

Independent Special Districts of Orange County

Quarterly *ENews*

Orange County Chapter of the California Special Districts Association

January 2017

2017 ISDOC Meeting Schedule

At its December meeting, the Executive Committee approved the dates for 2017 quarterly membership meetings. Meetings are on Thursdays and run from 11:30 am to 1pm. The 2017 meetings dates are:

- **January 26**
Speaker: Supervisor Michelle Steel
- **March 30**
Speaker: Alex Tardy, NOAA
- **June 29**
Speaker: TBA
- **October 26 (annual meeting)**
Speaker: TBA

MET Board Approves Financial Support for Two Orange County Water Projects

Directors of the Metropolitan Water District of Southern California have agreed to help offset the costs of two Orange County projects that will save enough water to supply more than 1,600 families a year.

With the recommendation from the Municipal Water District of Orange County (MWDOC), recycled-water projects in the El Toro (ETWD) and Santa Margarita (SMWD) water districts will receive funding under MET's Local Resources Program (LRP), which helps offset the costs of water-saving projects.

Each project approved for funding will receive up to \$475 per acre-foot of water produced, which helps bring the costs of new water project in line with the cost of water from the State Water Project and Colorado River Aqueduct. The projects that received LRP funding Tuesday were:

- El Toro Water District's recycled irrigation water project for Laguna Woods. The project will expand the district's existing recycled water distribution system by approximately 28,500 feet and allow more recycled water to be used for irrigation in

Laguna Woods. The project is expected to save about 350 acre feet a year, or enough to serve 875 families.

- Santa Margarita Water District's Advanced Water Purification project, which fills Lake Mission Viejo with highly treated recycled water instead of drinking water. SMWD built a new plant to treat the water for the lake after residents approved the project. The project is expected to save 300 acre feet of water annually, or enough to serve 750 families.

Since the LRP began in 1982, Metropolitan has provided financial assistance for the production of more than 3.3 million acre feet of recycled water and recovered groundwater. An acre foot generally is enough for two and a half families for a year, so the LRP program has saved enough potable water to supply 8.2 million families.

New water-supply projects benefit all member agencies regardless of individual project location, help to increase regional water supply reliability, reduce demands for imported water supplies, decrease the burden on MET's infrastructure and reduce system costs, and free up conveyance capacity to the benefit of all system users.

CSDA Student Video Competition

And the winner is..."A World Without Cheese" submitted by Allicia Dean from Etiwanda High School. More than 3,000 votes were cast for the five finalists. The second prize goes to Kaylie for "Districts Host Fun Events" and third prize to Jacob Cross for "California: Special Districts." You can see the winning videos at www.districtsmakethedifference.org/con test

Municipal Water District of Orange County



Water has always been key to life in Orange County. The earliest portions of the county were founded near surface water: San Juan Creek supplied the mission at San Juan Capistrano. Santa Ana River supplied the early cities of Anaheim and Santa Ana. The Santa Ana River also provided water to a large aquifer underlying the northern half of the county, enabling settlers to move from the river's edge and still obtain water by drilling wells.

But by the early 1900s, early OC residents understood the rivers and creeks didn't flow all year long, and the aquifer would be degraded or even dry up if the water wasn't replenished regularly. It wasn't a lesson unique to Orange County: In 1928, Anaheim, Santa Ana, and Fullerton joined 10 other Southern California cities to form the Metropolitan Water District of Southern California (MET). Their objective was to build an aqueduct to the Colorado River to provide the additional water necessary to sustain the growing Southern California economy and its enviable lifestyle.



A severe drought in the late 1940s spurred coastal communities from Newport Beach south to the San Diego county line formed the Coastal Municipal Water District as a way to join in the benefits provided by the Metropolitan Water District. But other areas of the growing county needed water, too.

The Municipal Water District of Orange County (MWDOC) was formed by Orange County voters in 1951. The population then was 216,224. The Coastal Municipal Water District became part of MWDOC in 2001, a move that streamlined local government and allowed MWDOC to more efficiently provide wholesale water services at a reduced cost.

