ATTACHMENT 1 – ELIGIBLE

The Ventura County Watershed Protection District (WPD) was created as a subdivision of the State of California on September 12, 1944, by act of the California State legislature, Chapter 44 of the Statutes of the 1944 Fourth Extraordinary Session (California Water Code Appendix, Chapter 46 [Act]). The objects and purposes of the WPD as set out in Section 7 of the Act are to provide for the control of the flood and storm waters of the WPD, and the flood and storm waters of streams that have their source outside of the WPD but which flow into the WPD. The boundaries of the WPD as defined in Section 1 of the Act are all of the territory of the County of Ventura lying within the exterior boundaries of the county but excluding the islands of Anacapa and San Nicolas.

Section 7 of the Act declared the WPD to be a body corporate and public and, as such, has the legal authority to enter into a grant or funding contract with the State of California. In order to enter into such a contract, the WPD is required to have their board, the Ventura County Watershed Protection WPD Board of Supervisors, adopt a resolution authorizing such contract. Such approval must be granted at a public meeting held in accordance with the requirements of the Brown Act. Approval of contracts requires a majority vote of the board. In the case of this application, the Board approved application following the above procedure at their January 15, 2013 regular meeting. The WPD is not required to hold an election before entering into a funding contract, nor are funding agreements between the WPD and the State subject to review or approval by any other governmental agency.

Attached to this document is our County Counsel's certification of the above.

For this project, the work will be carried out by the WPD contracting with outside consultants and contractors. For this reason, there is no need for legal agreements with any partner agencies or organizations to insure performance.

No Groundwater Management Plan is required for this project.

This project is consistent with the Watersheds Coalition of Ventura County's Integrated Regional Water Management Plan. In Section 4.0 Plan Objectives and Priorities, pages 66-69 are a listing of the overall goals and objectives as well as the objectives for the Lower Santa Clara River Watershed. These include Plan objectives 2) Protect and improve water quality; 3) Protect people, property, and the environment from adverse flooding impacts; 4) Protect and restore habitat and ecosystems in watersheds; and 5) Provide water-related recreational, public access and educational opportunities. This project is consistent with all of these objectives.

This plan was updated on January 25, 2013, to include additional projects. This project was among those included in the update. The addendum may be found at the following site: http://portal.countyofventura.org/portal/page/portal/ceo/divisions/ira/WC/Library/IRWMP_Document/FINAL_2013_Administrative_Addendum.pdf

Attorney's Certification

(The applicant's attorney shall answer the following questions pertaining specifically to this proposal and shall cite statutory authority or other reference for each question where indicated.)

- Is the applicant agency a political subdivision of the State of California?
  ☑Yes ☐No

  Citation: California Water Code Appendix, Ch. 46.

- Does the applicant have legal authority to enter into a grant or funding contract with the State of California? ☑Yes ☐No

  Citation: California Water Code Appendix, Ch. 46, sec. 7.

- What steps are required by law for the applicant to contract with the State?
  All actions of the applicant are required to be adopted by its board of supervisors at a public meeting held in accordance with the requirements of the Brown Act. Approval of contracts requires a majority vote of the board of supervisors.

  Citation: California Water Code Appendix, Ch. 46.

- What is the statutory authority under which the applicant may obtain funds for the purpose, amount, and duration requested?

  Citation: California Water Code Appendix, Ch. 46, sec. 7.

- What is the statutory authority under which the applicant agency was formed and is authorized to operate?

  Citation: California Water Code Appendix, Ch. 46.

- Is the applicant agency required to hold an election before entering into a funding contract with the State? ☐Yes ☑No

  Citation: California Water Code Appendix, Ch. 46.

- Will a funding agreement between the applicant agency and the State be subject to review and approval by other governmental agencies? ☐Yes ☑No

  Identify all such agencies: Not applicable.

  Citation: Not applicable.

- Describe any pending litigation that impacts the financial condition of the applicant agency or the operation of flood management facilities. If none are pending, so state.
  None.

- Does the applicant agency have legal authority and jurisdiction to implement a flood control program at the project site and in the protected area? ( )Yes ( )No

Citation: California Water Code Appendix, Ch. 46.

I certify that I am a duly qualified and licensed attorney in California representing the applicant agency and that I have answered the questions on this page and the preceding page to the best of my knowledge.

By _____ Date October 31, 2011
(Signature of Applicant Agency's Attorney)

Alberto Boada, Principal Assistant County Counsel
(Printed Name of Applicant Agency's Attorney) (Title)

Ventura County Watershed Protection District
(Name of Applicant Agency)

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, PETER C. FOY AND JOHN ZARAGOZA
January 15, 2013 at 8:30 a.m.

FC General

CONSENT – PUBLIC WORKS AGENCY – Watershed Protection District – Approval of, and Authorization for, the Ventura County Watershed Protection District (District) to Apply for $4 Million in Proposition 1E Stormwater Flood Management Program Grant Funding from the California Department of Water Resources (DWR) for Improvements to the J Street Drain in Oxnard; Adoption of a Resolution Approving the Submittal of a Grant Application to DWR as Required in Order to Certify the District's Application for Funding; and Authorization for the District Director to File the Grant Application with DWR for Proposition 1E Grant Funding; Supervisorial District Nos. 3 and 5, WPD Zone 2.

(X) All board members are present.

(X) Upon request of Supervisor Zaragoza, Consent Item **21** is heard as a Regular Agenda Item.

(X) Upon motion of Supervisor Long, seconded by Supervisor Zaragoza, and duly carried, the Board hereby approves the staff recommendations as stated in the respective Board letters for Consent Items **11 – 20 and 22 – 26.**

By: Dawnyelle Addison
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
MICHAEL POWERS, Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: January 15, 2013

By: Dawnyelle Addison
Deputy Clerk of the Board

Item # 23
1/15/13

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE VENTURA COUNTY WATERSHED PROTECTION DISTRICT APPROVING APPLICATION FOR GRANT FUNDING UNDER THE PROPOSITION 1E STORMWATER FLOOD MANAGEMENT PROGRAM

WHEREAS, The Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, The Department of Water Resources has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, Said procedures established by the Department of Water Resources require a resolution by the District's governing board before submission certifying the authorization of the designated representative to sign the certifications for the application and sign and file the application to the State; and

WHEREAS, Subject to the approval of the Board of Supervisors, the District, if selected, will enter into an agreement with the State of California to carry out the project

NOW, THEREFORE, BE IT RESOLVED that, the Ventura County Watershed Protection District Board of Supervisors authorize application by the District be made to the California Department of Water Resources to obtain funding pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Public Resources Code Section 5096.800 *et seq.)*.

The District Director is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, and execute a grant agreement with the California Department of Water Resources.

ADOPTED, upon motion of Supervisor Long, seconded by Supervisor Zaragoza, and duly carried, the Board hereby adopts this resolution on the 15th day of January, 2013.

Chair, Board of Supervisors
Watershed Protection District

ATTEST:
MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Dawnyelle Ald
Deputy Clerk of the Board