

**PROPOSITION 1E STORMWATER FLOOD MANAGEMENT GRANT APPLICATION  
CITY OF PALM SPRINGS  
TAHQUITZ CREEK LEVEE RECONSTRUCTION  
ATTACHMENT 2  
PROOF OF FORMAL ADOPTION**

**Adoption Documentation:**

The Coachella Valley IRWM program is led by the Coachella Valley Regional Water Management Group (CVRWVG), whose purpose is to foster collaboration among water resource managers, develop and implement the IRWM Plan, and to enable the Coachella Valley region to apply for grants tied to DWR's IRWM program. The CVRWVG is a partnership composed of the five Coachella Valley water purveyors. Each of the water purveyors and their statutory authority over water is described below.

- Coachella Water Authority (CWA) is a joint powers authority formed as a component of the City of Coachella and Redevelopment Agency of the City of Coachella. CWA has statutory authority over water supply.
- Coachella Valley Water District (CVWD) is a public agency of the State of California organized and operating under County Water District Law, California Water Code §30000, et. seq. and Coachella District Merger Law, Water Code §33100, et seq. CVWD is a State Water Project contractor and Colorado River contractor empowered to import water supplies to its service area. CVWD has statutory authority over water supply.
- Desert Water Agency (DWA) is an independent special district created by a special act of state legislature contained in Chapter 100 of the appendix of the California Water Code. DWA is also a State Water Project contractor empowered to import water supplies to its service area, replenish local groundwater supplies, and collect assessments necessary to support a groundwater replenishment program as provided for in the Desert Water Agency Law. DWA has statutory authority over water supply.
- Indio Water Authority (IWA) is a joint powers authority formed as a component of the City of Indio and Redevelopment Agency of the City of Indio. IWA has statutory authority over water supply.
- Mission Springs Water District (MSWD) is a County Water District formed under §30000 et seq. of the California Water Code. MSWD has statutory authority over water supply.

The five partners signed a Memorandum of Understanding (MOU) in September 2008 for the purpose of coordinating water resources planning activities and developing and adopting an IRWM Plan. Members of CVRWVG articulated their intent in Section 3 of the MOU:

*3.1.1 This MOU is to memorialize the intent of the Partners to coordinate and share information concerning water supply planning programs and projects and other information, and to improve and maintain overall communication among the Partners involved. It is anticipated that coordination and information sharing among the Partners will assist the agencies in achieving their respective missions to the overall well-being of the region.*

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A copy of the executed MOU is included at the end of Attachment 2.

The MOU, as well as the formalization of the Coachella Valley as an approved region through the 2009 Region Acceptance Process (RAP), qualify the CVRWMG as a RWMG in accordance with §10539 of the California Water Code (CWC).

The CVIRWM Plan is included as an attachment to this proposal.

The City Council of the City of Palm Springs adopted Resolution 22906 on April 6, 2011, adopting the Final Coachella Valley Integrated Regional Water Management Plan dated November 30, 2010 and is committed to the continued development and implementation of the Plan to help address the critical water related needs of the Coachella Valley.

A copy of Resolution 22906 is included at the end of Attachment 2.

**MEMORANDUM OF UNDERSTANDING**

**among**

**CITY OF COACHELLA/COACHELLA WATER AUTHORITY, COACHELLA VALLEY WATER DISTRICT, DESERT WATER AGENCY, CITY OF INDIO/INDIO WATER AUTHORITY, AND MISSION SPRINGS WATER DISTRICT**

**for**

**DEVELOPMENT OF AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN**

This Memorandum of Understanding (MOU) dated Sept. 9, 2008 is entered into among the City of Coachella/Coachella Water Authority, Coachella Valley Water District, Desert Water Agency, City of Indio/Indio Water Authority, and Mission Springs Water District (collectively known as Partners) for the purpose of coordinating water resources planning activities undertaken by the water agencies.

