

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-G

Meeting Date: June 14, 2011

Submitted By: Gary Rogers

Presented By: Gary Rogers

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2011-47 to Approve a Memorandum of Understanding for Integrated Regional Water Management in the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region

Detailed Description: The Board of Directors is requested to consider adopting Resolution No. 2011-47 approving a Memorandum of Understanding for Integrated Regional Water Management in the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region.

The State of California desires to foster Integrated Regional Water Management planning and encourages local public entities, non-profit entities and stake holders to define planning regions appropriate for managing water resources and to integrate strategies within these planning regions.

The Marina Coast Water District, Monterey Peninsula Water Management District, Monterey County Water Resources Agency, Monterey Regional Water Pollution Control Agency, Big Sur Land Trust, and the City of Monterey propose that the six entities enter into a Memorandum of Understanding (MOU) in order to foster the creation of an Integrated Regional Water Management Plan (IRWMP) for Proposition 84 funding. Principally, this MOU will provide the foundation for the six entities to develop the IRWMP and applications to fund water resources projects for each entity under a regional framework through Proposition 84. Proposition 84 requires that applications be submitted by only those entities who's proposed projects are included in an IRWMP.

Environmental Review Compliance: CEQA action is not required for this item.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Goal No. 2 – To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: ___X___ Yes ___ ___ No

Funding Source/Recap: Funding for District Staff to participate in the Integrated Regional Water Management planning is from the Ord Community and Marina Water Cost centers under CIP# GW-0200 ("Integrated Regional Water Management Plan – Update").

Material Included for Information/Consideration: Resolution No. 2011-47; and, Memorandum of Understanding for Integrated Regional Water Management in the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2011-47 to approve a Memorandum of Understanding for Integrated Regional Water Management in the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 14, 2011

Resolution No. 2011 - 47
Resolution of the Board of Directors
Marina Coast Water District
Approving a Memorandum of Understanding for Integrated Regional Water
Management in the Monterey Peninsula, Carmel Bay, and
South Monterey Bay Region

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 14, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District desires to apply for Proposition 84 grant funding for needed water supply capital projects; and,

WHEREAS, a Proposition 84 requirement is for applicants to be participants in a Integrated Regional Water Management Plan; and,

WHEREAS, the Marina Coast Water District, Monterey Peninsula Water Management District, Monterey County Water Resources Agency, Monterey Regional Water Pollution Control Agency, Big Sur Land Trust, and the City of Monterey intend to coordinate and develop an Integrated Regional Water Management Plan that will facilitate each entity applying for Proposition 84 grant funding.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to sign the Memorandum of Understanding for Integrated Regional Water Management in the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on June 14, 2011, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

William Y. Lee, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2011-47 adopted June 14, 2011.

Jim Heitzman, Secretary

REVISED

**Memorandum of Understanding for
Integrated Regional Water Management in the
Monterey Peninsula, Carmel Bay, and South Monterey Bay Region**

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to recognize a mutual understanding among entities in the southern Monterey Bay area regarding their joint efforts toward Integrated Regional Water Management (IRWM) planning. That understanding will continue to increase coordination, collaboration and communication for comprehensive management of water resources in the cities and unincorporated portions of the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region (Region).

