

Appendix B

Memorandum of Understanding

Memorandum of Understanding (MOU)
between the Castaic Lake Water Agency, the
Santa Clarita Water Division of the Castaic
Lake Water Agency, Santa Clarita Valley
Sanitation District of Los Angeles County, City
of Santa Clarita, Los Angeles County Flood
Control District, Newhall County Water District,
Valencia Water Company, San Gabriel and
Lower Los Angeles Rivers and Mountains
Conservancy.



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

GAIL FARBER, Director

May 01, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

39 May 1, 2012


SACHI A. HAMAI
EXECUTIVE OFFICER

**UPPER SANTA CLARA RIVER REGIONAL WATER MANAGEMENT GROUP
MEMORANDUM OF UNDERSTANDING BETWEEN THE
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND
MANAGEMENT GROUP AGENCIES TO UPDATE THE INTEGRATED
REGIONAL WATER MANAGEMENT PLAN FOR THE UPPER BASIN OF THE
SANTA CLARA RIVER
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to execute a Memorandum of Understanding with other members of the Upper Santa Clara River Regional Water Management Group to update the existing Integrated Regional Water Management Plan for the Upper Basin of the Santa Clara River, and authorize a contribution, in an amount not to exceed \$7,750 toward the costs of the Plan update. The estimated cost of the Plan update is \$355,000 and the Los Angeles County Flood Control District's share is for an amount not to exceed \$7,750.

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to execute a Memorandum of Understanding with the other members of the Upper Santa Clara River Regional Water Management Group to update the Integrated Regional Water Management Plan for the Upper Basin of the Santa Clara River.

2. Authorize a contribution by the Los Angeles County Flood Control District toward the preparation of the Plan update in an amount not to exceed \$7,750.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to authorize the Chief Engineer of the Los Angeles County Flood Control District (LACFCD) or her designee to execute a Memorandum of Understanding (MOU) with other members of the Upper Santa Clara River Regional Water Management Group (Group) substantially similar to the enclosed draft, to update the Integrated Regional Water Management Plan (Plan), and to authorize the LACFCD to contribute a total amount not to exceed \$7,750 toward the costs to update the Plan. Senate Bill 1 Second Extraordinary Session, Chapter 1, Statutes of 2008 (Perata) requires the update to include preparation of a focused climate change technical study, and a salt and nutrient management plan pursuant to the State's Recycled Water Policy. The two technical studies need to be integrated into the Plan to produce a final update, which meets the proposition 84 Guidelines, fills identified data gaps, and meets the specific water-quality objectives for the Plan.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by developing partnerships to effectively leverage resources by using a collaborative effort to develop and implement the Plan, Organizational Effectiveness (Goal 3) by utilizing a collaborative effort to implement projects, and Fiscal Responsibility (Goal 4) by actively seeking grant funds to augment the County's funding sources.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The LACFCD will fund its fair share of the activities noted in this letter not to exceed \$7,750, and the other Group members will fund their appropriate fair shares. Sufficient funds to cover the LACFCD's share are available in the Fiscal Year 2011-12 Flood Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The LACFCD joined the current Group pursuant to your Board's authorization on May 1, 2007. The Group was initially formed to prepare and adopt a Plan in accordance with the provisions of Proposition 50, Chapter 8, and Sections 10530 to 10541 of the California Water Code to develop a Plan to improve water supply reliability, water quality, and environmental Stewardship. Proposition 84 designates \$215 million in grant funding to be divided among the Los Angeles and Ventura County Region including the Group for projects identified in or consistent with the Plan. IRWM groups are required to update their existing plans to address the provisions of Senate Bill 1 (2008 - Perata).

