

TO: Andrew P. Powers, City Manager

FROM: Clifford G. Finley, Public Works Director

DATE: June 18, 2024

SUBJECT: Upper Malibu Creek Watershed Memorandum of Agreement

RECOMMENDATION:

1. Approve First Amendment to Memorandum of Agreement (MOA) between the City of Thousand Oaks, County of Ventura (County), and Ventura County Watershed Protection District (VCWPD) for Upper Malibu Creek Watershed (MCW) Total Maximum Daily Load (TMDL) monitoring and implementation to extend the agreement until June 30, 2027, and add an additional \$233,202 to the original agreement amount of \$214,671, increasing the total not-to-exceed amount to \$447,873 for the City's cost share.
2. Authorize expenditure in the amount of \$74,779.10 for FY 2024-25 from A/C #177-5320-631-5799 (Stormwater Contractual Services- Other Agencies).
3. Find that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15307.

LEVINE ACT ITEM: No

FINANCIAL IMPACT:

No Additional Funding Requested. \$74,779.10 is included in the Adopted FY 2024-25 Stormwater Fund Budget. The remaining funds will be requested during the upcoming biennial budget process. The City's share of costs under the MOA for the additional three-year term totals \$233,202.

BACKGROUND:

TMDLs are action plans to restore clean water by defining how much of a pollutant a water body can tolerate and meet water quality standards. In 2004 and 2008, respectively, the Los Angeles Regional Water Quality Control Board (RWQCB) amended the Water Quality Control Plan for the Los Angeles Region to incorporate bacteria and trash TMDLs for the MCW. The bacteria and trash TMDLs came into effect on January 24, 2006, and July 7, 2009, respectively. Vicinity and location

maps are included in Attachments #1 and #2. In addition, the RWQCB adopted an implementation plan for nutrient and sedimentation TMDLs for the MCW on May 16, 2017.

The drainage and flow patterns of MCW waterbodies requiring TMDLs do not recognize jurisdictional boundaries. Therefore, the ability to cost share as authorized by an MOA allows a sub-group of responsible parties to jointly fund water quality monitoring, reporting, and conduct implementation actions required by the TMDLs for impaired waterbodies at a reduced individual cost.

In the Upper MCW within Ventura County, the RWQCB listed the City, County, and VCWPD as the parties responsible for conducting water quality monitoring and reporting and for conducting implementation actions required by the TMDLs. In July 2021, the City, County, and VCWPD entered into a MOA for the implementation and funding of the administration of these TMDLs (Attachment #3), which expires on June 30, 2024. The City, County, and VCWPD wish to extend the term of the MOA to continue to cooperatively conduct the required monitoring, reporting, and implementation activities and equally share the costs of administering the TMDLs.

DISCUSSION/ANALYSIS:

The proposed First Amendment to the MOA would extend the term of the MOA for three years and commit each party to pay an equal share (i.e., 33.33 percent) of the cost for TMDL monitoring, reporting, and conducting of implementation actions. The cost per party is estimated not to exceed \$74,779.10 in FY 2024-25, \$77,484.00 in FY 2025-26, and \$80,938.75 in FY 2026-27. The County has agreed to act as the MOA Lead Agency with fiscal responsibilities during the term of the MOA. The total cost includes a two percent administration fee for the County to act as the MOA Lead Agency. The increase in costs from the prior MOA reflects new sample requirements and an increase in sample frequencies. The increase in costs for the second and third year of the new MOA accounts for inflation costs anticipated by contractor and laboratory services.

The MOA in its proposed amendment continues to equally distribute the costs associated with implementing the TMDLs among the responsible agencies. In addition, the MOA contains by-laws, terms of responsibility, and codes of conduct that facilitate meetings between the various agency representatives. This MOA aids in solving collective TMDL compliance issues faced by the responsible agencies.

Thus far, cost-sharing through the MOA has achieved considerable savings due to the complexity and magnitude of the collective MCW TMDL program. Continued participation in the MOA will yield TMDL compliance and improved water quality in

the lakes and creeks of Thousand Oaks. Staff recommends approval of the First Amendment to the MOA (Attachment #4).

The project is categorically exempt from CEQA per section 15307 because the action is a regulatory requirement required to assure the maintenance, restoration, or enhancement of a natural resource to protect the environment.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

F. Provide and enhance essential infrastructure to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.

PREPARED BY: Paul Jorgensen, Water Quality Supervisor
Jason Siegert, Environmental Compliance Analyst

Attachments:

- Attachment #1 – Malibu Creek Watershed Vicinity Map
- Attachment #2 – Malibu Creek Watershed Location Map
- Attachment #3 – July 2021 MOA
- Attachment #4 – First Amendment