

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

June 14, 2022

FROM

BRENDON BIGGS, 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:

1. Approve **Amendment No. 2 to Agreement No. 13-712** between the San Bernardino County Flood Control District, Riverside County Flood Control & Water Conservation District, County of Riverside, City of Claremont, City of Corona, City of Eastvale, City of Jurupa Valley, City of Norco, City of Pomona, City of Riverside, Chino Basin Agricultural Operators (represented by Chino Basin Watermaster), Santa Ana Regional Water Quality Control Board, and the Santa Ana Watershed Project Authority to cooperatively continue with the Middle Santa Ana River Total Maximum Daily Load implementation requirements, extending the term of the agreement from December 31, 2022 to June 30, 2027.
2. Approve the Cooperative Funding Agreement in the amount not-to-exceed \$109,392 for the period of July 1, 2022 through June 30, 2023, for administrative and technical services to support the Middle Santa Ana River Watershed Total Maximum Daily Load Task Force with the Santa Ana Watershed Project Authority.

(Presenter: Brendon Biggs, 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. Sufficient appropriation and revenue is included in the San Bernardino County Flood Control District (District) 2022-23 Recommended Budget (1990002550-75F01778).

In accordance with Agreement No. 13-712 A1, approved by the Board of Supervisors (Board) on August 22, 2017 (Item No. 60), the Task Force has approved the 2022-23 Task Force budget. The District's portion of the budget is funded by the San Bernardino County Areawide Stormwater Program (Program) under Implementation Agreement No. 11-545, approved by the Board on June 28, 2011 (Item No. 94). The cost share is allocated to San Bernardino County, \$19,253 (17.60%), the District, \$5,470 (5%), and the 16 incorporated cities, \$84,669 (77.40%).

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Future contributions to the Task Force will also be funded through the Program under Implementation Agreement No. 11-545 subject to Board approval.

Funding Entity/Participant	Cost Center	Percentage	Amount
Program	1990002550		
County		17.60	\$19,253
District		5.00	\$5,470
Incorporated Cities (16)		77.40	\$84,669
		100.00	\$109,392

BACKGROUND INFORMATION

On an annual basis, a Task Force budget and cost sharing determination is prepared and adopted by the majority of the parties. The District, on behalf of the Program, will provide funding in the amount of \$109,392 to the MSAR TMDL Task Force to implement the required compliance activities for activities conducted beginning July 1, 2022 through June 30, 2023. 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 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. 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. 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 the cooperative agreement that formed the current Task Force (Agreement No. 13-712), which authorized the Santa Ana Watershed Project Authority to administer the implementation of TMDL compliance activities. On August 22, 2017 (Item No. 60), the Board approved Amendment No. 1 to the cooperative agreement, extending the term of Agreement No. 13-712 to December 31, 2022, 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 to provide funding to the Task Force on an annual basis for the continuing implementation of TMDL tasks. The existing agreement has a term of five years and will expire on December 31, 2022. Extending the Agreement to June 30, 2027 will allow the District to continue acting on behalf of the Program and maintain compliance with the MSAR TMDL.

The proposed expenditure under Agreement No. 13-712 is aligned with the County and the Chief Executive Officer's goals and objectives of operating in a fiscally-responsible and business-like manner by allowing the District, acting on behalf of the Program, to utilize the Task Force to assist the Program in performing permit required MSAR TMDL compliance activities. 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

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Permit's requirements, thereby reducing the potential for incurring permit violations and significant fines and penalties.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on May 12, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 26, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 31, 2022.

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 14, 2022



cc: Flood - Pham w/agree for sign
Contractor - C/O Flood w/agree
File - w/agree
CCM 07/8/2022