2. RECITALS

- A. The State of California desires to foster Integrated Regional Water Management (IRWM) planning and encourages local public, non-profit, and private (for profit) entities to define planning regions appropriate for managing water resources and to integrate strategies within these planning regions.
- B. Water resources management authority in the Region is currently distributed among various public agencies with a range of legal powers and regulatory responsibilities. These public agencies have definite jurisdictional boundaries, whereas sensible water resources planning and management frequently requires actions in multiple jurisdictions. Non-public entities within the Region have considerable interests in cooperating with public entities to protect, manage, and enhance water resources within the Region.
- C. Five public entities and one non-profit entity in the Region with responsibility and interests in the management of water resources have agreed to form a Regional Water Management Group for the purposes of developing and implementing projects consistent with the guidelines set by the State of California for IRWM. These entities are: 1.) the Big Sur Land Trust (BSLT), a 501 (c) 3 organization; 2.) the City of Monterey; 3.) the Monterey Regional Water Pollution Control Agency (MRWPCA); 4.) the Monterey County Water Resources Agency (MCWRA); 5.) the Marina Coast Water District (MCWD); and 6.) the Monterey Peninsula Water Management District (MPWMD).
- D. The Regional Water Management Group has defined an appropriate planning Region that takes into consideration jurisdictional limits, powers and responsibilities, and watershed and groundwater basin boundaries. The Regional Water Management Group is taking the lead in overseeing and implementing a detailed IRWM Plan within the planning Region. The Region is generally described as encompassing approximately 347 square miles and consists of groundwater basins and coastal watershed areas contributing to the Carmel Bay and south Monterey Bay. The Region includes coastal watersheds from the southernmost portion of the San Jose Creek watershed north to the northern limit of the Seaside Groundwater Basin. The inland area is bounded by the Seaside Groundwater

Basin to the north and by the Carmel River watershed to the south and east. The western limit of the planning Region generally coincides with the land and Pacific Ocean interface, but includes the Pt. Lobos, Carmel Bay, and Pacific Grove Areas of Special Biological Significance (ASBS) adjacent to the coastal portion of the Region.

The principal groundwater basins in the planning Region are the Seaside Groundwater Basin and the Carmel Valley Aquifer. The Region includes about 38 miles of the coast within the Monterey Bay National Marine Sanctuary, three ASBS, the Cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, and unincorporated portions of Monterey County including the Carmel Valley watershed (255 square miles), Pebble Beach, the Carmel Highlands and portions of the Seaside Groundwater Basin adjacent to Highway 68 (also known as Canyon Del Rey). This description of the planning Region is not intended to be a limitation on projects and resource planning that may be shared between adjacent IRWM planning Regions (e.g., the Greater Monterey County IRWM planning Region to the north and east).

- E. The entities signatory to this MOU desire to link and integrate efforts to jointly oversee the development and implementation of a comprehensive Integrated Regional Water Management Plan for the Region.

3. GOALS

The goals of the collaborative effort undertaken pursuant to this MOU are:

- 3.1 To implement a comprehensive IRWMP for the Region that will consider the strategies that are required by the State under CWC 79562.5 and 79564 and subsequent modifications required under Proposition 84. Eligible projects must yield multiple benefits and include one or more of the following elements (PRC § 75026.(a)):
- ↻ Water supply reliability, water conservation and water use efficiency
 - ↻ Stormwater capture, storage, clean-up, treatment, and management
 - ↻ Removal of invasive non-native species, the creation and enhancement of wetlands, and the acquisition, protection, and restoration of open space and watershed lands
 - ↻ Non-point source pollution reduction, management and monitoring
 - ↻ Groundwater recharge and management projects
 - ↻ Contaminant and salt removal through reclamation, desalting, and other treatment technologies and conveyance of reclaimed water for distribution to users
 - ↻ Water banking, exchange, reclamation and improvement of water quality
 - ↻ Planning and implementation of multipurpose flood management programs

- ↻ Watershed protection and management
 - ↻ Drinking water treatment and distribution
 - ↻ Ecosystem and fisheries restoration and protection
- 3.2 To implement a comprehensive IRWMP for the Region that incorporates water supply, water quality, flood and erosion protection, and environmental protection and enhancement objectives.
 - 3.3 To improve and maximize coordination of individual public, private, and non-profit agency plans, programs and projects for mutual benefit and optimal gain within the Region.
 - 3.4 To help identify, develop, and implement collaborative plans, programs, and projects that may be beyond the scope or capability of individual entities, but which would be of mutual benefit if implemented in a cooperative manner.
 - 3.5 To facilitate regional water management efforts that include multiple water supply, water quality, flood control, and environmental protection and enhancement objectives.
 - 3.6 To foster coordination, collaboration and communication between stakeholders and other interested parties, to achieve greater efficiencies, enhance public services, and build public support for vital projects.
 - 3.7 To realize regional water management objectives at the least cost possible through mutual cooperation, elimination of redundancy, and enhanced regional competitiveness for State and Federal grant funding.

