



## Legislation Text

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*Report Prepared by: Ken F. Elwin, PE, Director of Public Works / Interim City Engineer*

**SUBJECT:** Merced Integrated Regional Water Management Authority (MIRWMA) Joint Powers Agreement

### REPORT IN BRIEF

Considers approving a Joint Powers Agreement with local public agencies forming the Merced Integrated Regional Water Management Authority (MIRWMA) to coordinate on the goals and objectives outlined in the adopted 2013 Merced Integrated Regional Water Management Plan.

### RECOMMENDATION

**City Council** - Adopt **Resolution 2016-14**, a Resolution of the City Council of the City of Merced, California, authorizing the execution of a Joint Powers Agreement with the County of Merced, City of Atwater, City of Livingston, Merced Irrigation District and Stevinson Water District Establishing the Merced Integrated Regional Water Management Authority (MIRWMA).

### ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

### AUTHORITY

Charter of the City of Merced, Section 200.

Joint Exercise of Powers Act established in Article 1 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the Government Code.

### CITY COUNCIL PRIORITIES

Addresses FY 15/16 City Council Priority #6 - Prepare for the implementation of a capital improvement plan for the University Industrial Park.

### DISCUSSION

California SB 1672 was passed into law in 2002 and established the Integrated Regional Water Management Planning (IRWMP) process in an effort to optimize the local management of water

resources and to streamline state grants and funds to various regions of the State. Through the IRWMP program, the State of California has offered funding for projects and encouraged collaboration amongst water supply and wastewater agencies, flood control and stormwater protection districts, resource and regulatory agencies, non-governmental organizations, local governments, and volunteer groups to enhance integration in water management planning - all at the regional level.

On November 4, 2013, City Council adopted Resolution No. 2013-48 (see attached resolution) adopting the Merced Integrated Regional Water Management Plan of 2013 (MIRWMP). Adoption of the MIRWMP represented the completion of work that started in 2008 and involved a lengthy stakeholder process and cooperation between a variety of local agencies, the City of Merced, various stakeholders, and the public at large. In addition to coordinating the activities of established stakeholder groups, the MIRWMP engages and educates all interested parties in local and regional water management activities. All residents have a stake in the future of their region's water resources, and as such all members of the general public are considered stakeholders in the IRWMP process.

The Merced Integrated Regional Water Management Region (Region) was approved as an IRWMP region in 2011 by the California Department of Water Resources (DWR). The Region encompasses roughly 607,000 acres in the northeast portion of Merced County. Its boundaries are defined by the Merced Groundwater Sub-basin to the east, the San Joaquin River to the west, the Dry Creek watershed (a tributary to the Merced River) to the north, and the Chowchilla River to the south.

More than 70 projects were identified through the preparation process for the 2013 plan. The list has expanded since then and can be visited at [www.mercedirwmp.org](http://www.mercedirwmp.org) under the heading "Projects". Since the passage of SB 1672, various bonds, passed by California voters, generated funds that were dispersed to "regions" with approved IRWMPs in the form of competitive grants to implement local multi-purpose water projects. The Merced Region made three attempts to receive Proposition 84 funds, and received a total of \$6M in grant funding, which is currently being used to implement various projects. These projects have benefitted Merced County, the City of Merced, Merced Irrigation District, UC Merced, East Merced Resources Conservation District, Planada Community Services District, and Le Grand Community Services District. Proposition 1 lists \$31M designated to the San Joaquin Region, where the Merced Region would compete with Madera County, Fresno County, Stanislaus County, San Joaquin County, and East Contra Costa. The solicitation package is expected to be issued by May of 2016.

The MIRWMP is expected to be updated regularly to keep up with significant water management changes in the area. More importantly, the plan is expected to be implemented as approved by the stakeholders. Since DWR approval of the Merced Region in 2011, the MIRWMP has been managed by the Regional Water Management Group, which is comprised of the City of Merced, Merced Irrigation District (MID), and Merced County.

