

Appendix A.1

Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
INTEGRATED REGIONAL WATER MANAGEMENT PLAN FOR THE WESTSIDE
SUBREGION OF THE PROPOSITION 84 SACRAMENTO RIVER FUNDING AREA

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to document the mutual understanding of the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Colusa County Resource Conservation District, Solano County Water Agency and Water Resources Association of Yolo County (herein after referred to collectively as “Regional Public Agencies”) which collectively make up the Westside Subregion of the Proposition 84 Sacramento River Funding Area (Subregion), with respect to their joint efforts towards developing an Integrated Regional Water Management Plan (IRWMP) that will increase regional coordination, collaboration, communication and assist in obtaining funding for IRWMP development, flood management and water related projects. The basis of the designation of Westside Subregion is generally the Putah and Cache Creek watersheds.

2. GOALS

To foster coordination, collaboration and communication between Regional Public Agencies and other Subregion agencies responsible for water-related issues and interested stakeholders to achieve greater efficiencies, to provide for integration of projects, enhance public services and build public support for vital projects.

To assist in the development of a comprehensive plan to facilitate regional cooperation in providing but not limited to water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, wetlands enhancement and creation, and environmental and habitat protection and improvements.

To prepare a planning grant application for the development of a Subregion IRWMP.

3. DEFINITIONS

Agency: A public entity, be it a special district, city, county or other governmental entity, responsible for providing one or more services in the areas of water supply, water quality, wastewater, recycled water, water conservation, storm water/flood control, watershed planning and aquatic habitat protection and restoration.

Integrated Regional Water Management Plan (IRWMP): A plan prepared pursuant to California Water Code Section 10530 et sec. that integrates the projects and management

plans of all water-related agencies and stakeholders in a region, in this case the Subregion, in order to foster coordination, collaboration, and communication among those entities and to assist decision-makers in awarding grants and other funding. The IRWMP will address but not be limited to water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, recreation, wetlands enhancement and creation, and environmental and habitat protection and improvements.

Integration: Assembling into one document the water-related management strategies, projects and management plans in the Subregion. Projects and management plans would be categorized and opportunities identified to determine regional benefits of linkages between multiple water management strategies among projects and management plans of separate service functions and to see where projects and management plans of separate service functions may further interrelate, e.g. wastewater treatment and water recycling with habitat restoration.

Management Plan: An agency's or organization's plan, based in part on the land-use plans within the entity's jurisdiction, that addresses how that entity will provide service in the future in one or more of the following service functions: water supply, water quality, wastewater, recycled water, water conservation, storm water/flood control, watershed planning or aquatic habitat protection and restoration.

Projects: A comprehensive list of projects, programs, or policies that address: critical water quality needs of disadvantaged communities within the region, integration with land use planning, water supply reliability, drought preparedness, efficiency of water use and reuse, climate change response, environmental stewardship, recreation, integrated flood management, storm water capture and management, surface water and groundwater management and quality protection, improvement of tribal water and natural resources, and equitable distribution of benefits.

Proposition 84 Lead Applicant/Fiscal Agent: Designated role of entity to serve the purpose of the lead applicant and fiscal agent for the purposes of securing grant funding to develop the IRWMP on behalf of the Westside Subregion.

Stakeholders: Other entities, such as business and organizations, non profit groups, tribes and Public Utility Commission regulated entities interested in ensuring long term water supply, water quality and natural resources.

IRWMP Coordinating Committee: A committee comprised of representatives designated by the signatories of this MOU to work with other Subregions in the Proposition 84 Sacramento River Funding Area and the state to apply for funding for a planning grant and to manage development of an IRWMP for the Westside Subregion.

4. IRWMP DEVELOPMENT PARTICIPANTS

Regional Public Agencies: These are the agencies (Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Colusa County Resource Conservation District, Solano County Water Agency and Water Resources Association of Yolo County) that are developing management plans and projects, are responsible to their respective electorates, and are devoting staff to the process, and shall take the lead as described in the “Governance Section” below. These agencies are signatories to this MOU.

Other Public Agencies: Other Public Agencies, which are not Regional Public Agencies (e.g. cities) are invited to participate in the development of the Westside Subregion IRWMP.

Contributing Entities: Stakeholders are considered valuable contributors and shall be invited and encouraged to participate.

Regulatory Agencies: These agencies, such as but not limited to the Central Regional Water Quality Control Board and the Department of Fish and Game, will be invited to participate. If they cannot participate in work meetings, representatives of the committee will keep them advised of planning efforts and project progress and seek guidance as needed.

5. EXISTING IRWMP EFFORTS

Some of the Regional Public Agencies have adopted IRWMPs or equivalent documents that will be used as a foundation for a Subregional IRWMP. They are:

Solano Agencies Integrated Regional Water Management Plan and Strategic Plan
(http://www.scwa2.com/UWMP_IRWMP.aspx)

Yolo County Integrated Regional Water Management Plan
(http://www.yolowra.org/irwmp_documents.html)

6. MUTUAL UNDERSTANDINGS

Need for a Subregion IRWMP

To foster increased coordination, collaboration and communication between water-related agencies and interested stakeholders that may result in more effectively managed resources, cost efficiencies and better service to the public.