4. DEFINITIONS

- 4.1 **Integrated Regional Water Management Plan (IRWMP or IRWM Plan).** The plan envisioned by state legislators and state resource agencies that integrates the strategies, objectives, and priorities for projects to manage water resources proposed by public entities, non-profit entities, and stakeholders within a defined Planning Region. The minimum plan standards are as shown in Appendix A of "Integrated Regional Water Management Grant Program Guidelines, November 2004, Department of Water Resources and State Water Resources Control Board, Proposition 50, Chapter 8," as revised. Minimum IRWM Plan standards may be revised from time to time by the State of California.
- 4.2 **Integration.** The combining of water management strategies and projects to be included in an IRWMP.
- 4.3.a **Lead Agency for IRWM Plan Development.** The Monterey Peninsula Water Management District is designated by the Regional Water Management Group to lead the development or implementation of an Integrated Regional Water Management Plan for the Region.
- 4.3.b **Lead Agency for IRWM Grant Applications.** The Regional Water Management Group may designate any entity in the Regional Water Management Group to be the Lead Agency in making application to the State for grant funds.

- 4.4. **Non-profit Agency.** A 501 (c) (3) corporation, conservancy, group or other organization involved in water resources management in the Region.
- 4.5. **Private Agency.** A private or publicly held for-profit corporation or property owner involved in water resources management in the Region
- 4.6. **Project.** A specific project that addresses a service function.
- 4.7. **Public Agency.** A state-authorized water district, water agency, water management agency or other public entity, be it a special district, city or other governmental entity, responsible for providing one or more services in the areas of water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration.
- 4.8. **Region.** The area defined by the Regional Water Management Group (RWMG) consisting of watersheds, sub-watersheds and groundwater basins under the jurisdiction of one or more entities within the RWMG.
- 4.9. **Service Function.** A water-related individual service function provided by a private, public, or non-profit entity, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood protection, watershed planning, recreational facilities, and habitat protection and restoration.
- 4.10 **Signatory Entity.** A public, private, or non-profit entity within the Region that is signatory to this MOU.
- 4.11 **Stakeholder.** A non-signatory public, private, or non-profit agency identified in the IRWM Plan with an interest in water resources management within the Region.
- 4.12 **Technical Advisory Committee.** The committee organized to advise the Regional Water Management Group and Stakeholders concerning the IRWM Plan. The group is comprised of individuals with technical backgrounds in the fields of marine and freshwater biology, ecology, geology, engineering, hydrogeology, planning, resource conservation, riparian systems, water conservation, and water quality.
- 4.13 **Regional Water Management Group.** The group of entities that takes the lead in overseeing the development and implementation of the Integrated Regional Water Management Plan within the Planning Region. In 2011, the RWMG included the Monterey Regional Water Pollution Control Agency, the Monterey County Water Resources Agency, the Monterey Peninsula Water Management District, the City of Monterey, the Marina Coast Water District and the Big Sur Land Trust.
- 4.14. **Water Management Strategies.** Plans for and activities to be considered in an IRWMP include, but are not limited to, ecosystem restoration, environmental and habitat protection and improvement, water-supply reliability, flood management, groundwater management, recreation and public access, storm water capture and management, water conservation, water quality improvement, water recycling, and wetlands enhancement and creation.

