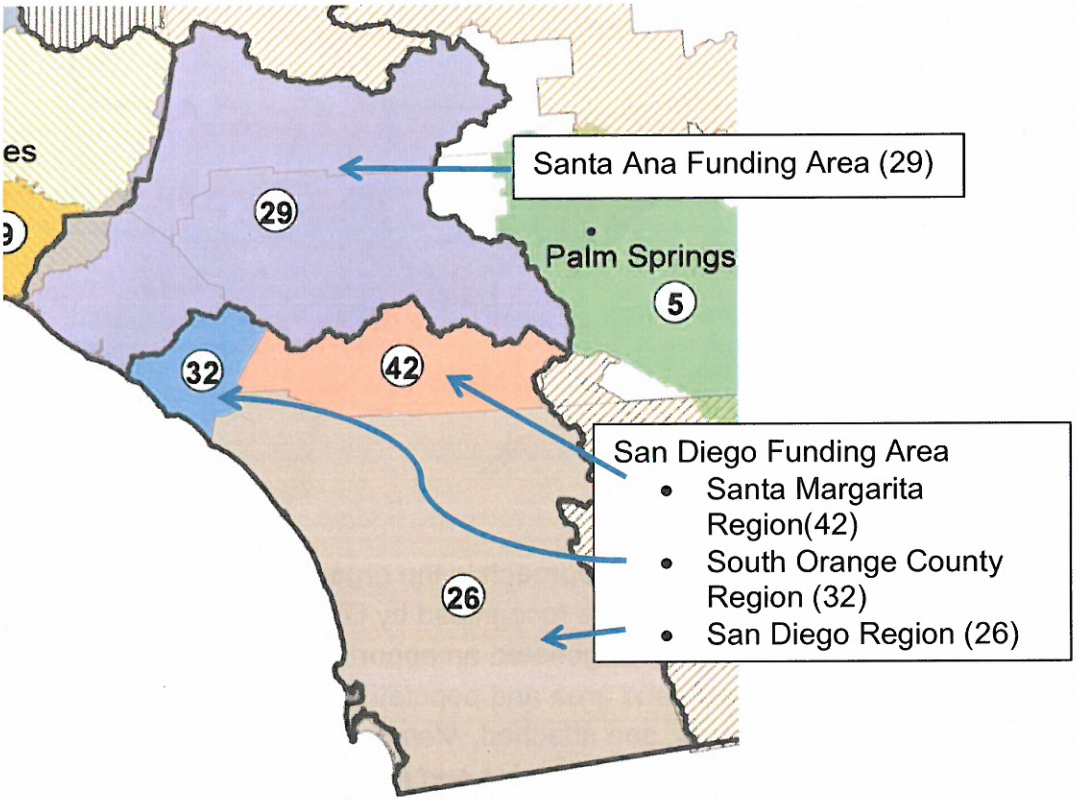
An example of an alternative approach is the organization of the San Diego Funding Area where three Regions were recognized by DWR. The three Regions developed a management structure and negotiated an apportionment of grant funds for each region based on percentage of land area and population. For details of the operation of the San Diego Funding Area, see attached, *Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area.*

OBJECTIVES OF INVESTIGATING ALTERNATIVE APPROACH

The objectives of developing an alternative approach are to:

- Increase collaboration between agencies, non-profit organizations, and other stakeholders within smaller sub-watershed areas;
- Increase participation of a broad range of stakeholders and local community members in the management of water resources;
- Create a more participatory, transparent process for allocating grant funds;
- Develop a collaborative framework and management structure that provides for integrated, regional planning that is not solely driven by the availability of grant funds; and
- Manage local watershed resources in a more cost-effective and efficient manner.

Figure 3: Funding Areas/Regions in the Santa Ana Funding Area and the San Diego Funding Area



DISCUSSION OF ALTERNATIVE APPROACHES

Two alternative approaches to the current OWOW grant funding approach are discussed below. These alternative approaches include (1) evaluating the current OWOW process and institute changes to improve the IRWM process for future grants and (2) to form additional regions within the Santa Ana Funding Area.