A qualified IRWMP is required by state law for receiving IRWMP implementation grants from Proposition 84 funds and will likely be required for any future state funding programs.

Subject Matter Scope of the IRWMP

An IRWMP needs to include, but may not be necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, storm water/flood control, watershed planning, climate change and aquatic habitat protection and restoration. It is acknowledged that the management plans of each individual public agency are based, in part, on the land-use plans within an agency's jurisdiction. Therefore, when developed, the IRWMP will be designed to have incorporated the land-use plans and assumptions intrinsic to the respective water-related service function.

Geographical Scope of the IRWMP

The boundaries of the Westside Subregion of the Proposition 84 Sacramento River Funding Area are shown in the attached map included in Exhibit A.

Governance

The Governing Bodies of the Regional Public Agencies will appoint representatives to an IRWMP Coordinating Committee, hereafter referred to as Coordinating Committee (CC), which will be comprised of one staff representative and an alternate from each of the Regional Public Agencies. The CC will apply on behalf of the Subregion for Proposition 84 grant funding to develop the IRWMP. The CC serves as the governing and decision-making body for the Westside IRWMP Funding Subregion during development of the Plan. The Final IRWMP will be approved by the Governing Bodies of the Regional Public Agencies. Other Public Agencies will also be asked to adopt the Final IRWMP. The completed IRWMP may recommend a different Governance structure for Plan Implementation.

The Yolo County Flood Control and Water Conservation District (YCFCWCD) shall act as the Proposition 84 Lead Applicant/Fiscal Agent during development of the Plan addressing fiscal and contract responsibilities of the Westside Subregion within the purview of this MOU. YCFCWCD has been elected to serve this role by consensus of the CC. The Planning Grant application shall be completed reflecting this relationship and upon grant approval the grant shall be managed reflecting this arrangement.

The CC is responsible for making decisions and taking actions during the development of the Plan including, but not limited to, identifying Plan goals and objectives, prioritizing projects, hiring and managing consultants, and managing funding agreements. Any decisions made by the CC within the Westside Funding Subregion Boundary will be by consensus of all the CC members. Any decisions by the CC shall not cause an increase in expenditures beyond amounts authorized by the Governing Bodies of the Regional Public Agencies in the "Cost Share" provision of this MOU.

The CC will have a Chair and Vice Chair. The Vice Chair assumes duties of the Chair when the Chair is unavailable. In the event the Chair and Vice Chair are unavailable, the two will jointly designate an acting Chair.

Term

This MOU shall take effect upon signature or counter signature of the parties. This MOU shall expire on December 31, 2013 or upon its replacement by a subsequent MOU, Agreement, Joint Powers Authority Agreement, or other instrument. It is expected that the Final IRWMP shall recommend a long-term Westside Subregion governance structure.

Cost Share

The Regional Public Agencies have committed to funding a Proposition 84 Planning Grant application for the purposes of developing a Westside IRWMP.

The Regional Public Agencies agree to a formula for cost share should the Planning Grant application be successful. Based largely on their relative geographic area and population within the Westside Funding Subregion, the local cost share for the development of the IRWMP shall not exceed 28.58% each for Lake County Watershed Protection District, Solano County Water Agency, and Water Resources Association of Yolo County, and shall not exceed 14.29% for Napa County Flood Control and Water Conservation District. The cumulative local cost share shall not exceed \$334,000 without amendment to this MOU by the Governing Bodies of the Regional Public Agencies. The \$334,000 is the minimum required local cost share of 25% of the IRWMP planning grant of \$1,000,000 (total project cost of \$1,334,000). Local cost share may include direct funds and in-kind services. The cost share is expected to be expended over three fiscal years (FY 2010-2011 through FY 2012-2013).

Non-binding nature

This document and participation in the development of an IRWMP effort are nonbinding, and in no way suggest that any agency may not continue its own planning and implementation of projects.

Personnel

It is expected that Regional Public Agencies contribute staff time necessary to meet the goals of this MOU.

Reports and communications

Members of the CC will regularly report on the development and status of the Westside Subregion IRWMP to their respective Regional Public Agencies and stakeholders.

Execution

This MOU may be executed in counterparts and the signed counterparts shall constitute a single instrument. The signatories to this MOU represent that they have the authority to bind their respective agency to this MOU.

7. SIGNATORIES TO THE MEMORANDUM OF MUTUAL UNDERSTANDINGS.

We the undersigned representatives of our respective agencies, acknowledge the above as our understanding of the development of an Integrated Regional Water Management Plan for the Westside Subregion of the Sacramento River Funding Area.

Mike Reagan, Chairman Solano County Water Agency

Bill Marble, Chairman Water Resources Association of Yolo County

Bill Dodd, Chairman Napa County Flood Control and Water Conservation District

Anthony Farrington, Chairman Lake County Watershed Protection District

Jay Dee Garr, Board President Colusa County Resource Conservation District

EXHIBIT A

Map of the Westside Sub-Region of the Sacramento River Funding Area