5. IRWMP PARTICIPANTS

- 5.1 **Adopting Entities.** The entities in the Region that participate in the development, adoption, and implementation of the Integrated Regional Water Management Plan for the Region. Each entity intending to carry out a project proposed in the IRWMP must formally adopt the IRWMP or provide written substantiation of acceptance by

- the governing authority of the entity. For a public agency, adoption of the IRWMP is by formal resolution of the governing body. For a non-profit or for-profit entity, proof of acceptance of the IRWMP by the equivalent of a public agency governing body is required (e.g., by a board of directors or other management entity).
- 5.2. **Stakeholders.** Entities, such as other public, private, and non-profit entities, business and environmental groups, that are considered valuable contributors to the understanding and management of the Region's water resources.
 - 5.3. **Regulatory Agencies.** These agencies, including, but not limited to, the Central Coast Regional Water Quality Control Board, California Coastal Commission, U.S. Army Corps of Engineers, California Public Utilities Commission, National Marine Fisheries Service (NOAA Fisheries), U.S. Fish and Wildlife Service, and the California Department of Fish and Game, will be invited to participate in the development and implementation of the IRWMP.
 - 5.4. **Regional Water Management Group.** The group of entities that takes the lead in developing and implementing an Integrated Regional Water Management Plan within the Planning Region.

6. MUTUAL UNDERSTANDING

- 6.1. **Subject matter scope of the IRWMP.** The IRWMP for the Region will include, but is not limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, erosion prevention, and habitat protection and restoration. It is acknowledged that the proposals contained in the IRWMP may be based, in part, on the land-use plans of the member entities local governments such as Cities, Monterey County, and special districts located within the Region. Therefore, the resultant IRWMP will by design have incorporated the land-use plans and assumptions intrinsic to the respective water-related service function.
- 6.2. **Geographical scope of the IRWMP.** The area for this Memorandum is generally defined as the watersheds and associated groundwater basins contributing to the south Monterey Bay and Carmel Bay as shown in Figure 3-1: Map of Monterey Peninsula Integrated Regional Water Management Planning Region in the IRWM Plan.

The Region includes coastal watersheds from the southernmost portion of the San Jose Creek watershed north to the northern limit of the Seaside Groundwater Basin. The inland area is bounded by the Seaside Groundwater Basin to the north and by the Carmel River watershed to the south and east. The western limit of the planning Region generally coincides with the land and Pacific Ocean interface, but includes the Pt. Lobos, Carmel Bay, and Pacific Grove Areas of Special Biological Significance (ASBS) adjacent to the coastal portion of the Region.

However, it is recognized that the geographic scope represented in the IRWM Plan may be amended to include projects that are implemented cooperatively between IRWM planning regions (e.g., with the Greater Monterey County IRWM planning region) and is not intended to be a rigid boundary.

- 6.3. **Approach to developing the IRWMP.** It will be the responsibility of each entity signatory to this Memorandum to provide the Lead Agency with information for the IRWMP concerning project proposals or to identify the need for a water management strategy for each service function provided by a signatory entity.

In order to be included in the IRWMP, all proposals for development of water management plans and water development project proposals related to the IRWMP must meet the standards identified in the IRWM Plan for the Region.

A technical advisory committee consisting of staff representatives from the Regional Water Management Group, other Stakeholders and such other organizations as may become contributing entities, will review proposed management plans and project proposals for consistency with the IRWMP and recommend a prioritized list of projects to be carried out within the Region. The Regional Water Management Group and Stakeholders will meet to review the recommendation made by the TAC.