1. REFINE THE CURRENT OWOW PROCESS

This alternative would involve working with the five SAWPA member agencies and other stakeholders to develop and implement changes to the current OWOW Integrated Regional Water Management grant allocation process. This could include proposals to change the region's governance structure and process, alter the manner in which projects are evaluated and funded, and/or re-evaluate the type of projects eligible for funding. One example of changing the approach to funding would be to consider the San Diego Funding Area model where grant funds are allocated to sub-areas based on an agreed upon formula.

2. FORM ADDITIONAL REGIONS WITHIN THE SANTA ANA FUNDING AREA

Stakeholders could propose to create additional regions, perhaps based upon the boundaries of the current five SAWPA member agencies. Under this option each of the new regions would be required to prepare its own IRWM plan, form a Regional Water Management Group to administer the region, and submit an application to DWR to be accepted as a region within the Santa Ana Funding Area.

Possible advantages to these alternative approaches include:

- A formula could be developed to distribute the grant funds to each sub-region, providing assurance that a set amount of funds will be awarded to each sub-region;
- Future population growth and future water demands can become a focus in determining allocation of funds and/or project funding prioritization;
- Each sub-region could plan based on estimate of available funding for that region;
- Allows each sub-region to determine what projects and programs are in the best interest of the sub-region;
- Does not preclude joint projects between the sub-regions; and
- Encourages collaboration and coordination with neighboring sub-regions in a non-competitive environment.

DISCUSSION OF BENEFITS OF ALTERNATIVE APPROACHES

Focusing on smaller funding areas by either developing an allocation within the watershed or by creating new regions may accelerate the achievement of goals and objectives set by local stakeholders.

- Efforts could be focused on addressing challenges unique to each local area
- Important local projects do not compete well under the current OWOW IRWM process and could be prioritized for funding by local stakeholders

Stakeholder collaboration can be strengthened and expanded by focusing on smaller areas within the watershed.

- Successful collaborative efforts at a local level already exist within the watershed. Such collaboration can be fostered and strengthened through a process that focuses on smaller sub-watershed areas.

Based on existing collaborative efforts, governance and management structures are in place that can provide a mechanism for the continuation of integrated planning independent of availability of funding.

- Collaborative efforts pre-date the state's IRWM initiative and because they are not primarily driven by funding cycles are more likely to be sustained over the long-term.
- Other on-going stakeholder and agency collaboration exists outside of the current IRWMP process. For example:
    - Chino Basin Recharge Master Plan and the Optimum Basin Management Plan prepared under the direction of the Chino Basin Watermaster
    - Santa Ana River Conjunctive Use Program developed by the Watershed Action Team
    - Eastern MWD's and Western MWD's Regional Wastewater Study
    - Development of the Upper Santa Ana Watershed Habitat Conservation Plan
    - County of Orange and multiple stakeholders collaborating on Newport Bay sediment issues
    - Several Central Orange County agencies collaborating to address the selenium issue
    - OCWD and OCSD's operation of the Groundwater Replenishment System

Grant funds can be prioritized in an open, transparent, and participatory process.

- Stakeholders can utilize an open, transparent, and participatory process for distribution of grant funds when they become available

ATTACHMENT

Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the San Diego Sub-Region Funding Area

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

PARTIES:

This Memorandum of Understanding (MOU) is entered into this 28th day of April 2009 (Effective Date) among the Parties listed below:

1. San Diego County Regional Water Management Group (RWMG), hereinafter SDRWMG Planning Region Agencies, includes the following members:
CITY OF SAN DIEGO, hereinafter SD CITY; COUNTY OF SAN DIEGO, hereinafter SD COUNTY; and SAN DIEGO COUNTY WATER AUTHORITY, hereinafter SDCWA.

2. Orange County RWMG, hereinafter OCRWMG Planning Region Agencies, includes the following members: COUNTY OF ORANGE, hereinafter ORANGE COUNTY; MUNICIPAL WATER DISTRICT OF ORANGE COUNTY, hereinafter MWDOC; and SOUTH ORANGE COUNTY WASTERWATER AUTHORITY, hereinafter SOCWA.