Today, MWDOC is MET's third-largest member agency, representing 28 OC agencies on the MET board while managing the imported water supplies from the Colorado River Aqueduct and State Water Project used throughout Orange County.

MWDOC is governed by seven elected directors representing geographic regions of the county. Two MWDOC directors represent OC on the MET board,

along with two at-large members selected by MWDOC directors.

MWDOC's five year average for imported water to Orange County is 256,000 acre feet, including 31,000 acre feet average of imported water used for groundwater recharge.

As Orange County has grown, so has MWDOC's mission. The Fountain Valley-based agency also provides countywide resource planning, water-use efficiency, government-affairs and public affairs and outreach programs.

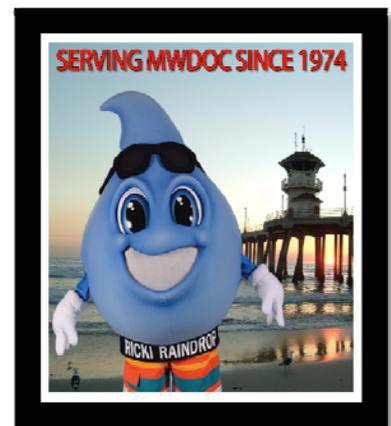
During the drought that has gripped California, MWDOC administered



a turf-removal program that saw more than 22 million square feet of water-guzzling turf removed throughout the county – enough to cover Disneyland five times over.

MWDOC's public affairs staff worked closely with member agencies under conservation mandates from the State Water Resources Control Board, helping the county meet its overall goal of 22 percent. Since June 2015, OC has saved 177,000 acre feet of water compared to 2013 usage. In fact, Orange County is using about the same amount of water now as it did in 1982, when the population was one million less.

As a regional water resources planning agency, MWDOC worked with OC agencies to develop the first comprehensive OC Water Reliability Study, which found the California WaterFix was the single most cost-effective project to ensure OC's water reliability through 2040 – because water is the key to life in Orange County.



For more information, please follow MWDOC on social media or visit www.mwdoc.com

Legal Bills and The Public Records Act



The California Supreme Court recently held that billing invoices sent by an attorney to a public agency client are not automatically protected in their entirety by the attorney-client privilege and, therefore, portions of the invoices may be subject to disclosure under the California Public Records Act ("CPRA," Government Code §§ 6250 *et seq.*). (*Los Angeles County Board of Supervisors v. Superior Court*, No. S226645 (Cal. Supreme Ct. Dec. 29, 2016).)

The case arose out of a 2013 public records request submitted by the local chapter of the ACLU to the County of Los Angeles. The request sought billing invoices received by the County from outside law firms in connection with lawsuits alleging excessive force against inmates in the County's jail system. The County refused to provide invoices in pending cases by arguing that the invoices were privileged attorney-client communications. Following the County's refusal, the ACLU sought a court order compelling disclosure.

Generally, under the CPRA, public agencies must disclose any reasonably segregable portions of public records that are not exempt from disclosure or privileged under state or federal law. Applicable privileges may include, but are not limited to, the attorney-client privilege and other privileges identified in the California Evidence Code.

In the *Los Angeles County* case, the trial court concluded that the billing invoices were not protected by the attorney-client privilege. The appellate court disagreed, concluding that the invoices were privileged in their entirety because they were confidential communications made between an attorney and a client in the course of an attorney-client relationship.

In a close 4-3 decision released last week, the California Supreme Court reversed the appellate court's decision. Interpreting relevant Evidence Code provisions, a majority of the Court concluded that the privilege "only protects communications between an attorney and client made for the purpose of seeking or delivering the attorney's legal advice or representation." Because the primary purpose of invoices is to collect fees rather than provide legal consultation, the majority explained, invoices are not automatically protected by the attorney-client privilege.

The Court also explained that portions of an invoice may still be protected by the privilege. According to the Court, the "inquiry turns on the link between the content of the communication and the types of communication that the attorney-client privilege was designed to keep confidential"-that is, legal representation and advice.