- 6.4. **Approval of prioritized project list.** Approval of the prioritized project list should occur by consensus of the Regional Water Management Group and Stakeholders and should be based on the prioritization process described in the IRWMP and the recommendations of the Technical Advisory Committee. However, if a consensus cannot be reached among the Stakeholders and Regional Water Management Group, the Regional Water Management Group may make a final determination of the prioritized project list.
- 6.5. **Adoption of the IRWMP.** Plan adoption will occur by approval of the governing board of each entity. It should be noted that the adopted Plan and project list may be amended from time to time as described below.
- 6.6. **Amendment of IRWMP or Prioritized Project list.** The IRWM Plan and prioritized project list may be amended from time to time. Any member of the Regional Water Management Group or Stakeholders may request that the Lead Agency convene a meeting of the Regional Water Management Group and Stakeholders for the purposes of amending the IRWM Plan or the prioritized project list. However, it is anticipated that the IRWMP or prioritized project list will be amended no more frequently than annually, unless more frequent amendments are required to meet State IRWM standards or grant application cycles. An amended IRWM Plan must be consistent with State IRWM standards as described in Definition 4.1 "Integrated Regional Water Management Plan" and any subsequent revisions by the State to IRWM guidelines.
- 6.7. **Project Implementation.** Project proponents will be responsible for completing proposed projects and providing project reports to the Lead Agency.
- 6.8. **Project Monitoring.** The Regional Water Management Group will be responsible for monitoring the implementation of the IRWMP. The technical advisory committee will regularly report to the General Managers and Governing Boards of the Regional Water Management Group regarding progress on the development and implementation of the IRWMP. The Lead Agency will be responsible for coordinating data collection and dissemination.

- 6.9 **Grant Applications.** The Regional Water Management Group will designate a Lead Agency to apply for grant funds. The Lead Agency for each grant application should have a mission and expertise that is consistent with the purpose of the grant being applied for.
- 6.10 **Grant Awards and Agreement.** The Lead Agency will be the grantee and administer the grant on behalf of the Regional Water Management Group and Stakeholders.
- 6.11 **Termination.** An entity signatory to this MOU may withdraw from participation upon 30 days advance notice to the other signatory entities, provided it agrees to be financially responsible for any previously committed, but unmet resource commitment.
- 6.12. **Personnel resources.** It is expected that the General Managers and/or other officials of each entity signatory to this MOU will periodically meet to insure that adequate staff resources are available to implement the IRWM Plan.
- 6.13. **Other on-going regional efforts.** Development of the IRWMP is separate from efforts of other organizations to develop water-related plans on a regional basis around Monterey Bay and the Central Coast. As the IRWMP is developed and implemented, work products may be shared to provide other entities and groups with current information.

7. INDEMNIFICATION

- 7.1 Each Party shall indemnify, defend and hold harmless the other parties, to the extent allowed by law and in proportion to fault, against any and all third-party liability for claims, demands, costs or judgments (direct, indirect, incidental or consequential) involving bodily injury, personal injury, death, property damage or other costs and expenses (including reasonable attorneys' fees, costs and expenses) arising or resulting from the acts or omissions of its own officers, agents, employees or representatives carried out pursuant to the obligations of this Agreement.
- 7.2 These indemnity provisions shall survive the termination or expiration of this Agreement. Further, each Party will be liable to the other Party for attorneys' fees, costs and expenses, and all other costs and expenses whatsoever, which are incurred by the other Party in enforcing these indemnity provisions.

8. RECORD OF AMENDMENTS

- 8.1 March 2011 - add Marina Coast Water District to RWMG. Revise Goals, Definitions and MOU terms to reflect Proposition 84 requirements.

9. SIGNATORIES TO THE REVISED MEMORANDUM OF UNDERSTANDING

We, the duly authorized undersigned representatives of our respective entities, acknowledge the above as our understanding of the intent and expected outcome in overseeing the development and implementation of an Integrated Regional Water Management Plan for the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region.

Signature

Printed Name
Monterey County Water Resources Agency

Date

Signature

Printed Name
Big Sur Land Trust

Date

Signature

Printed Name
Monterey Peninsula Water Management District

Date

Signature

Printed Name
Monterey Regional Water Pollution Control Agency

Date

Signature

Printed Name
City of Monterey

Date

Signature

Printed Name
Marina Coast Water District

Date

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