The estimated cost of the Plan update is \$355,000. The Castaic Lake Water Agency (CLWA) applied for a Department of Water Resources (DWR) Proposition 84 Planning Grant to update the Plan and prepare two technical studies. The CLWA was awarded \$266,250; therefore, the remaining balance of \$88,750 to update the Plan will need to be funded by the Group. Per the enclosed draft MOU, the CLWA will contribute \$50,000 and the remaining contribution of \$38,750 will

be divided equally among the LACFCD, City of Santa Clarita, Newhall County Water District, Santa Clarita Water Division, and Valencia Water Company or \$7,750 each. The MOU will be executed by the current Group members consisting of: the LACFCD, Castaic Lake Water Agency, Santa Clarita Valley Sanitation District of Los Angeles County, City of Santa Clarita, Newhall County Water District, Santa Clarita Water Division of the Castaic Lake Water Agency, the Valencia Water Company, and the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy as a new member. The MOU has provisions for others to join the Group in the future.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not projects pursuant to the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by Section 15378 (b) of the CEQA Guidelines. The proposed actions would create a government funding mechanism that does not involve any commitment to a specific project, which may result in a potentially significant physical impact on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of these actions will benefit the County services by allowing the LACFCD to compete for new State grant funding opportunities that leverage Flood Funds.

CONCLUSION

Please return three adopted copies of this letter to the Department of Public Works, Watershed Management Division.

Respectfully submitted,



GAIL FARBER

Director

GF:GH:sw

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

UPPER SANTA CLARA RIVER
REGIONAL WATER MANAGEMENT GROUP
MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING (hereinafter referred to as MOU) is entered into and is made effective on the date the last Party signs, and is between the CASTAIC LAKE WATER AGENCY (Agency), including its SANTA CLARITA WATER DIVISION (Water Division), SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY (Sanitation District), the CITY OF SANTA CLARITA (City), the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), NEWHALL COUNTY WATER DISTRICT (Water District), the VALENCIA WATER COMPANY (Water Company), and the SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (Conservancy) (hereinafter, collectively the Parties or individually as Party).

WHEREAS, the Parties to this MOU establish and participate in the Upper Santa Clara River Regional Water Management Group (hereinafter referred to as GROUP) under the California Water Code Division 6, part 2.2, known as the *Integrated Regional Water Management Planning Act* (hereinafter referred to as the ACT); and

WHEREAS, Section 10531 of the ACT includes the following declarations:

- (a) "Water is a valuable natural resource in California, and should be managed to ensure the availability of sufficient supplies to meet the state's agricultural, domestic, industrial, and environmental needs. It is the intent of the Legislature to encourage local agencies to work cooperatively to manage their available local and imported water supplies to improve the quality, quantity, and reliability of those supplies."
- (b) "Local agencies can realize efficiencies by coordinating and integrating their assets and seeking mutual solutions to water management issues."
- (c) "The reliability of water supplies can be significantly improved by diversifying water portfolios, taking advantage of local and regional opportunities, and considering a broad variety of water management strategies as described in the California Water Plan."
- (d) "The implementation of this part will facilitate the development of integrated regional water management plans, thereby assisting each region of the state to improve water supply reliability, water quality, and environmental stewardship to meet current and future needs."
- (e) "Water management is integrally linked to public health and the health of all natural resources within our watersheds. It is the intent of the Legislature that water management strategies and projects are carried out in a way that promotes these important public values"; and

WHEREAS, Section 10539 of the ACT states that a Regional Water Management Group means a group in which three or more local agencies, at least two of which have statutory authority over water supply or water management, as well as those other persons who may be necessary for the development and implementation of a plan that meets the requirements in Sections 10540 and 10541, participate by means of a Joint Powers Agreement, Memorandum of Understanding, or other written agreement, as appropriate, that is approved by the governing bodies of those local agencies; and

WHEREAS, under the ACT, the Agency, Water Division, Sanitation District, City, LACFCD, Water District, and Water Company collaboratively prepared an Integrated Regional Water Management Plan for the Upper Basin of the Santa Clara River (hereinafter referred to as PLAN) pursuant to a 2007 Memorandum Of Understanding; and

WHEREAS, the upper portion of the Santa Clara River Watershed, as defined for the purposes of the PLAN as the USCR IRWM Region, is bounded by the San Gabriel Mountains to the south and southeast, the Santa Susana Mountains to the southwest, the Liebre Mountains and Transverse Ranges to the northeast and northwest, and westward to the Ventura County Northeasterly Boundary Line; and