As part of the presentation to the Council, leading to adoption of plan, Staff presented the recommended structure for governance in the proposed plan as approved by the interim Regional Advisory Committee. The approved MIRWMP outlines the structure of its permanent governance in Chapter 3 of the adopted plan (attached) and generally maintains an open stakeholder process represented by an appointed Regional Advisory Committee. The interim governance composition of the MIRWMP was constituted of the following:

- A Regional Water Management group made of Merced County, the City of Merced, and Merced Irrigation District.
- An Interim Regional Advisory Committee appointed by MID Board of Directors as the lead agency, a list of the members is shown Exhibit “F” of the adopted IRWMP (attached). The interim committee was comprised of 24 members, in addition to 14 alternates representing public and private interests in water resources and water management, urban, business, water industry, environmental, institutions, disadvantaged community, local government, recreation and various types of agriculture.
- The plan objectives and components of the plan, as outlined by DWR, were discussed and approved by the committee leading to the 2012 proposed IRWMP that was adopted by various agencies, including: Merced County, City of Merced, City of Atwater, City of Livingston, East Merced Resources Conservation District, Planada CSD, Le Grand CSD, Winton Water and Sanitary District, and UC Merced.

The approved interim governance structure still meets DWR’s general interest in stakeholder representation and public involvement, comprised of:

1. A Policy Committee made of one elected official from the City of Merced, the City of Livingston, the City of Atwater, Merced County, Merced Irrigation District and Stevinson Water District.
2. A Regional Advisory Committee (RAC) nominated by the Policy Committee. The RAC is expected to reflect different water interests in the region including urban, agricultural and environmental, and related interests that best serves the mission of the Merced IRWMP. It is anticipated that the new RAC will amount to a similar combination in numbers and diversity to the interim RAC discussed above.
3. A Management Committee comprised of local agency staff providing support to the Policy Committee and undertake the operation and implementation of activities undertaken by the governance assembly.

In addition to these core elements, the JPA can opt to include Technical Work Groups to help in making decisions, such as: Merced Area Groundwater Pool Interests (MAGPI), Merced Streams, Project Review Group, etc. The Policy Committee may elect to accept input for other liaisons such as a representative for the public community services district, and agricultural water districts.

Moving forward however, a more formal governance structure is required. Staff from the proposed Policy Committee have already begun initial meetings to formulate the shape and the authority of the committee. During the development of the governance structure, there was a real interest in maintaining a balance between an open inclusive and transparent process for making decision, while also the need to have a body that is ready and willing to help make decisions in an expedient and efficient manner to keep the region competitive and viable in both setting plans and winning grants. Although there are other options, a joint powers authority (JPA) governance model was selected for the following reasons:

1. A JPA is considered a separate agency that can generate and allocate funds if needed to

promote the plan and projects identified in the plan. As such the region can partner, if needed, on projects and funding not related to the State IRWM program funding.

2. A JPA may capitalize on using the same elected official chosen by various communities and interests in the area to guide policy for these communities and interests.
3. A JPA provides an umbrella for various water activities where the State and Federal agencies look for a local partner in regional. For example, DWR is looking for a regional flood control agency to partner with on small community projects such as protecting the Franklin-Beachwood area. The MIRWMP JPA is recognized as a fitting agency in the absence of a flood control district in Merced County.

Staff for each of the agencies who will be partners in the new JPA have worked cooperatively to draft a JPA document, which is designed to be flexible, efficient and provides a vehicle to represent disciplines such as flood control, surface and groundwater monitoring etc. The draft was vetted by staff and legal counsels representing the proposed Policy Committee.

Aside from the City of Merced, each of the governing boards who expect to become partners in the new JPA will consider authorizing execution of the document. Staff recommends adopting **Resolution 2016-XX** approving the JPA document entitled Merced Integrated Regional Water Management Authority Joint Powers Agreement (attached).

## IMPACT ON CITY RESOURCES

No appropriation of funds is needed at this time. Staff time may be required in the future and cost sharing on projects as they arise in the future.

## ATTACHMENTS

1. Joint Powers Agreement
2. Resolution 2016-15
3. Resolution 2013-48
4. MIRWMP Chapter 3 - Governance
5. MIRWMP Appendix F
6. Exhibit F