3. Riverside County Upper Santa Margarita RWMG, hereinafter RCRWMG Planning Region Agencies, includes the following members: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter RCFCWCD; COUNTY OF RIVERSIDE, hereinafter RIVERSIDE COUNTY; and RANCHO CALIFORNIA WATER DISTRICT, hereinafter RCWD.

Agencies acting collectively under this agreement are the TRI-COUNTY FUNDING AREA COORDINATING COMMITTEE, hereinafter called the TRI-COUNTY FACC. The agencies also are sometimes referred to in this MOU collectively as "Parties" and individually as "Party."

RECITALS:

A. Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act (Public Resources Code, sections 75020-75029), 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).
B. The intent of the Act 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.
C. The San Diego Sub-Region, also known as the San Diego Funding Area, comprises the three Parties – the SDRWMG, OCRWMG and RCRWMG. The boundaries of the SDRWMG, OCRWMG and RCRWMG are shown in Attachment A, and coordinated through this MOU.
D. 1. The San Diego Sub-Region has been allocated $91 million through Proposition 84.
2. For the purposes of this agreement, the formula for allocating 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.
E. DWR may establish standards to guide the selection of IRWM projects within the funding areas identified in the measure and shall defer to approved local project selection,

reviewing projects only to ensure they are consistent with Public Resources Code section 75028 (a).

F. Each Party has prepared an accepted IRWM plan and desires close coordination to enhance the quality of planning, identify opportunities for supporting common goals and projects, and improve the quality and reliability of water in the Funding Area. The Parties will coordinate and work together with their advisory groups to identify projects of value across planning regions, identify funding for highly ranked projects, and support implementation.
G. The San Diego Funding Area will balance the necessary autonomy of each planning region to plan for itself at the appropriate scale with the need to coordinate among themselves to improve inter-regional cooperation and efficiency. By consensus, the Parties have developed an agreement to improve the IRWM planning process in the Funding Area to coordinate planning across planning region lines and facilitate the appropriation of funding for IRWM projects by DWR.
H. The Parties will coordinate on grant funding requests to ensure that the sum of the total grant requests does not exceed the amount identified for the funding region.

The RECITALS are incorporated herein and the PARTIES hereby mutually agree as follows:

1. Definitions

The following terms and abbreviations, unless otherwise expressly defined in their context, shall mean:

A. **Funding Area** – The 11 regions and sub-regions referenced in Public Resources Code section 75027(a) and allocated a specific amount of funding to support IRWM activities. The San Diego Funding Area incorporates lands in the San Diego Regional Water Quality Control Board jurisdiction as of 2004, including portions of San Diego, Orange and Riverside counties.
B. **RWMG** –An RWMG is comprised of at least three agencies, two of which must have statutory authority over water management. An RWMG is the documented leader of IRWM planning and implementation efforts in a planning region.
C. **Planning Region** – Planning regions integrate stakeholders, agencies and projects in their regions and coordinate with other planning regions and DWR. The boundaries of the three planning regions in the San Diego Funding Area shown in attachment A.
D. **Tri-County Funding Area Coordinating Committee (Tri-County FACC)** –Will comprise at least one representative from each recognized RWMG in the Funding Area. The Tri-County FACC will meet periodically to discuss issues pertaining to the Funding Area and make recommendations to the RWMGs.
E. **Watershed Overlay Areas** – Identified areas within a watershed that cross planning region boundaries. Watershed Overlay Areas will be subject to special coordination and collaboration between the appropriate planning regions to ensure maximum watershed benefits in the IRWM plans of the Funding Area. The Santa Margarita and the San Mateo Watershed Overlays are shown in Attachment A.
F. **Watershed Overlay Subcommittee** –.The overlay subcommittee will be formed to identify projects that pertain to the watershed overlay areas and recommend them to the Tri-County FACC. The Subcommittee will comprise a representative of each Party in the watershed overlay area as well as other stakeholders agreed upon by the parties. The overlay subcommittee will meet at least twice during the update planning process to coordinate planning and project review; further meetings will occur as necessary. Meetings of the subcommittee will be open to all Tri-County FACC members.
G. **Watershed Overlay Projects** – Projects identified in an Watershed Overlay Area identified as valuable and benefiting from cross boundary coordination.

