

MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
Jointly with the  
**PUBLIC AFFAIRS AND LEGISLATION COMMITTEE**  
April 20, 2015, 8:30 a.m.  
Conference Room 101

**Committee:**

Director Barbre, Chairman  
Director Tamaribuchi  
Director Hinman

Staff: R. Hunter, K. Seckel, J. Ouwerkerk,  
Pat Meszaros, H. Baez

Ex Officio Member: L. Dick

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MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

**PUBLIC PARTICIPATION**

Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED** - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

**ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING --**

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at <http://www.mwdoc.com>.

**BOARD ACTION ITEMS**

(The MWDOC Board will convene as a full Board and may take action as a Board on the following items)

1. **CONSIDER AWARD OF CONTRACT FOR SCHOOL PROGRAM**

*Recommendation: Award contract for School Program pursuant to the Review Committee's recommendation*

*Note: The staff recommendation is not available at the time of the packet production but will be posted prior to the meeting on April 20, 2015.*

**2. AB 1347 (CHIU) – PUBLIC CONTRACTS: CLAIMS RESOLUTION PROCESS**

*Recommendation: Oppose AB 1347 (Chiu) and sign on to the Public Works Coalition letter included in the packet.*

**3. AB 291 (MEDINA) – LOCAL ACCESSIBILITY TO CEQA DOCUMENTS**

*Recommendation: Support AB 291 (Medina) and send a letter to the author indicating our support position.*

**4. AB 585 (MELENDEZ) – OUTDOOR WATER EFFICIENCY ACT OF 2015**

*Recommendation: Support AB 585 (Melendez) and send a letter to the author indicating our support position.*

**5. AB 606 (LEVINE) – WATER CONSERVATION**

*Recommendation: Support AB 606 (Levine) and send a letter to the author indicating our support position.*

Adjourn full Board; reconvene as Committee

**DISCUSSION ITEMS****6. LEGISLATIVE ACTIVITIES**

- a. Federal Legislative Report (Barker)
- b. State Legislative Report (Townsend)
- c. County Legislative Report (Lewis)
- d. Legal and Regulatory Report (Ackerman)
- e. MWDOC Legislative Matrix
- f. Metropolitan Legislative Matrix

**7. STATE WATER RESOURCES CONTROL BOARD****ACTION ITEMS****8. AB 603 (SALAS) – INCOME TAXES: TURF REMOVAL TAX CREDIT****9. TRAVEL TO WASHINGTON DC TO COVER FEDERAL INITIATIVES****10. TRAVEL TO SACRAMENTO TO COVER STATE INITIATIVES****11. MEMORIAL RESOLUTION HONORING CITY OF SANTA ANA RETIRING METROPOLITAN DIRECTOR DANIEL “DAN’ GRISET****12. MEMORIAL RESOLUTION HONORING CITY OF BURBANK METROPOLITAN DIRECTOR GLENN A. BROWN**

13. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2015 BOARD OF DIRECTORS ELECTION – SOUTHERN NETWORK REGION, SEAT A

**INFORMATION ITEMS** (THE FOLLOWING ITEMS ARE FOR INFORMATIONAL PURPOSES ONLY – BACKGROUND INFORMATION IS INCLUDED IN THE PACKET. DISCUSSION IS NOT NECESSARY UNLESS REQUESTED BY A DIRECTOR.)

- 14. 8<sup>TH</sup> ANNUAL ORANGE COUNTY WATER SUMMIT (MAY 15, 2015)
- 15. ORANGE COUNTY WATER HERO MOBILE APP
- 16. VALUE OF WATER COMMUNICATION CHOICE PROGRAM
- 17. 2015 WATER AWARENESS POSTER & SLOGAN AND DIGITAL ARTS CONTESTS
- 18. RECAP OF CHILDREN'S WATER EDUCATION FESTIVAL
- 19. OVERVIEW OF TRANSLATION SERVICES TO COMPLY WITH AB 2747
- 20. DROUGHT OUTREACH
- 21. SCHOOL PROGRAM PARTICIPATION REPORT
- 22. PUBLIC AFFAIRS ACTIVITIES REPORT

**OTHER ITEMS**

- 23. REVIEW ISSUES RELATED TO LEGISLATION, OUTREACH, PUBLIC INFORMATION ISSUES, AND MET

**CLOSED SESSION**

- 24. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Consider Initiation of Litigation pursuant to Paragraph (4) of subdivision (d) of Section 54956.9: (Two Cases).

