

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

June 25, 2024

FROM

NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District

SUBJECT

Cooperative Funding Agreement for the Middle Santa Ana River Watershed Total Maximum Daily Load Task Force

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve the Cooperative Funding **Agreement No. 24-545** with the Santa Ana Watershed Project Authority for administrative and technical services to support the Middle Santa Ana River Watershed Total Maximum Daily Load Task Force, in the amount not-to-exceed \$113,447 for the period of July 1, 2024 through June 30, 2025.

(Presenter: Noel Castillo, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Middle Santa Ana River (MSAR) Watershed Total Maximum Daily Load (TMDL) Task Force (Task Force) budgets are subject to stakeholder approval. In accordance with Amendment No. 2 of Cooperative Agreement No. 13-712, approved by the Board of Supervisors (Board) on June 14, 2022 (Item No. 92), the Task Force has approved the 2024-25 Task Force budget.

The San Bernardino County Areawide Stormwater Program (Program) was established under Implementation Agreement No. 11-545 and approved by the Board on June 28, 2011 (Item No. 94). The cost share for the proposed cooperative funding agreement is allocated to San Bernardino County in the amount of \$15,327 funded with the District's existing ongoing allocation of Discretionary General Funding for the County's portion of costs for the Municipal Storm Sewer System permit, the District in the amount of \$5,672 funded with property tax revenue, and the 16 incorporated cities in the amount of \$92,448, for a total of \$113,447. Future contributions to the Task Force will also be funded through the Program under Implementation Agreement No. 11-545, subject to Board approval. Sufficient appropriation and revenue have been included in the San Bernardino County Flood Control District's (District) 2024-25 budget (1990002550-F01778).

Funding Entity/Participant	Percentage	Amount
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Funding Entity/Participant	Percentage	Amount
San Bernardino County	13.51%	\$15,327
District	5.00%	\$5,672
Incorporated Cities (16)	81.49%	\$92,448
Total	100.00%	\$113,447

BACKGROUND INFORMATION

On an annual basis, a Task Force budget and cost sharing determination is prepared and adopted by the majority of the stakeholders. The District, on behalf of the Program, will provide funding in the amount of \$113,447 to the MSAR TMDL Task Force to implement the required compliance activities beginning July 1, 2024 through June 30, 2025. The goal of these activities is to find sources of bacteria and either eliminate the source of bacteria or prevent it from entering the Santa Ana River.

In January 2010, the Santa Ana Regional Water Quality Control Board adopted the National Pollutant Discharge Elimination System Municipal Stormwater Permit (MS4 Permit) for Stormwater discharges from areas in unincorporated San Bernardino County and the 16 incorporated cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa (Cities). The District was designated as the Principal Permittee under the MS4 Permit. The District represents the co-permittees to implement area-wide programs required by the MS4 Permit, and the Implementation Agreement funds this work. The MS4 Permit requires that TMDL requirements be integrated into applicable Stormwater Program activities, including stormwater management and monitoring plans.

On August 20, 2013 (Item No. 73), the Board approved Cooperative Agreement No. 13-712 that formed the current Task Force, which authorized the Santa Ana Watershed Project Authority to administer the implementation of TMDL compliance activities. The original Agreement No. 07-630 was approved by the Board on August 7, 2007 (Item No. 85), with a term of five years through 2012, which was later extended for an additional five years through 2017.

On August 22, 2017 (Item No. 60), the Board approved Amendment No. 1 to Cooperative Agreement No. 13-712, extending the term through December 31, 2022.

On June 14, 2022 (Item No. 92), the Board approved Amendment No. 2 to Cooperative Agreement No. 13-712, extending the term through June 30, 2027, allowing the District to continue acting on behalf of the Program and maintain compliance with the MSAR TMDL.

The District's participation in the Task Force on behalf of the Program, achieves the goals and objectives of the County by working with other agencies and stakeholders to provide funding to the Task Force on an annual basis for the continuing implementation of TMDL tasks.

Achieving and maintaining compliance with the MSAR TMDL will aid in the protection of the beneficial uses of the Santa Ana River, as well as assist the Program in complying with the MS4 Permit's requirements, thereby reducing the potential for incurring permit violations and significant fines and penalties, thereby meeting the County's objective of operating in a fiscally-responsible and business-like manner.

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PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-5455) on May 15, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on May 31, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 7, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, SECRETARY

BY 
DATED: June 25, 2024



cc: SBCFCD - Chun w/ agree
 Contractor c/o SBCFCD w/ agree
 File w/ agree
JLL 06/28/2024