**WHEREAS**, each Partner has adopted a Resolution of commitment pledging to create an Integrated Regional Water Management Plan (IRWMP).

**WHEREAS**, it is in the interests of the signatory Partners and the region served by the Partners that these water resources are responsibly managed and conserved to the extent feasible; and

**WHEREAS**, the Partners wish to coordinate their long term water supply planning efforts in accordance with Section 10531 of the *Integrated Regional Water Management Planning Act of 2002* and Division 43 of the *Safe Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006* (Acts); and

**WHEREAS**, the Partners anticipate the potential need for future agreements on specific projects or programs and with other affected agencies to further coordinate long term water supply planning.

**NOW, THEREFORE**, it is mutually understood and agreed as follows:

**SECTION 1:  
AUTHORITY OF PARTNERS**

- 1.1 The Coachella Water Authority is a joint powers authority formed as a component of the City of Coachella and Redevelopment Agency of the City of Coachella and has statutory authority over water supply.
- 1.2 The Coachella Valley Water District is a public agency of the State of California organized and operating under County Water District Law, California Water Code section 30000, et seq, and Coachella District

**MEMORANDUM OF UNDERSTANDING**

August 10, 2008

Merger Law, Water Code section 33100, et seq. Coachella Valley Water District is a State Water Project Contractor and Colorado River Contractor empowered to import water supplies to its service area, and has statutory authority over water supply.

- 1.3 The Desert Water Agency is an independent special district created by a special act of the state legislature contained in chapter 100 of the appendix of the California Water Code. Desert Water Agency is also a State Water Project Contractor empowered to import water supplies to its service area, replenish local groundwater supplies, and collect assessments necessary to support a groundwater replenishment program as provided for in the Desert Water Agency Law and has statutory authority over water supply.
- 1.4 The Indio Water Authority is a joint powers authority formed as a component of the City of Indio and Redevelopment Agency of the City of Indio and has statutory authority over water supply.
- 1.5 Mission Springs Water District is a County Water District formed under Section 30000 et seq of the California Water Code and has statutory authority over water supply.

## **SECTION 2: DEFINITIONS**

The abbreviations and capitalized words and phrases used in this MOU shall have the following meanings:

- 2.1 Acts – mean Section 10531 of the Integrated Regional Water Management Planning Act of 2002 and California Water Code Division 43, known as the *Safe Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006*
- 2.2 Coachella Valley Region – the watershed bounded on the North by the San Bernardino Mountains, Little San Bernardino Mountains and Mecca Hills Area, on the East by Mortmar and Travertine Rock, on the South by the Santa Rosa Mountains and San Jacinto Mountains and on the West by Stubbe Canyon.
- 2.3 CVWD – Coachella Valley Water District
- 2.4 CVRWMG – Coachella Valley Regional Water Management Group
- 2.5 CWA – Coachella Water Authority
- 2.6 DWA – Desert Water Agency

## **MEMORANDUM OF UNDERSTANDING**

- 2.7 IRWMP – Integrated Regional Water Management Plan
- 2.8 IWA – Indio Water Authority
- 2.9 MSWD – Mission Springs Water District

**SECTION 3:  
PURPOSES AND GOALS OF THIS MOU**

**3.1 Purpose and Goals:**

3.1.1 This MOU is to memorialize the intent of the Partners to coordinate and share information concerning water supply planning programs and projects and other information, and to improve and maintain overall communication among the Partners involved. It is anticipated that coordination and information sharing among the Partners will assist the agencies in achieving their respective missions to the overall well-being of the region. Coordination and information sharing shall focus on issues of common interest in Section 3.2.

3.1.2 The execution of this MOU by the Partners shall constitute the formation of a Regional Water Management Group consisting of the Partners, in accordance with the Acts. The Regional Water Management Group shall be named the Coachella Valley Regional Water Management Group (CVRWVG).