H. **Common Programs** – Programs eligible for IRWM funding that are identified by the Tri-County FACC as benefiting the entire Funding Area and have participation from at least two Planning Regions.

I. **Advisory Committee**– The recognized committee of stakeholders advising a planning region's RWMG and/or governing agencies on key issues related to IRWM planning and grant applications.

2. General Planning Cooperation via Tri-County FACC

All planning regions will meet at least twice per year through the Tri-County FACC. The actual number of meetings will depend on the amount and intensity of planning and coordination efforts of the Planning Regions. The efforts of the Tri-County FACC will be to enhance the quality of planning, identify opportunities for supporting common goals and projects, and to improve the quality and reliability of water in the Funding Area. The planning efforts will support the watershed-based approach through integration and coordination across planning regions in the watershed overlay areas.

3. Mutual Plan Reference and Consistency

Each plan prepared in the funding area will contain references to the entire Funding Area, to the coordination that is occurring among planning regions, and to this MOU. Each planning region will share its description of these matters with other planning regions to promote consistency with the goal of using common language as the IRWM plans are modified. The three RWMGs also will seek to place these common sections in the same location in their plans. Further consistency or cooperative efforts may be added with the agreement of the Parties.

4. Coordination of Submittals and Applications

To facilitate DWR's review process, all planning regions will coordinate their Region Acceptance Process submittals and IRWM grant applications. To the greatest extent practicable, the planning regions will develop common sections, tables and maps and place them in the same locations in their submittals and applications. The planning regions will preface their submittals and applications with information noting the common material and its location in the documents.

5. Watershed Overlay Areas

Through the Tri-County FACC or the overlay subcommittee, the planning regions will cooperate in identifying Overlay Projects that cross Planning Region boundaries. Overlay Projects that benefit multiple planning regions will be identified and may be jointly funded, administered, or implemented. A watershed overlay subcommittee of the Tri-County FACC will be formed for the Santa Margarita Watershed and the San Mateo Creek Watershed overlay areas as shown in Attachment A. Overlay Projects of importance to the Watershed Overlay Area planning regions would be recommended for coordination and due consideration in those Planning Regions' project selection processes.

6. Common Programs

The common programs found by the Tri-County FACC to be of high value for all planning regions will be identified and recommended for high priority placement in the planning regions' ranking of projects for funding. While each planning region will select projects in accordance with its own process, the regions will cooperate on the implementation of common projects programs if these efforts are selected for funding.

7. Advisory Committee Cross Membership
Each planning region with an advisory committee will invite the other advisory committees in the Funding Area to participate as a non-voting member in its committee to promote understanding, communication and coordination.

8. Scope of the Agreement
Nothing contained within this MOU binds the parties beyond the scope or term of this MOU unless specifically documented in subsequent agreements, amendments or contracts. Moreover, this MOU does not require any commitment of funding beyond that which is voluntarily committed by separate board actions, but recognizes in-kind contributions of RWMG agencies and stakeholders. Non-substantive or minor changes to this MOU that have the support of all RWMG agencies may be documented to become part of this MOU.

9. Term of Agreement
The term of this MOU is from its Effective Date shown above to December 31, 2014 unless extended by mutual agreement of the Parties.

10. Modification or Termination
This MOU may be modified or terminated with the concurrence of the RWMG agencies and effective upon execution of the modification or termination by all the RWMG agencies.

11. Withdrawal
Any PARTY may withdraw from the Tri-County FACC after giving a written 60-day notice to the other Parties.

