

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 11/6/2012	(3) CONTACT/PHONE Courtney Howard, Senior Water Resources Engineer (805) 781-1016	
(4) SUBJECT Request to approve Memorandums of Understanding for San Luis Obispo County and the San Luis Obispo Flood Control and Water Conservation District for Integrated Regional Water Management Efforts. All Districts.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: 1. Acting on behalf of San Luis Obispo County (County): a) Approve and execute a Memorandum of Understanding for Integrated Regional Water Management Efforts; and b) Exercise the County's contractual right to terminate involvement in the prior version of the Memorandum of Mutual Understandings, executed on April 21, 2009; and 2. Acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District): a) Approve and execute a Memorandum of Understanding for Integrated Regional Water Management Efforts; and b) Exercise the District's contractual right to terminate involvement in the prior version of the Memorandum of Mutual Understandings, executed on April 21, 2009; and 3. Designate the Public Works Director and his designees as the individuals authorized to participate in Regional Water Management Group activities on behalf of the County and District.			
(6) FUNDING SOURCE(S) Flood Control and Water Conservation District	(7) CURRENT YEAR FINANCIAL IMPACT \$461,100.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP No	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date 4/21/09; A-17	
(17) ADMINISTRATIVE OFFICE REVIEW  <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) All Districts -			

Reference: 12NOV06-C-3

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Courtney Howard, Senior Water Resources Engineer

Carolyn Berg, Water Resources Engineer

VIA: Paavo Ogren, Director of Public Works

DATE: 11/6/2012

SUBJECT: Request to approve Memorandums of Understanding for San Luis Obispo County and the San Luis Obispo Flood Control and Water Conservation District for Integrated Regional Water Management Efforts. All Districts.

### **RECOMMENDATION**

It is our recommendation that your Honorable Board:

1. Acting on behalf of San Luis Obispo County (County):
  - a) Approve and execute a Memorandum of Understanding for Integrated Regional Water Management Efforts; and
  - b) Exercise the County's contractual right to terminate involvement in the prior version of the Memorandum of Mutual Understandings, executed on April 21, 2009; and
2. Acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District):
  - c) Approve and execute a Memorandum of Understanding for Integrated Regional Water Management Efforts; and
  - d) Exercise the District's contractual right to terminate involvement in the prior version of the Memorandum of Mutual Understandings, executed on April 21, 2009; and
3. Designate the Public Works Director and his designees as the individuals authorized to participate in Regional Water Management Group activities on behalf of the County and District.

## **DISCUSSION**

On April 21, 2009, your Board approved a Memorandum of Understanding (2009 MOU) (Exhibit “A”) on behalf of both the County and District for Integrated Regional Water Management (IRWM) efforts for the region coterminous with the San Luis Obispo County boundary (herein referred to as the SLO County Region). The IRWM program provides guidance for collaborative efforts to manage all aspects of water resources in a region by crossing jurisdictional, watershed, and political boundaries to involve multiple agencies, stakeholders, individuals, and groups in order to address issues and differing perspectives of all entities involved through mutually beneficial solutions. The County and the District, as well as nine other entities that subsequently signed the 2009 MOU, collectively form the SLO County Region’s Regional Water Management Group (RWMG) (Exhibit “B”). Formation of an RWMG is a requirement for participating in the State’s IRWM Program<sup>1</sup>. The 2009 MOU designates the District as the lead agency for IRWM efforts, and the Water Resources Advisory Committee (WRAC) as the forum through which RWMG members participate.

With new IRWM guidelines issued by the State and the pending update of the SLO County Region’s IRWM Plan in 2013 as well as anticipated grant opportunities, it is important to update the 2009 MOU at this time in order to meet the new guidelines.

### ***Updated MOU***

The updated MOU transitions the forum for working on detailed IRWM efforts from the WRAC to representatives of all entities that sign the MOU (collectively the RWMG Working Group). This is intended to improve collaboration of staff who work for the RWMG agencies, including the County, on plan development and project proposals that may be eligible for IRWM grants. At the same time, the updated MOU maintains WRAC’s role as the primary regional advisory body on IRWM efforts.

Other key updates to the MOU include:

- **Use of Sub-regions** – To facilitate increased stakeholder participation, sub-regions have been developed. The sub-regions were defined after considering planning needs, jurisdictions and watershed/ hydro geologic boundaries (North Coast, North County, South County).
- **Clarification of IRWM roles and responsibilities** – IRWM Program Participants (RWMG, Implementation Affiliates, Interested Stakeholders) are defined to acknowledge varying in-kind resource commitment capabilities, participation in program decision-making, and eligibility for submitting projects. The WRAC’s advisory role is also clarified.
- **Decision Making Process** – The RWMG makes recommendations to the District as the lead agency at key decision points (e.g. project/program selection for grant applications). If the Public Works Department or the WRAC have recommendations that differ from the RWMG, a public hearing will be held, providing an opportunity for RWMG members to appear and address the District prior to your Board’s final decision.

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<sup>1</sup> “RWMG means a group in which three or more agencies, at least two of which have a statutory authority over water supply or water management, as well as those persons who may be necessary for the development and implementation of an IRWM Plan that meets the requirements in California Water Code Sections 10540 and 10541, participate by means of a joint powers agreement, Memorandum of Understanding (MOU), or other written agreement, as appropriate, that is approved by the governing bodies of those local agencies.”

It is anticipated that the RWMG Working Group would develop bylaws, with WRAC input, to guide meetings, internal decision making processes and WRAC and public involvement.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

On October 3, 2012, the WRAC supported the recommendation that your Board, and other eligible entities, execute the updated MOU. The original 2009 MOU signatories were provided an opportunity for input on the updated MOU and a majority have executed the updated MOU (see Exhibit "B"). Other entities (local agencies and 501 (3) (c) non-profits) may execute the MOU without the need for subsequent Board action. The goal is to have every agency that is eligible join the RWMG.

The WRAC will be reviewing RWMG recommendations at key decision points.

The MOU contains provisions for inviting agencies and groups, including the Department of Water Resources (DWR) and the Regional Water Quality Control Board, to participate in IRWM efforts. The agency implementing the IRWM Program at the State level is the DWR.

County Counsel has reviewed and approved the MOU as to legal form and effect.

### **FINANCIAL CONSIDERATIONS**

The SLO County Region's IRWM Plan update, program development, and related activities are funded through the current year's Flood Control General Budget in the amount of \$461,100. RWMG members provide in-kind services associated with meeting attendance, grant application development and review of materials. In addition, the State DWR has recommended that the District's IRWM Planning Grant be awarded funding. The grant will provide \$185,000 revenue towards these efforts.

### **RESULTS**

The RWMG would be able to utilize the improved governance structure for updating the IRWM Plan, developing competitive grant applications, and encouraging other eligible entities to join the RWMG. These actions will contribute to a safe, healthy, livable, prosperous and well-governed community.

File: 900.36.01

Reference: 12OCT23-C-5

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### **ATTACHMENTS**

1. Exhibit A: Original Resolution No. 2009-117 and San Luis Obispo County Regional Memorandum of Understanding
2. Exhibit B: Signatories to the San Luis Obispo County Regional Memorandum of Understanding as of August 21, 2012
3. Updated San Luis Obispo County Regional Memorandum of Understanding (County)
4. Updated San Luis Obispo County Regional Memorandum of Understanding (District)