WHEREAS, Agency, Water Division, LACFCD, City, Water District, Sanitation District, Water District, Water Company and the Conservancy have agreed to work collectively to prepare an update of the PLAN, including a Salt and Nutrient Management Plan, and Climate Change Technical Study (hereinafter referred to as PLAN update); and

WHEREAS, Conservancy has requested that it be admitted as a party to this MOU and as a member of the GROUP; and

WHEREAS, the Department of Water Resources (DWR) has approved the USCR IRWM Region in its Region Acceptance Process; and

WHEREAS, there is a need to prepare a PLAN update to reflect the requirements of Senate Bill 1 Second Extraordinary Session, Chapter 1, Statutes of 2008 (Perata), which requires as a condition of grant acceptance, the commitment of the GROUP to prepare an updated Plan consistent with new Plan guidelines prepared by DWR; and

WHEREAS, the State Water Resources Control Board's Recycled Water Policy requires the development of a regional Salt and Nutrient Management Plan for the Eastern Santa Clara Groundwater Basins; and

WHEREAS, there is a need to pay the costs of the PLAN update; and

WHEREAS, the study area for the PLAN update includes all or a portion of the service areas of the Parties; and

WHEREAS, Parties are willing to contribute to the PLAN update with the necessary data to prepare PLAN update and to review and comment on the draft versions of PLAN update; and

WHEREAS, Agency, on behalf of Parties, submitted a planning grant application for preparation of PLAN Update, funded equally by Agency and the Sanitation District, to DWR and DWR has authorized a planning grant in the amount of \$266,250 toward PLAN Update; and

WHEREAS, DWR requires a minimum contribution of 25 percent matching funds as a condition of receipt of the grant for preparation of PLAN Update; and

WHEREAS, PLAN update costs are currently estimated to be \$355,000 and this MOU allocates the cost difference between the estimated cost of PLAN Update and the required 25 percent matching fund cost (estimated to be \$88,750) as described in provision 3b; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties and of the promises herein contained, Parties agree as follows:

- (1) All recitals set forth above are incorporated herein and constitute a part of the MOU among Parties.
- (2) Upon the Effective Date of this MOU, the Group is hereby reestablished and includes each of the Parties.
- (3) Parties shall cooperate in the preparation of PLAN update as follows:
 - a. Agency will solicit bids, select a consultant, award, and administer a contract to prepare PLAN update, and for purposes of filling that role shall hereinafter be referred to as CONTRACT ADMINISTRATOR.
 - b. The matching funds cost of the update of the PLAN required by DWR as a condition of the planning grant award, will be paid for as follows: \$50,000 to be contributed by Agency and \$38,750 to be divided equally among the LACFCD, City, Water Division, Water Company, and the Water District or \$7,750 each.
 - c. The Conservancy will award a \$10,000 grant to the Agency, which will be used at the end of the PLAN Update to reimburse Agency for any PLAN Update related expenses that exceed the expected \$355,000 in costs.
 - d. Agency will pay the consultant(s) selected to prepare PLAN Update, Salt and Nutrient Management Plan, and Climate Change Technical Study, and will seek reimbursement for a portion of those costs from DWR pursuant to the planning grant award. Agency will invoice each Party listed in item (3)b above one time after January 1, 2012, for its share of the \$38,750 nongrant funded costs.

- e. This MOU will remain in effect, unless, upon a ten (10) day prior written notice to the other Parties, a majority of the Parties terminate this MOU.
- f. The Parties shall provide and share all of their necessary and relevant information, data, studies, and/or documentation for PLAN update in their respective possession as may be needed for PLAN update in a timely manner, as requested.
- g. Each Party shall review and comment on the draft(s) and final version(s) of technical reports and each draft of PLAN update in a timely manner, as requested.
- h. Agency shall act on behalf of all Parties with respect to the requirements of Water Code, Section 10543(a) and (b).