The Court found that the timing of the request could be critical. The Court stated: "[I]nvoices for work in pending and active legal matters are so closely related to attorney-client communications that they implicate the heartland of the privilege. The privilege therefore protects the confidentiality of invoices for work in pending and active legal matters." However, the Court explained that the protection of certain billing information may diminish over time. For example, although disclosing billing amounts during litigation could reveal an impending filing or a response to new information in the case, disclosing billing amounts in long-concluded matters reveals little or nothing of substance about the legal consultation and therefore would no longer be protected by the privilege.

Ultimately, the *Los Angeles County* case will pose a challenge to public agencies in determining the extent to which individual billing invoices and similar communications are subject to disclosure under the CPRA. The case underscores the importance of closely reviewing records for purposes of CPRA disclosure and carefully determining whether a record reflects legal consultations between an attorney and client. [Article provided by Meyers Nave](#)

CSDA Conference Scholarships

The Special District Leadership Foundation (SDLF) board recently approved \$45,250 in scholarships for special districts for 2017. Funds are available for directors/trustees and special district staff through three specific scholarship funds. These funds are currently accepting applications and the next application deadline is Thursday, December 15, 2016.

- Dr. James Kohnen Scholarship for directors and trustees who have not previously completed the Special District Leadership Academy from districts with budgets of less than \$10 million.
- John Yeakley Special District Administrator (SDA) Scholarship for general managers and executive staff of districts with budgets of less than \$10 million. Applicants must be currently pursuing their SDA designation.
- Education Allowance Fund provides financial assistance to elected/appointed officials and staff from districts with annual budgets of less than \$10 million, who are first-time attendees at select events and/or programs.

Individual program limits, deadlines and application forms are available on the CSDA website.

CSDA recently became a member of the Institute for Local Government (ILG). Former CSDA President Bill Nelson and Executive Director Neal McKenzie serve on the IGL Board of Directors.

LGL's story began in 1955, with the support of a Ford Foundation grant to promote inter-jurisdictional cooperation among local agencies. At that time, local agencies were beginning to recognize the need for cities and counties to cooperate on regional issues. Since then, IGL - a 501(c)(3) - has often anticipated issues that would soon confront local agencies. Through its research capacity, publications and training programs, IGL has been a leader in addressing topics that ultimately have become urgent public policy issues. For example, during the gasoline crisis in the late 1970s and early 1980s, IGL published Local Contingency Planning for Gasoline Shortages. Following the passage of Proposition 13, IGL focused on public-private partnerships in a series of booklets and workshops.

IGL has launched major research projects addressing self-funding of employee benefits (medical, dental and workers' compensation), public agency liability, and local governments' role in housing. It has also published a "do-it-yourself" manual for local government candidates.

The Institute for Local Government promotes good government at the local level with practical, impartial and easy-to-use resources for California communities. Its goal is to assist local leaders to govern openly, effectively and ethically, work collaboratively and foster healthy and sustainable communities.

Future California Special Districts Events

February 23
Proposition 26, Proposition 218 and rate Setting
Vista Irrigation District

February 26 - March 1
Special Leadership Academy
Embassy Suites, La Jolla

March 23
Hammering Out a Framework: Construction and
Business Matters
MWDOC, Fountain Valley

Upcoming Webinars

- Must Have Communication Protocols for Board and Staff - 1/12

- Brown Act - Principles, Traps and Violations - 1/18
- Required Harassment Prevention for Board and Staff - 1/24
- Rules of Order Made Easy - 1/26
- Maximize Your CSDA membership Benefits - 1/27
- Recent Developments in the Public Records Act - 1/31
- 2017 Annual Employment Law Update - 2/2
- Understanding Boardmember and District Liability - 2/8
- Maximize Your CSDA Membership Legislative and Outreach - 2/10
- Sustainability Best Practices - 2/15
- Who Does What? best Practices for Board/Staff - 2/22
- Financing Mission Critical Infrastructure - 3/1
- Best Practices in Agenda Prep and Minute Taking - 3/7
- Required Ethics Compliance Training - 3/16
- Legislative Round-Up - 3/30

CSDA also has 40 on-demand webinars available to members on its website.