3.1.3 It is the goal of the Partners to prepare and adopt an IRWMP for the Coachella Valley Region and to implement projects and programs individually or jointly in groups that address issues of common interest, as the group so identifies.

**3.2 Common Issues and Interest:**

3.2.1 Water supply programs and projects that may provide mutual benefits in improving water supply reliability and/or water quality.

3.2.2 Coordination of near-term and long-term water supply planning activities.

3.2.3 Development of regional approaches to problem-solving and issues resolution as well as to further common interest.

**3.3 Future Agreements By Partners: The Partners acknowledge that by virtue of commitments and intentions stated within this MOU, the need for**

certain other considerations that will facilitate the preparation of an IRWMP for the Coachella Valley Region will likely emerge. These include and are not limited to:

- 3.3.1 Developing a Scope of Work
- 3.3.2 Determining the cost sharing of projects
- 3.3.3 Establishing methods for project management
- 3.3.4 Establishing a project timeline

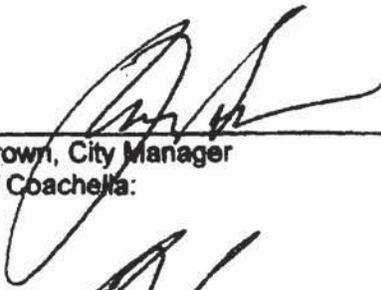
**SECTION 4:  
JOINT PLANNING FOR PROJECTS AND PROGRAMS**

- 4.1 **Projects and Programs Covered by this MOU:** it is the intent of the Partners that they coordinate and collaborate to address the common issues identified. The Partners may develop and implement projects and programs individually or jointly in groupings of two or more, or enter into additional agreements in furthering those goals. Applicable projects and programs include, but are not limited to the following:
  - 4.1.1 Water conservation programs and other demand management programs.
  - 4.1.2 Water recycling, desalination, groundwater basin management, and water quality improvement programs and projects.
  - 4.1.3 Water banking, conjunctive use and transfer arrangements.
  - 4.1.4 Storage development to improve system reliability, efficiencies, and flexibility.
  - 4.1.5 Project and program planning and development to solicit external funding.
  - 4.1.6 Other meritorious projects or programs consistent with the purposes of this MOU.
- 4.2 **Communication and Coordination:** It is the intent of the Partners to meet on a monthly basis in order to carry out the purposes and goals of this MOU. The frequency and location of meetings are subject to the discretion of the Partners and may be changed when appropriate.

**SECTION 5:  
GENERAL PROVISIONS GOVERNING MOU**

- 5.1 **Term:** The term of this MOU is indefinite. Any Partner may withdraw from the MOU by written notice given at least 45 days prior to the effective date.
- 5.2 **Construction of Terms:** This MOU is for the sole benefit of the Partners and shall not be construed as granting rights to any person other than the Partners or imposing obligations on a Partner to any person other than another Partner.
- 5.3 **Good Faith:** Each Partner shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of this MOU and the satisfactory performance of its terms.
- 5.4 **Rights of the Partners and Constituencies:** This MOU does not contemplate the Partners taking any action that would:
- 5.4.1 Adversely affect the rights of any of the Partners; or
  - 5.4.2 Adversely affect the customers or constituencies of any of the Partners.
- 5.5 This document and participation in this IRWMP are nonbinding, and in no way suggest that a Partner may not continue its own planning and undertake efforts to secure project funding from any source.
- 5.6 It is expected that Partners will contribute the personnel and financial resources necessary to develop the IRWMP.

**IN WITNESS WHEREOF**, the parties have executed this Memorandum of Understanding as of the day and year indicated on the first page of this MOU.



