



Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: ^{MWG} Mike Gow, Public Works Director/City Engineer;
Brian Nakamura, City Manager ^{BN}

DATE: January 12, 2010

RE: **AMENDMENT NO. 1 TO AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE**

RECOMMENDATION: Staff respectfully recommends that the City Council approve Amendment No. 1 to the Agreement to Form the Lake Elsinore and Canyon Lake Total Maximum Daily Load (TMDL) Task Force to comply with TMDL requirements to reduce the amount of phosphorus and nitrogen (NUTRIENTS) which flow into Lake Elsinore and Canyon Lake from the San Jacinto River Watershed.

BACKGROUND: In 1998, the Santa Ana Region Water Quality Control Board designated Lake Elsinore and Canyon Lake as impaired water bodies pursuant to Section 303(d) of the federal Clean Water Act due to high levels of algae in both lakes and low dissolved oxygen in Lake Elsinore attributed to excess NUTRIENTS. In 2004, the Regional Board adopted a TMDL to control nitrogen and phosphorus concentrations in both lakes, which included a TMDL Implementation Plan identifying stake holders and specific tasks to be completed by specific dates under penalty of law. As an agency stake holder, the City of Hemet entered into an agreement to form the Lake Elsinore and Canyon Lake TMDL Task Force on July 11, 2006, based on the benefits of membership including significant cost savings through consolidation of efforts in completing the tasks specified in the TMDL mandate. To date, all task due dates have been met or extended with Regional Board approval.

The current Task Force Agreement expires on June 30, 2010. Amendment No. 1 to the Task Force Agreement would extend the term of the agreement to June 30, 2011 and would add the cities of Wildomar and Menifee to the agreement.

FISCAL IMPACT: Under the Stakeholder Cost Allocation formula, the City of Hemet has paid the following amounts in support of the work of the Task Force during the current term of the agreement: 2006-2007—\$11,121; 2007-2008—\$18,150; 2008-2009—\$22,308; 2009-2010—\$29,723. The City's annual cost share for FY 2010-2011 is estimated at \$30,000-33,000.

Respectfully submitted,

Linda Nixon

Linda Nixon
Management Assistant

Fiscal Review,

Thomas M. Kanarr

Thomas M. Kanarr
Interim Finance Director

**AMENDMENT NO. 1 TO AGREEMENT TO FORM
THE LAKE ELSINORE AND CANYON LAKE
TMDL TASK FORCE**

This Amendment No. 1 is made this ____ day of _____, 20____, by and among the Task Force Agencies that constitute the Lake Elsinore and Canyon Lake TMDL Task Force.

RECITALS

WHEREAS, the Lake Elsinore and Canyon Lake TMDL Task Force was created pursuant to that certain agreement entitled "*Agreement to Form the Lake Elsinore and Canyon Lake TMDL Task Force*" dated March 5, 2007. ("Agreement"); and

WHEREAS, it is the purpose of this Amendment No. 1 to the Agreement for all Task Force Agencies to mutually extend the duration of the Agreement one full year and to add the City of Menifee and the City of Wildomar to the Task Force.

NOW, THEREFORE, the parties mutually agree that the agreement is amended as follows:

1. The duration of the Agreement is extended one full year to **June 30, 2011**, and
2. The following Agencies are each hereby added as a "Task Force Agency" to the Agreement:

**CITY OF MENIFEE
CITY OF WILDOMAR**

IN WITNESS WHEREOF, the Parties hereto have executed this **Amendment No. 1** on the date opposite their respective signatures. This Amendment becomes effective as of the date of the latest signature page received.

LAKE ELSINORE AND SAN JACINTO WATERSHEDS AUTHORITY

BY _____

TITLE _____

DATE _____

IN WITNESS WHEREOF, the Parties have executed this Agreement entitled "AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TMDL TASK FORCE"

CITY OF HEMET

BY _____
Eric McBride, Mayor

DATE _____

ATTEST

APPROVED AS TO FORM

BY _____
Sarah McComas, City Clerk

BY _____
Eric S. Vale, City Attorney