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

SDRWMG Agencies
Ken Weinberg, Director of Water Resources
San Diego County Water Authority
4677 Overland Ave., San Diego CA 92129

Marsi Steirer, Deputy Director of Water Resources and Planning
City of San Diego
600 B Street, Suite 400, San Diego CA 92101

Kathleen Flannery, CAO Project Manager
County of San Diego
1600 Pacific Highway, Room 212, San Diego CA 92101

OCRWMG Agencies
Mary Anne Skorpanich, Director, OC Watersheds
Orange County Public Works
333 W. Santa Ana Blvd., 5th Floor, Santa Ana, CA 92701

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

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

RCRWMG Agencies
Perry Louck, Director of Planning
Rancho California Water District
42135 Winchester Road, Temecula, CA 92590

Mike Shetler, 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

13. Funding Uncertainties

The RWMG agencies cannot be assured of the results of these coordination efforts and applications for funding. Nothing within this MOU should be construed as creating a promise or guarantee of future funding. No liability or obligation shall accrue to the Parties if DWR does not provide the funding. The Parties are committed to planning and coordinating notwithstanding IRWM funding. The form of such coordination may change based on the sources of funding.

14. Indemnification

To the fullest extent permitted by law, each Party shall defend, indemnify and hold harmless the other Parties, their consultants, and each of their directors, officers, agents, and employees from and against all liability, claims, damages, losses, expenses, and other costs including costs of defense and attorneys' fees, arising out of or resulting from or in connection with work performed pursuant to this MOU. Such obligation shall not apply to any loss, damage, or injury, as may be caused by the sole negligence or willful misconduct of a Party, its directors, officers, employees, agents, and consultants.

15. Other Provisions

The following provisions and terms shall apply to this agreement.

A. This MOU is to be construed in accordance with the laws of the State of California. Any action at law or in equity brought by any of the Parties shall be brought in a court of competent jurisdiction in Riverside, Orange or San Diego Counties, and the parties hereto waive all provisions of law providing for change of venue in such proceedings to any other county.
B. If any provision of this MOU is held by a court to be invalid, void or unenforceable, the remaining provisions shall be declared severable and shall be given full force and effect to the extent possible.
C. This MOU is the result of negotiations between the parties hereto and with the advice and assistance of their respective counsels. No provision contained herein shall be construed against any Party because of its participation in preparing this MOU.
D. Any waiver by a Party of any breach by the other of any one or more of the terms of this MOU shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term hereof. Failure on the part of any of the respective Parties to require

from the others exact, full and complete compliance with any terms of the MOU shall not be construed to change the terms hereof or to prohibit the Party from enforcement hereof.

E. This MOU may be executed and delivered in any number of counterparts or copies, hereinafter called "Counterpart", by the parties hereto. When each Party has signed and delivered at least one Counterpart to the other parties hereto, each Counterpart shall be deemed an original and, taken together, shall constitute one and the same MOU, which shall be binding and effective as to the Parties hereto.

F. This MOU is intended by the parties hereto as their final expression with respect to the matters herein, and is a complete and exclusive statement of the terms and conditions thereof. This MOU shall not be changed or modified except by the written consent of all Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates shown on the attached counterpart signature pages:

San Diego County agencies

/S/ Approved March 26th 2009
Ken Weinberg, Director of Water Resources
San Diego County Water Authority
4677 Overland Ave., San Diego CA 92129

/S/ Approved March 26th 2009
John L. Snyder, Director
Department of Public Works
County of San Diego
5555 Overland Ave, Bldg.2, Mailstop O332 San Diego, CA 92123

/S/ Approved April 7th 2009
J. M. Barrett
Director of Public Utilities
City of San Diego
600 B Street, Suite 400, San Diego CA 92101

Orange County agencies

/S/ Approved April 28th 2009
Chairman Pat Bates
County of Orange Board of Supervisors
Orange County Flood Control District
333 W. Santa Ana Blvd., 5th Floor
Santa Ana, CA 92701

/S/ Approved April 15th 2009
Wayne Clark, President (Maribeth Goldsby, Secretary)
Municipal Water District of Orange County
18700 Ward Street
Fountain Valley, CA 92708

/S/ Approved April 2nd 2009
Matt Disston, Chairman
South Orange County Wastewater Authority
34156 Del Obispo Street
Dana Point, CA 92629

