



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** MARCH 16, 2010

**ITEM NUMBER:**

**SUBJECT:** NEWPORT BAY WATERSHED AND THE CENTRAL WATERSHED MANAGEMENT AREA COOPERATIVE AGREEMENT NO. D08-104

**DATE:** MARCH 4, 2010

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

**PRESENTATION BY:** PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUÑOZ, CITY ENGINEER, (714) 754-5335

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## **RECOMMENDATION:**

1. Approve the Fourth Amendment and full restatement of the Newport Bay Watershed and the Central Watershed Management Area Cooperative Agreement No. D08-104 (Attachment "1") to expand the scope of cooperation and responsibility.
2. Authorize the Mayor and the City Clerk to execute Cooperative Agreement No. D08-104.
3. Appoint a designated City Council Member to the Newport Bay Watershed Executive Committee.
4. Approve appointment of the Public Services Director to the Newport Bay Watershed Management Committee.

## **BACKGROUND:**

On September 13, 1983, the Orange County Board of Supervisors approved the Cooperative Agreement (Agreement No. D99-026) for the San Diego Creek/Upper Newport Bay Watershed with the Cities of Irvine and Newport Beach; the California Department of Fish and Game; and the Irvine Company. This Agreement formed the basis of cooperation for the implementation of the Comprehensive Storm Water Sedimentation Control Plan to protect natural resources in Newport Bay. The Agreement established an Executive Committee to oversee implementation of the Control Plan and to provide a forum to evaluate and assess progress.

On February 13, 1985, the Orange County Board of Supervisors approved the First Amendment to include the City of Tustin as a participant to the Control Plan. On April 20, 1999 the Orange County Board of Supervisors approved the Second Amendment adding the City of Lake Forest, the Irvine Ranch Water District, the Orange County Flood Control District, and the Santa Ana Regional Water Quality Control Board as participants and broadened the scope of cooperation.

On June 23, 2009, the Orange County Board of Supervisors approved the Third Amendment to consolidate the original agreement and two subsequent amendments into one document; expanded the formal role of the Newport Bay Watershed Executive Committee to address additional water quality issues, new Total Maximum Daily Loads, and the Nitrogen and Selenium Management Program; made the Executive Committee the governing body for the Central Orange County Watershed Management Area; included the Newport Coast in the purview of the Executive Committee and added a Vice Chair to the Executive Committee.

On January 26, 2010, the Orange County Board of Supervisors approved the Fourth Amendment to add the cities of Costa Mesa and Santa Ana to the Executive Committee and made a revision to allow for the future addition of parties upon approval from the Executive Committee and execution of the agreement by the new party, without requiring further approval by the existing parties.

**ANALYSIS:**

The State of California has established requirements for Integrated Regional Watershed Management Plans as a basis for significant grant funding under Propositions 50 and 84 resulting in the preparation of the Central Orange County Integrated Regional and Coastal Watershed Management Plan in August 2007. Costa Mesa is partly located in this Central Region. Active participation in the Newport Bay Watershed Executive Committee would provide Costa Mesa direct input on future funding and governance issues associated with this region. The Executive Committee meets at least quarterly providing policy guidance and a framework for coordination on a broad array of water quality and watershed restoration issues within the Newport Bay Watershed. The Management Committee meets at least six times per year and the primary function is to provide information to the Executive Committee and implement its recommendations.

**ALTERNATIVES CONSIDERED:**

The alternative to this Council action would be to not participate in the agreement. By not participating in this committee the City would not have an opportunity to participate and provide input in future activities within the Newport Bay Watershed. Any future programs or cost sharing agreements which may have a significant fiscal impact on the City would be determined without City representation.

**FISCAL REVIEW:**

There is no fiscal impact due to this item.

**LEGAL REVIEW:**

Cooperative Agreement No. D08-104 has been approved as to form by the City Attorney's office.

**CONCLUSION:**

The Orange County Board of Supervisors has approved a Fourth Amendment to add the City of Costa Mesa to the Newport Bay Watershed Cooperative Agreement. City participation would allow direct input on future funding and governance issues. It is recommended that the City Council approve the participation of the City of Costa Mesa in the Newport Bay Watershed and the Central Watershed Management Area Cooperative Agreement and authorize the Mayor and the City Clerk to execute the Cooperative Agreement No. D08-104. It is further recommended that the Council appoint a member to the Executive Committee and approve the appointment of the Director of Public Services Department to the Management Committee.

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI, DIRECTOR**  
Department of Public Services

ATTACHMENT: "1" [Cooperative Agreement No. D08-104](#)

DISTRIBUTION: City Manager  
Assistant City Manager  
City Attorney  
City Clerk  
Acting Development Services Director  
Staff  
File