

**RESOLUTION ADOPTING THE JOINT POWERS AGREEMENT
CREATING THE AQUATIC SCIENCE CENTER**

WHEREAS, the State Water Resources Control Board ("State Water Board"), the Regional Water Quality Control Boards ("Regional Water Boards"), certain federal and state environmental agencies, and the municipalities they regulate, have a consistent and continuing need for integrated and comprehensive information on water quality; and

WHEREAS, the Regional Water Board and its many partners have worked over two decades to establish enduring mechanisms for cooperation and collaboration regarding their mutual interests of protecting and enhancing water quality in the San Francisco Bay and its tributary watersheds; and

WHEREAS, through interagency cooperation the partners have endeavored to create joint funding of collaborative endeavors to promote public agencies' full participation in regional efforts; and

WHEREAS, a joint powers agreement allows two or more public entities to create a separate public entity (known as a "Joint Powers Authority") that allows signatories to the agreement to more efficiently deliver services that meet the needs of the people they serve; and

WHEREAS, Bay Area Clean Water Agencies (BACWA) is a Joint Powers Authority consisting of owners and operators of publicly owned treatment works that discharge to the San Francisco Estuary, formed to develop a region-wide understanding of watershed protection and enhancement needs through reliance on sound technical, scientific, environmental, and economic information, and to ensure that this understanding leads to long-term stewardship of the Estuary; and

WHEREAS, the State Water Board, Regional Water Boards and BACWA share a common goal of increasing scientific understanding of the San Francisco Estuary and using that knowledge to better manage the Estuary; and

WHEREAS, a Joint Powers Authority (JPA) can appoint an agency or corporation, including a nonprofit corporation, to administer the JPA; and

WHEREAS, the San Francisco Estuary Institute (SFEI) is a non-profit corporation governed by a board of directors composed of Bay Area scientists, environmentalists, regulators, and representatives of local governments and industry; and

WHEREAS, in 1987, the U.S. EPA established the San Francisco Estuary Project (SFEP), a cooperative program intended to promote effective management of the San Francisco Estuary and restore and protect its water quality and natural resources, and the SFEP has developed a Comprehensive Conservation and Management Plan (CCMP) for the San Francisco Estuary that enumerates recommended actions to restore and protect

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water quality, and the CCMP designates SFEI (known until 1994 as the Aquatic Habitat Institute) to provide scientific and technical support functions for CCMP implementation; and

| WHEREAS, in 1993, the San Francisco Bay Regional Water Quality Control Board entered into a memorandum of understanding with SFEI to administer and manage a new collaborative effort, the Regional Monitoring Program for Trace Substances (RMP), established to monitor receiving waters and provide, integrated, comprehensive, provide systematic information on Water Quality in the San Francisco Bay Region, and is supported by funds contributed by all entities that hold waste discharge requirements issued by the Regional Water Board to discharge waste into the Estuary; and

WHEREAS, bureaucratic encumbrances have made it difficult for some state and local agencies to obtain the scientific and technical support services that SFEI was established to provide, and to participate in the RMP and other programs; and

WHEREAS, a JPA established by the State Water Board and BACWA will provide an efficient mechanism for conducting scientific studies and managing scientific information needed to support the common goals of both entities, and will allow public agencies to more efficiently and easily participate in the RMP; and consistent with the role it plays in administering the CCMP and the RMP, SFEI is uniquely qualified to efficiently and effectively administer the JPA;

NOW THEREFORE, BE IT RESOLVED that the BACWA Executive Board does hereby adopt the Joint Powers Agreement with the State Water Board, consistent with the terms of this resolution, including exhibit A (attached), and establish the Aquatic Science Center for the purpose of providing scientific support to State and Regional agencies and municipalities.

ADOPTED this 21st day of December 2006, by the BACWA Executive Board.

Approved:

By David R. Williams
David R. Williams, EBMUD
Chair, BACWA Executive Board

Date 12/21/06