

**ADDENDUM TO CLARIFY
MEMORANDUM OF UNDERSTANDING**

BETWEEN

CITY OF MALIBU

AND

**REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES
REGION AND STATE WATER RESOURCES CONTROL BOARD**

REGARDING

**PHASED IMPLEMENTATION OF BASIN PLAN AMENDMENT
PROHIBITING ON-SITE WASTEWATER DISPOSAL SYSTEMS
IN THE MALIBU CIVIC CENTER AREA**

**ADDENDUM TO CLARIFY
MEMORANDUM OF UNDERSTANDING
REGARDING PHASED IMPLEMENTATION OF BASIN PLAN AMENDMENT
PROHIBITING ON-SITE WASTEWATER DISPOSAL SYSTEMS
IN THE MALIBU CIVIC CENTER AREA**

This Addendum to clarify Memorandum of Understanding (MOU) is made and entered into by and between the CITY OF MALIBU (City) on the one hand and the REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION (Los Angeles Water Board) on the other hand .

WHEREAS, on August 19, 2011, the City of Malibu, the State Water Resources Control Board (State Water Board), and the Los Angeles Water Board (Parties) entered into a MOU regarding phased implementation of the Los Angeles Water Board's basin plan amendment prohibiting on-site wastewater disposal systems in the Malibu Civic Center Area.

WHEREAS, in Article I, Section C of the MOU, the Water Boards cited California Water Code sections 13165 and 13225 as authority to enter into the MOU.

WHEREAS, the State Water Board received a petition challenging the Los Angeles Water Board's authority to enter into the MOU.

WHEREAS, the Los Angeles Water Board wishes to clarify that the MOU was not an action taken under California Water Code section 13225, subdivision (c) to require the City to investigate and submit reports, but rather was an agreement between the Parties under which the City would design and construct a community wastewater treatment system.

WHEREAS, the Los Angeles Water Board's authority to enter into the MOU is pursuant to California Water Code section 13225, subdivisions (a), (b), and (j), not California Water Code section 13225, subdivision (c).

WHEREAS, because this clarification does not affect the authority of the State Water Board and because the State Water Board has received a petition challenging the Los Angeles Water Board's authority to enter into the MOU, the State Water Board is not executing this Addendum.

NOW, THEREFORE, the Los Angeles Water Board and the City do hereby agree that Article I, Section C of the MOU is revised in its entirety as follows:

- C. Authority to Enter into MOU:** The City has authority to enter into this MOU, which is within the scope of its police powers. The State Water Board has authority to enter into this MOU pursuant to California Water Code section 13165. The Los Angeles Water Board has authority to enter into this MOU pursuant to California Water Code section 13225, subdivisions (a), (b), and (j).

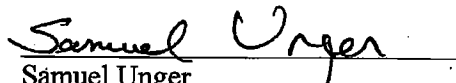
IN WITNESS WHEREOF, the Los Angeles Water Board and the City have caused this Addendum to the MOU to be executed on their behalf as of the date specified below, respectively, as follows:

IN WITNESS WHEREOF, the Los Angeles Water Board and the City have caused this Addendum to the MOU to be executed on their behalf as of the date specified below, respectively, as follows:

FOR THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD:

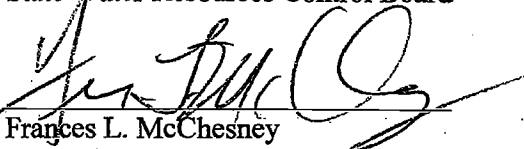
Dated: May 11, 2012

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board


Samuel Unger

APPROVED AS TO FORM:

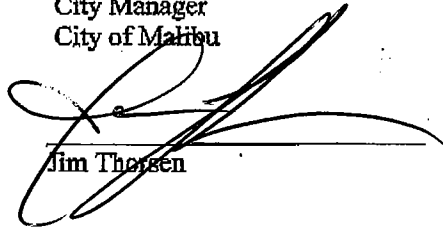
Frances L. McChesney
Staff Counsel IV
State Water Resources Control Board


Frances L. McChesney

FOR THE CITY OF MALIBU:

Dated: 5/29, 2012

Jim Thorsen
City Manager
City of Malibu



Jim Thorsen

ATTEST:

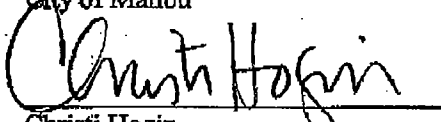
Lisa Pope
City Clerk
City of Malibu



Lisa Pope

APPROVED AS TO FORM:

Christi Hogin
City Attorney
City of Malibu



Christi Hogin