Legislation Update

January 4 marked the beginning of the new legislative session in California. In addition to a wave of newly elected state representatives, the 2017-18 legislative session also brings with it a number of new legislative measures, new committee appointments, and a new budget.

While 25 percent of the legislature is composed of new members, all of them were busy introducing a wide array of new legislative measures. As of December 30th, the Assembly reported the introduction of 86 new bills and the Senate 88.

More activity happened during the last weeks of the year, as Speaker Anthony Rendon and Senate pro Tem Kevin de Leon announced their new committee assignments.

This will be Governor Jerry Brown's last two-year session since his term ends in 2018. He is expected to submit the 2017-18 Budget Bill by the legislative deadline of January 10.

Legislative Calendar

- Jan. 1** Statutes take effect
- Jan. 4** Legislature reconvenes
- Jan. 10** Budget must be submitted by Governor
- Jan. 20** Last day to submit bill requests to the Office of Legislative Counsel
- Feb. 17** Last day for bills to be introduced



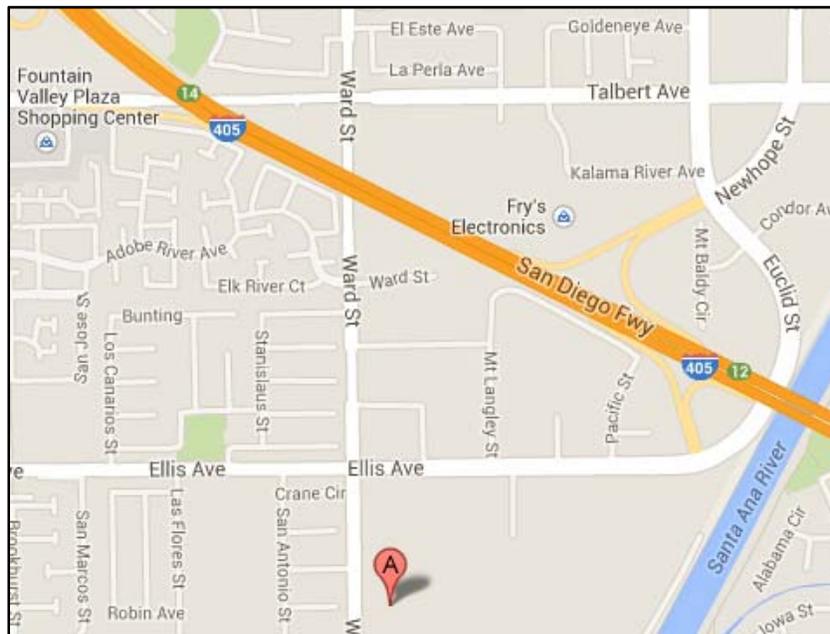
Send us your District News and Press Releases!

Please send your district news releases to ISDOC Secretary Leslie Keane (l.keane@orccd.com) and keep us informed of all the exciting things your special district is doing. We welcome your contributions to our newsletter!

Mark your calendars with our upcoming meeting dates:

Executive Committee: February 7 ♦ March 7 ♦ April 4, at 7:30 a.m.
General Membership: January 26 ♦ March 30, at 11:30 a.m.

We meet at the MWDOC/OCWD Offices 18700 Ward Street, Fountain Valley, CA



ISDOC Executive Committee

President: Jim Fisler (Mesa WD) ~ First Vice President: Sandra Jacobs (SMWD)
Second Vice President: Mark Monin (ETWD) ~ Third Vice President: Mary Aileen Matheis (IRWD)
Treasurer: Joan Finnegan (MWDOC) ~ Secretary/Newsletter Editor: Leslie Keane (OCCD)
Immediate Past President: Mike Scheafer (CMSD) ~ Staff: Heather Baez/Laura Loewen (MWDOC)

Representatives to Regional Organizations:

LAFCO: John Withers (IRWD), Charley Wilson (SMWD), Jim Fisler (Mesa WD)
OCCOG: Phil Anthony (OCWD), Joan Finnegan (MWDOC), Mike Scheafer (CMSD)
OC Operational Area: Kelly Hubbard (MWDOC), Joan Finnegan (MWDOC)