

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2007- 0036**

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO A
JOINT POWERS AGREEMENT TO CREATE THE AQUATIC SCIENCE CENTER

WHEREAS:

1. The State Water Resources Control Board (State Water Board), the Regional Water Quality Control 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.
2. The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay 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.
3. Through interagency cooperation, the partners have attempted to create joint funding of collaborative endeavors to promote public agencies' full participation in regional efforts.
4. A joint powers agreement allows two or more public entities to create a separate public entity known as a "Joint Powers Authority" (JPA) that allows signatories to the joint powers agreement to more efficiently deliver services that meet the needs of the people they serve.
5. Bay Area Clean Water Agencies (BACWA) is a JPA consisting of owners and operators of publicly owned treatment works that discharge to the San Francisco Bay Estuary (Estuary). BACWA was 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.
6. The State Water Board, Regional Water Board, and BACWA share a common goal of increasing scientific understanding of the Estuary and using that knowledge to better manage the Estuary.
7. A joint powers agreement between public agencies can appoint an agency or corporation, including a nonprofit corporation, to administer the JPA.
8. 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.
9. In 1987, the U.S. Environmental Protection Agency established the San Francisco Estuary Project (SFEP), a cooperative program intended to promote effective management of the Estuary and restore and protect its water quality and natural resources; SFEP has developed a Comprehensive Conservation and Management Plan for the Estuary that enumerates recommended actions to restore and protect water quality, and CCMP

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

10. In 1993, the San Francisco Bay Water 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 systematic information on water quality in the San Francisco Bay Region. The RMP is supported by funds contributed by all entities that hold waste discharge requirements issued by the San Francisco Bay Water Board to discharge waste into the Estuary.
11. 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 RMP. Consistent with the role it plays in administering CCMP and RMP, SFEI is uniquely qualified to efficiently and effectively administer the JPA.

THEREFORE BE IT RESOLVED THAT:

That the State Water Board delegates to the Executive Director the authority to enter into a JPA with Bay Area Clean Water Agencies on behalf of the 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 Boards and municipalities.

CERTIFICATION

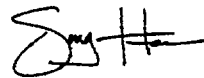
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 19, 2007.

AYE: Tam M. Doduc
Gary Wolff, P.E., Ph.D.
Arthur G. Baggett, Jr.
Charles R. Hoppin
Frances Spivy-Weber

NO: None

ABSENT: None

ABSTAIN: None



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Clerk to the Board