Riverside County agencies

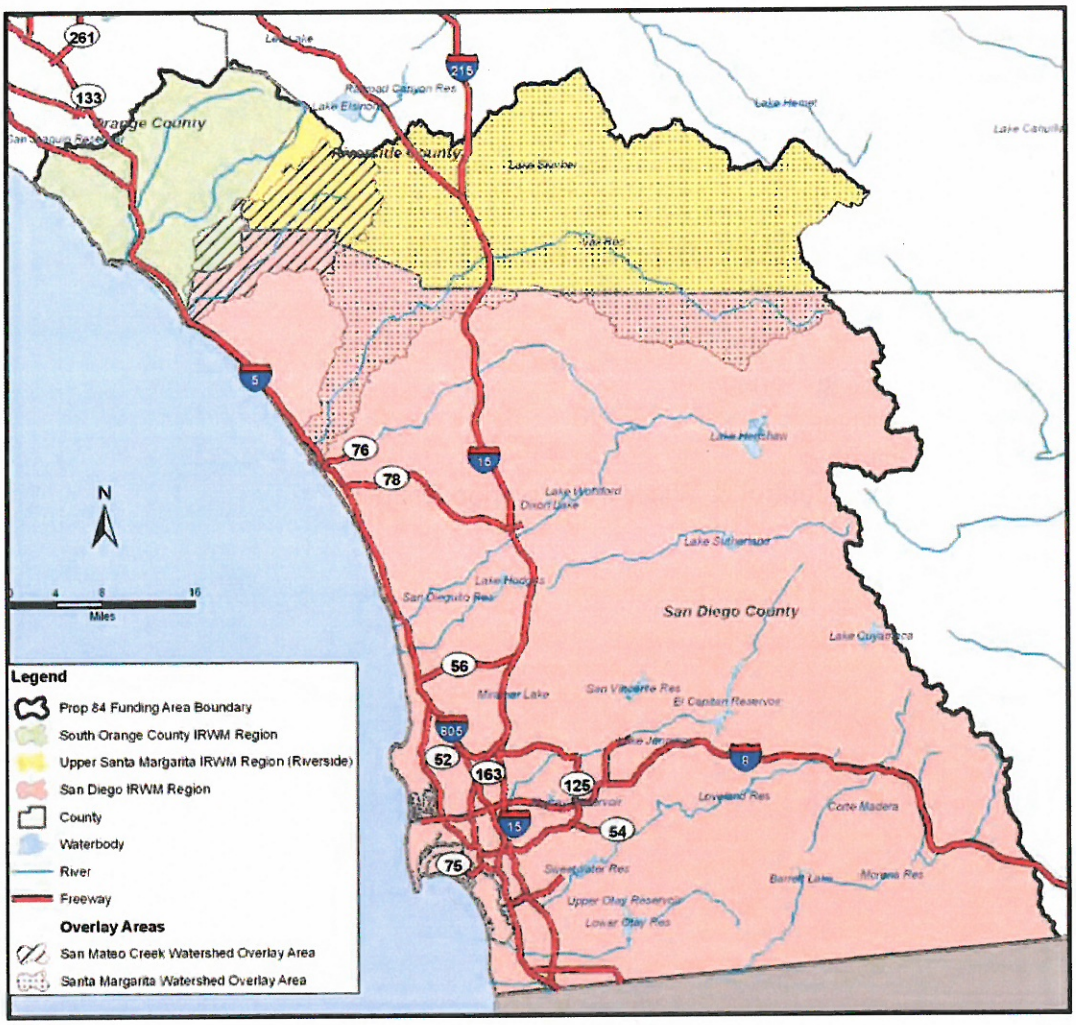
/S/ Approved April 9th 2009
Matt Stone, General Manager
Rancho California Water District
42135 Winchester Road, Temecula, CA 92590

/S/ Approved March 30th 2009
Jeff Stone, Chairman
Supervisor Third District
Riverside County Board of Supervisors
4080 Lemon St.
Riverside, CA 92501

/S/ Approved March 30th 2009
Marion Ashley, Chairman
Supervisor, Fifth District
Riverside County Flood Control & Water Conservation District
1995 Market St
Riverside, CA 92501

Attachment A
Funding Area and Planning Region Boundaries with Watershed Overlay Areas

The San Diego, Orange County and Riverside County Upper Santa Margarita planning regions are of an appropriate scale to allow integrated planning and provide for proper local interaction. The creation of planning regions larger than those outlined in the map below would limit local involvement and reduce the value of the planning to the region, the funding area, and the state.