(4) IT IS MUTUALLY UNDERSTOOD AND AGREED AS FOLLOWS:

- a. The GROUP shall not formally adopt PLAN update until at least three Parties have endorsed PLAN update by Resolution or other formal action of each entity's legislative or governing body, including at least two agencies with statutory authority over water supply or water management, those being Agency, Sanitation District, LACFCD, and Water District.
- b. If the governing body of any Party determines not to endorse PLAN update, such action shall constitute automatic withdrawal from GROUP. A Party that automatically or voluntarily withdraws from GROUP shall not be entitled to reimbursement of any amounts previously paid by that Party. A Party that is deemed to have withdrawn from GROUP under this subsection shall automatically be reinstated when that Party endorses PLAN update and accepts and executes any additions or amendments to this MOU.
- c. This MOU may be amended or modified only by mutual written consent of all Parties that are members of GROUP at the time of such amendment or modification. No waiver of any term or condition of this MOU by any Party shall be a continuing waiver thereof.
- d. There may be additional parties entering into this MOU by amendment. Any MOU amendment adding a new party or parties must be approved by all Parties.
- e. If any provision of this MOU is held, determined, or adjudicated to be illegal, void, or unenforceable by a court of competent jurisdiction, Parties agree that the remainder of this MOU shall be given effect to the fullest extent possible.
- f. Notice: Any correspondence, communication, or contact concerning this MOU shall be directed to the following:

Agency:

Mr. Dan Masnada
General Manager
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350
Fax No.: (661) 297-1610

Water Division:

Mr. Mauricio Guardado
Retail Manager
Santa Clarita Water Division of the Castaic Lake
Water Agency
22722 West Soledad Canyon Road
Santa Clarita, CA 91350
Fax No.: (661) 286-4333

City:

Mr. Ken Pulskamp
City Manager
City of Santa Clarita
23920 Valencia Boulevard, Suite 300
Santa Clarita, CA 91355
Fax No.: (661) 259-8125

Water District:

Mr. Steve Cole
General Manager
Newhall County Water District
23780 North Pine Street
Newhall, CA 91321
Fax No.: (661) 259-8137

LACFCD:

Ms. Gail Farber
Director of Public Works
County of Los Angeles
P.O. Box 1460
Alhambra, CA 91802-1460
Fax No.: (626) 458-4022

Sanitation Districts:

Mr. Stephen R. Maguin
Chief Engineer and General Manager
Santa Clarita Valley Sanitation District of
Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601
Fax No.: (562) 695-8660

Water Company:

Mr. Keith Abercrombie
General Manager
Valencia Water Company
24631 Avenue Rockefeller
Valencia, CA 91355
Fax No.: (661) 294-3806

Conservancy:

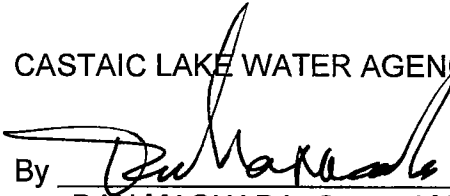
Mr. Mark Stanley
Executive Officer
Rivers and Mountains Conservancy
"El Encanto"
100 North Old San Gabriel Canyon Road
Azusa, CA 91702

- g. Notice shall be deemed as given upon personal delivery, receipt of fax confirmation, or five days after deposit in U.S. Mail, first-class postage, prepaid, and addressed as set out above.
- h. Each person signing this MOU in a representative capacity for a Party represents that he or she has the necessary power and authority to bind that Party.
- i. This MOU may be executed in counterparts, each counterpart being an integral part of this MOU.

The Parties are signing this MOU as of the date stated opposite each signature.

The Parties are signing this MOU as of the date stated opposite each signature.

CASTAIC LAKE WATER AGENCY

By 
DAN MASNADA, General Manager



Date _____

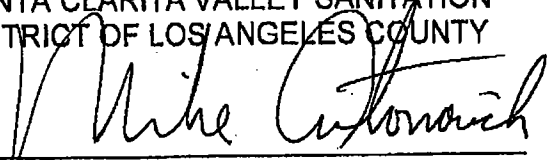
APPROVED AS TO FORM:

