


MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Paul Johnson – Public Works Director 

DATE: February 12, 2010

SUBJECT: MOU – Water Resource Management in West Volusia County

STRATEGIC PLAN TRACKING NO: G-MA-3

BACKGROUND

At the last City Council meeting on January 12th, Council members reviewed the attached Memorandum of Understanding (MOU). It was requested by Council that two minor changes be incorporated in the memorandum. Those changes were submitted and are reflected in the attached copy. Council also suggested that the document should specifically include other entities such as DeBary and Lake Helen. Therefore the only other change to the memorandum is the addition of DeBary and Lake Helen as “Suppliers”.

As reported at the last meeting, this MOU is the first step in formalizing Orange City’s commitment to work with the other West Volusia utilities/communities in regard to future water supplies and planning. Also, working with a group provides us with an opportunity to maximize “economy of scale”.

RECOMMENDATION

That City Council authorize the Mayor to sign the Memorandum of Understanding.



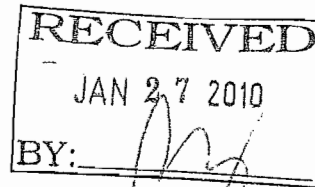
City of DeLand

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January 25, 2009

Mr. Chester Murray, City Manager
City of Orange City
205 E. Graves Avenue
Orange City, FL 32763-5299



Dear Mr. Murray:

Chester

As you are aware, staffs from DeLand, Orange City, Deltona and the County have been working on a Memorandum of Understanding (MOU) regarding water. The purpose of the MOU is to commit West Volusia's water suppliers and all governments having a stake in public water supply to cooperative discussion and planning on water issues and to define the elements for discussion. As you know, the District has given us a collective deadline of 2019 to significantly reduce groundwater pumping and have alternative sources of water in place. To that end, our discussions will focus on the strategies necessary to identify and implement demand reduction practices such as conservation and providing alternatives to potable water irrigation as well as the development of alternative sources of water for West Volusia. I would like to point out that the MOU does not commit any jurisdiction to a particular project or solution. Solutions on which we choose to partner will be the subject of future interlocal agreements.

I have enclosed the latest draft of the MOU. At the West Volusia Summit on January 23, 2010, the elected officials there asked that I forward this MOU to you so that your Commission/Council can approve it during the month of February. Should you have any concerns or technical questions with the MOU, please let me know. Otherwise, I appreciate your cooperation in getting this approved as soon as possible. Thanks in advance for your usual cooperation.

Very truly yours,

Michael

Michael Pleus, ICMA-CM
City Manager

p/mpp/Managers Water MOU 012510

Enclosure

Cc: Honorable Mayor and City Commission
Keith Riger, Public Services Director

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF DEBARY, CITY OF DELAND, CITY OF
DELTONA, CITY OF LAKE HELEN, CITY OF ORANGE
CITY AND COUNTY OF VOLUSIA TO PROVIDE WATER
RESOURCES MANAGEMENT CENTERED IN WEST
VOLUSIA COUNTY.**

This Memorandum of Understanding (“MOU”) is made and entered into by and between the City of DeBary, the City of DeLand (DeLand), the City of Deltona (Deltona), the City of Lake Helen, the City of Orange City (Orange City), and the County of Volusia (Volusia), collectively referred to herein as “Suppliers”.

WITNESSETH:

WHEREAS, the parties to this MOU recognize that a new confederation of water suppliers in West Volusia County is needed in order to insure that efforts of the various public water utilities are coordinated and that decisions regarding the future use of existing water supplies and development of new supplies are made in a manner which best serve the public on a regional basis,

WHEREAS, Suppliers believe that they currently are and wish to remain the best possible stewards of the water resources in West Volusia County and also currently are and wish to remain the best possible stewards of the public’s money allocated to pay for environmental management and potable water supply,

WHEREAS, the major public water supply utilities in West Volusia have been working cooperatively on supply issues for several years and desire to pursue a more formal cooperative relationship to achieve common goals and objectives,

WHEREAS, Suppliers desire to cooperatively plan and implement water supply related activities which include, but are not necessarily limited to, conservation, reclaimed water augmentation and interconnects, construction of projects to maximize the availability of existing water resources (previously referred to as Regional Aquifer Management Plan or RAMP projects) and ultimately, develop new sources of water supply.

NOW THEREFORE, in consideration of the foregoing premises, which are made a part of this MOU, Suppliers agree to the following:

I. PURPOSE

The Suppliers shall have a common purpose as follows:

- a) Conservation – To plan and implement water saving incentive programs, educate the public about the most efficient use of available water resources and to enforce or coordinate uniform enforcement of regulations related to conservation as promulgated by state and local government.