Attachment B
Allocation of Proposition 84 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 84 funding will 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 84 bond language. (Note: Proposition 84 allocates $91 million to the San Diego 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**	**Acres Area**	**$25 M on Land**	**$66 M on Population**	**Total**
Riverside Upper Santa Margarita	253,329	405,233	16.4%	6.4%	9.1%
South Orange County	597,348	168,192	6.8%	15.2%	12.9%
San Diego County	3,092,351	1,901,203	76.9%	78.4%	78%
Total	**3,943,028**	**2,474,628**	**100%**	**100%**	**100%**

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COMMISSION MEMORANDUM NO. 2016.26

DATE: April 19, 2016

TO: SAWPA Commission

SUBJECT: Status of Issues, Inland Empire Brine Line

PREPARED BY: Rich Haller, Manager of Engineering and Operations

RECOMMENDATION

That the Commission receive and file a status report on the following Inland Empire Brine Line issues:

1. Ordinance No. 8
2. FY 2017 Rates
3. TSS Formation Billing Formula
4. Temporary Domestic Discharges
5. Relocation of Reach V to Nichols Road
6. Status of Dischargers of Domestic Sewer in Brine Line

DISCUSSION

Ordinance No. 8. OCSD has adopted a new Ordinance. SAWPA is required by the 1991 MOU (Quality Control of Wastewaters Discharged to the Brine Line) to immediately begin work on the process to update the Brine Line Ordinance. The following schedule is anticipated:

February 24	OCSD Ordinance Adoption (completed)
March 1	SAWPA Internal Draft to agencies for review (2 weeks) (completed)
March 15	Agency Review Complete (completed)
April 1	Resolve conflicting Agency comments, complete draft 2 (SAWPA, 2 weeks)
April 1	Submit Draft 2 to OCSD
Early April	Workshop with OCSD to review draft
+1 month	OCSD review (anticipate 1 month review period)
10 Days after Review	Incorporate comments, agency review, draft 3 (SAWPA)
5 Days after Draft 3	Release draft Ordinance for public review
Prior to Public Hearing	Workshop with dischargers
Public Hearing	No earlier than June 21st

FY 2017 Rates. Proposed rates to be presented at April 19th Commission meeting. Rates shown in Resolution No. 2015-003 for FY17 (for planning purposes) are anticipated to be the proposed rates.

TSS Formation Billing Formula. At a workshop conducted March 8th, Trussell Technologies summarized efforts completed since 2011. All work is being reviewed by an independent third party, Dr. David Jenkins. Trussell is preparing a sampling plan to obtain data necessary to develop an alternative formula. Sampling will include additional constituents at the dischargers and in-pipe sampling by reach. Sampling plan is to be complete by March 31 and reviewed by agency staff. Sampling will be performed in April, results received/analyzed in May, and workshops with the agency staff and dischargers will be held in late May/early June.

Temporary Domestic Discharges. Domestic dischargers consist of the following:

Bonview Connection (Chino Development Corp, 0.35 mgd or3.7 % of total flow)
CA Institution for Women (0.37 mgd or 3.8% of total flow)

By agreement between SAWPA and IEUA, the Preserve Lift Station and Pine Avenue trunk sewer will be constructed by Chino Development Corporation by March 9, 2017. Completion will divert flow from the Bonview connection to IEUA's Regional Plant No. 5. The timetable for CIW is TBD. The 1996 agreement between SAWPA and OCSD requires that the discharge of reclaimable wastewater be minimized. Industrial dischargers with elevated TDS along with BOD and TSS will continue. There is no requirement or plans to limit or restrict BOD or TSS in the future from industrial dischargers

Relocation of Reach V to Nichols Road. Notice of Contract Award was issued March 24, 2016. Contract duration is 6 months. The project will relocate approximately one mile of pipe from an easement to Nichols Road right-of-way.

RESOURCE IMPACTS
Brine Line activities are funded by the Inland Empire Brine Line Enterprise Fund 240