Kidman, Behrens and Tague

By 
Legal Counsel

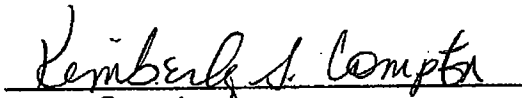
SANTA CLARITA VALLEY SANITATION
DISTRICT OF LOS ANGELES COUNTY

By


Chairperson

Date NOV 09 2011

ATTEST:

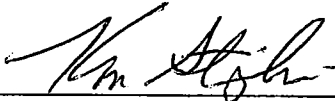

Secretary

APPROVED AS TO FORM:

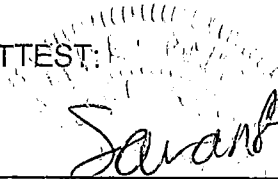

Lewis, Brisbois, Bisgaard & Smith

By 
District Counsel


CITY OF SANTA CLARITA:

By 
KEN PULSKAMP, City Manager

Date 11/28/14

ATTEST: 

City Clerk

APPROVED AS TO FORM:
Burke, Williams & Sorensen, LLP

By 
Legal Counsel

LOS ANGELES COUNTY FLOOD
CONTROL DISTRICT

By 
GAIL FARBER, Chief Engineer

Date 6/19/12

APPROVED AS TO FORM:

By 
County Counsel

VALENCIA WATER COMPANY

By Keith Abercrombie
Keith Abercrombie, General Manager


Date 10/19/2011

SANTA CLARITA WATER DIVISION

By 
MAURICIO GUARDADO JR., Retail Manager

Date 9/29/11

NEWHALL COUNTY WATER DISTRICT

By 
STEVE COLE, General Manager

Date 10.17.2011

APPROVED AS TO FORM:

By 
Legal Counsel

March 28, 2011 - Item 18

RESOLUTION NO. 2011-12

RESOLUTION OF THE SAN GABRIEL AND LOWER LOS ANGELES
RIVERS AND MOUNTAINS CONSERVANCY (RMC) AUTHORIZING A
GRANT AND MEMORANDUM OF AGREEMENT FOR THE UPPER
SANTA CLARA RIVER INTEGRATED REGIONAL WATER
MANAGEMENT PLAN UPDATE AND GRANT ADMINISTRATION (RMC
10018)

WHEREAS, The legislature has found and declared that the San Gabriel River and its tributaries, the Lower Los Angeles River and its tributaries, and the San Gabriel Mountains, Puente Hills, and San Jose Hills constitute a unique and important open space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations; and

WHEREAS, The people of the State of California have enacted the Clean Water, Clean Air, Safe Neighborhoods, and Coastal Protection Bond Act of 2002 (Park Bond Act Proposition 40) which provides funds for the RMC Grant Program; and

WHEREAS, The people of the State of California have enacted the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50), which provides funds for the RMC grant program; and

WHEREAS, The people of the State of California have enacted the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), which provides funds for the RMC grant program; and

WHEREAS, The RMC may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of Division 22.8 the Public Resources Code; and

WHEREAS, The Applicant has submitted a project which is consistent with the purposes of Division 22.8 of the Public Resources Code and the Bond Act; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); and NOW


Therefore be it resolved that the RMC hereby:

1. FINDS that this action is consistent with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Act and is necessary to carry out the purposes and objectives of Division 22.8 of the Public Resources Code.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.

3. Authorizes the Executive Officer enter into a Memorandum of Understanding with Upper Santa Clara River Integrated Regional Water Management Plan Update and Grant Administration provided the final draft is substantially similar to the March 2011 MOU.
4. Authorize the expenditure of \$10,000 allocated from the support budget for expenses which are consistent with Proposition 84.
5. ADOPTS the staff report dated March 28, 2011

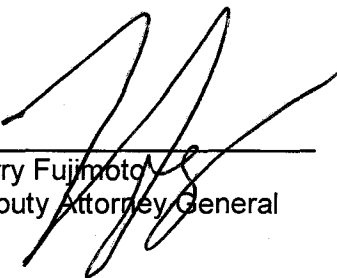
~ End of Resolution ~

Passed and Adopted by the Board of the SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY on March 28, 2011



Frank Colonna, Chair

ATTEST:



Terry Fujimoto
Deputy Attorney General