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Tim Brown, City Manager  
City of Coachella:



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Tim Brown, Executive Director  
Coachella Water Authority:



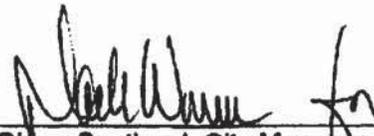
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Steve Robbins, General Manager/Chief Engineer  
Coachella Valley Water District:



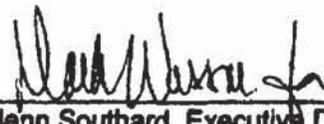
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Dave Luker, General Manager  
Desert Water Agency:



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Glenn Southard, City Manager  
City of Indio:



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Glenn Southard, Executive Director  
Indio Water Authority:



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Arden Wallum, General Manager  
Mission Springs Water District:

**MEMORANDUM OF UNDERSTANDING**

RESOLUTION NO. 22906

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PALM SPRINGS, CALIFORNIA, ADOPTING THE  
COACHELLA VALLEY INTEGRATED REGIONAL WATER  
MANAGEMENT PLAN DATED NOVEMBER 30, 2010.

WHEREAS, water resource planning in the Coachella Valley is of the utmost importance to sustain the area's residents, businesses, and agriculture in a desert climate; and

WHEREAS, the State of California encourages integrated water resource planning on a regional basis through Integrated Regional Water Management (IRWM) Plans and by conditioning certain existing and possibly future grant funding programs including Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Public Resources Code section 75001 *et seq.*) to activities contained in IRWM Plans, and

WHEREAS, the Coachella Valley Regional Water Management Group was formed as a collaboration of the five Coachella Valley Public water agencies: The City of Coachella, Coachella Valley Water District, Desert Water Agency, Indio Water Authority, and Mission Springs Water District; and

WHEREAS, the Coachella Valley Regional Water Management Group partners have committed through a Memorandum of Understanding to developing a Coachella Valley IRWM Plan that coordinates and shares information concerning water supply planning and projects; and

WHEREAS, the Coachella Valley Stakeholders have worked collaboratively to identify water related issues and needs, establish regional goals and objectives, develop a project submittal and prioritization process, and provide recommendations on the projects and programs included in the plan.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AS FOLLOWS:

SECTION 1. The City of Palm Springs hereby adopts the Final Coachella Valley Integrated Regional Water Management Plan dated November 30, 2010 and is committed to the continued development and implementation of the Plan to help address the critical water related needs of the Coachella Valley.

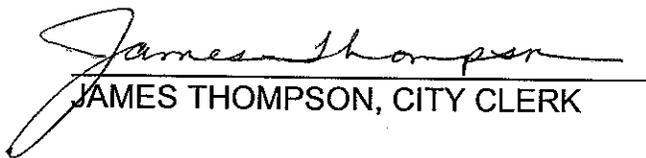
SECTION 2. The City of Palm Springs supports and encourages the Coachella Valley Regional Water Management Group to collectively continue to qualify projects for funding under Round 2 and subsequent Rounds of the Proposition 84 IRWM Grant Program and the City of Palm Springs encourages the Department of Water Resources to fully fund the grant applications that are prepared as a result of this Plan.

SECTION 3. The City of Palm Springs pledges to continue working to develop the planning and projects that address the long-and short-term solutions to the Valley's critical water needs, address the regional goals and objectives, and improve the conditions and the quality of life for all Coachella Valley communities.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6<sup>TH</sup> DAY OF APRIL, 2011.

  
DAVID H. READY, CITY MANAGER

ATTEST:

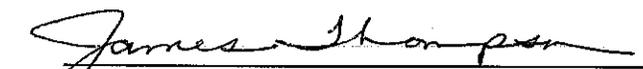
  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 22906 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the 6<sup>th</sup> day of April, 2011, by the following vote:

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, and Mayor Pro Tem Weigel.  
NOES: None.  
ABSENT: Mayor Pougnet.  
ABSTAIN: None.

  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California 04/07/2011

CERTIFIED COPY

I certify that this is a true and correct copy of the document on file in the official records of the City of Palm Springs.

  
City Clerk

This certification must appear in blue with an original signature.