- b) Reclaimed Water Management - To plan and develop reclaimed water supplies, augment available reclaimed water and to distribute reclaimed water efficiently throughout the service area via interconnects between suppliers.
- c) Ground Water Resource Management – To coordinate management of existing wells, monitor and model the aquifer, investigate, permit and implement seasonal withdrawals and rotation schedules to maximize ground water use with minimal impact on established minimum flows and levels. To develop and implement water storage strategies via reservoirs, aquifer storage and recovery (ASR) or other methods necessary to implement a seasonal ground water withdrawal strategy. To design, permit, construct and operate Regional Aquifer Management Plan (RAMP) projects to further good ground water resource management.
- d) Alternative Water Supply - To plan, finance, permit, develop, govern and operate alternative water supply systems which may include surface water withdrawal and treatment, reclaimed water, sea water or brackish water desalination, remote well fields and other sources of water not widely used in Volusia County at the present time.
- e) Central Florida Wide Regional Coordination – To communicate with water suppliers in East Volusia and surrounding counties to explore opportunities to coordinate efforts and achieve economy of scale on a consolidated basis for future water supply projects and regional water transmission pipelines.
- f) Regulatory Agency Liaison – To negotiate, on a coordinated basis, with the SJRWMD, DEP, EPA, HRS and USACOE on the terms, conditions and timelines for ground water withdrawal and implementation of new initiatives for aquifer management, conservation, use of reclaimed water and surface water withdrawal and concentrate disposal.
- g) Environmental Protection – to monitor ongoing studies and litigation, to conduct modeling and other studies as needed to assess impacts of surface and ground water withdrawal and concentrate disposal on the environment and to seek development of commercial uses of waste products generated.

II. ONGOING INITIATIVES

At present, Suppliers are participating in the following cooperative initiatives:

- a) Suppliers are engaged in a Water Resources Study pursuant to an interlocal agreement executed in December 2008. The study will continue for six to twelve additional months and the participants may recommend that additional tasks be added to the current scope.
- b) Suppliers have submitted an application for STAG (State Tribal Assistance Grant) funding to design reclaimed water interconnects between the major suppliers. If and when funding is available, construction of the interconnects should be a capital project performed cooperatively.

- c) Suppliers have participated in a unified manner during the workshop discussions with the SJRWMD as they develop their 2010 Water Supply Plan. The District has held several facilitated workshops to date of the “Volusia Subgroup” and may conduct more in the coming months.

III. FUTURE COOPERATIVE INITIATIVES

Suppliers contemplate that their future cooperative participation may include, but will not necessarily be limited to, the following initiatives:

- a) Conservation education and enforcement.
- b) Application for additional grants.
- c) Design and construction of reclaimed water interconnects.
- d) Development of a well field management plan.
- e) Implementation of RAMP projects.
- f) Alternative water supply planning.
- g) Public outreach (press releases, newsletter, etc.)

IV. ORGANIZATIONAL GOVERNANCE

In order to facilitate cooperation at both elected and appointed levels of Suppliers’ organizations, two working groups will be established. The first working group (provisionally referred to as the “Elected Official’s Group”) will consist of one representative from each Supplier’s Council or Commission, selected by the respective Supplier’s governing body. The second working group (provisionally referred to as the “Management and Technical Committee”) will consist of one or more representatives of each of the Suppliers’ technical and management staff. Each group of officials will conduct a noticed organizational meeting as soon as practical following execution of this agreement and will conduct subsequent meetings on such recurring intervals which they deem appropriate to facilitate cooperation among the suppliers. Working groups shall develop an interlocal agreement which will detail the governance, organization and responsibilities of a new West Volusia centered water resources planning and management organization for consideration by Suppliers individual governing board.

V. FUNDING

It is anticipated that the services of each elected and appointed official, together with their incidental expenses, will be paid for by their respective governments. It is noted that, in December 2008, Suppliers’ governments entered into an interlocal agreement for an engineering study entitled *Initial Evaluation Of The District Groundwater Model And MFL’s, Reclaimed Water Retrofit Analysis And Water Conservation Analysis* and provided a total of \$256,060 in funding. The cost of this project was allocated to each Supplier by distributing one-half of the cost to each participant on an equal basis with the remaining one-half allocated in proportion to the 2007 water use of each Supplier. It is anticipated that future consulting, legal or capital expenditures desired by the Suppliers would be funded using a similar interlocal agreement, with costs assessed by a negotiated, mutually acceptable method.

VI. TERM

- a. The term of this Memorandum of Understanding shall commence upon its execution by all Suppliers and shall remain in effect for four (4) years unless extended beyond this term or terminated earlier by Suppliers.

VII. AMENDMENT

- a. This MOU may be amended by written mutual consent of all parties.
- b. This MOU may be amended to include other West Volusia governments who operate a public water supply utility or who purchase and distribute potable water from such a utility.
- c. This MOU may be amended to include ex-officio members such as private water utilities or other consumptive use permit holders

IN WITNESS WHEREOF, the following authorized representatives of the City of DeBary, the City of DeLand, the City of Deltona, the City of Lake Helen, the City of Orange City and the County of Volusia have executed this Memorandum of Understanding on the date signed by each party.

City of DeBary

By: _____

Attest: _____

Date: _____

Approved by: _____

City of DeLand

By: _____

Attest: _____

Date: _____

Approved by: _____

City of Deltona

By: _____

Attest: _____

Date: _____

Approved by: _____

City of Lake Helen

By: _____

Attest: _____

Date: _____

Approved by: _____

City of Orange City

By: _____

Attest: _____

Date: _____

Approved by: _____

County of Volusia

By: _____

Attest: _____

Date: _____

Approved by: _____