**ADJOURNMENT**

**NOTE:** At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of

accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.



**ACTION ITEM**

April 20, 2015

**TO:** Board of Directors**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman, Tamaribuchi)Robert Hunter  
General Manager

Staff Contact: Jessica Ouwerkerk

**SUBJECT: CONSIDER AWARD OF CONTRACT FOR SCHOOL PROGRAM****STAFF RECOMMENDATION**

Staff recommends the Board of Directors consider the Working Group's recommendation, to be developed and provided to the Board on or prior to April 20, 2015.

**COMMITTEE RECOMMENDATION**

Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

Staff conducted a Request for Proposals (RFP) to solicit proposals for implementation of the Water Education School Program. A Working Group comprised of MWDOC staff and representatives of five local water agencies are currently reviewing and scoring the proposals. Based on the Working Group's findings, a recommendation will be made to the MWDOC Board on April 20.

**DETAILED REPORT**

MWDOC's contract with the current Water Education School Program vendor, Discovery Science Center, expires at the end of the 2014-15 school year. Per the MWDOC Administrative Code, staff was directed to develop and distribute a Request for Proposals

Budgeted (Y/N): Y	Budgeted amount: \$300,000	Core __	Choice __X__
Action item amount: \$300,000		Line item: 63-7040, 63-7360, 63-7670	
Fiscal Impact (explain if unbudgeted): Based on the program selected, the member agencies and three cities will determine their level of participation in the 2015-16 School Program.			

(RFP). The objective was to solicit proposals from qualified firms for services to administer and implement a regional Water Education School Program on behalf of MWDOC and 30 local water agencies.

To ensure the interests of the local agencies that fund the program were adequately represented, staff formed a Working Group that included representatives of the following local water agencies: Santa Margarita Water District, East Orange County Water District, Mesa Water District, Moulton Niguel Water District, and City of Anaheim. MWDOC Public Affairs staff prepared and distributed the RFP; MWDOC management staff and members of the Working Group assisted with review and provided input.

Six proposals were received from different firms in accordance with the April 13 response deadline. The Working Group will review, evaluate, and score the proposals April 14-16. If the group feels vendor interviews are necessary, interviews will be conducted April 17. Based on the evaluations and vendor scores developed by the Working Group, a recommendation will be made to the Board of Directors on April 20.



## BOARD ACTION ITEM

April 20, 2015

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman, Tamaribuchi)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 1347 (Chiu) – Public Contracts: Claims Resolution Process**

### STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to oppose AB 1347 (Chiu) and sign on to the Public Works Coalition opposition letter included in the packet.

### SUMMARY

AB 1347 would mandate a claims resolution process on all public contracts, would require a public entity, upon receipt of a claim sent by registered mail, to review it and, within 30 days, provide a written statement addressing what parts of the claim are disputed and what parts are undisputed, and any disputed parts of the claim to be subject to nonbinding mediation.

In addition, it would require any payment due on an undisputed portion of the claim to be processed within 7 days. The bill would provide an alternative procedure if the public entity fails to issue the written statement and would require that the claim be deemed approved in its entirety. It would make an exception for these provisions from laws relating to false claims.

### ARGUMENTS IN SUPPORT

According to the author's office, "This bill would close a loophole in California prompt payment statutes. This bill would address the indefinite delay of payment to public works contractors for extra work performed that is directed by a public agency."

<b>Budgeted (Y/N):</b> n/a	Budgeted amount:	Core x	Choice __
<b>Fiscal Impact (explain if unbudgeted):</b>			

“AB 1347 creates a process that requires agencies to respond to a contractor’s claim, to pay out portions of the work they acknowledge and agree they owe the contractor, and to resolve disputed portions of payment.”

## **ARGUMENTS IN OPPOSITION**

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The California State Association of Counties (CSAC) has taken the lead in the Public Works Coalition in drafting the opposition response to AB 1347. Included in the packet is their letter which nicely sums up the many reasons to oppose this measure. As a member of the Public Works coalition, they have asked us if we would like to sign on to their letter.

## **COMMENTS**

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AB 1347 was scheduled to be heard in the Assembly Accountability and Administrative Review earlier in April, but was canceled at the request of the author. It will now be heard on April 29, 2014. The Public Works Coalition has put together a letter that currently includes the following signatory agencies: CSAC, League of California Cities, Union Contractors Council, California Special Districts Association, California Association of Sanitation Agencies, California Coalition for Adequate School Housing, Three Valleys Municipal Water District, Community College Facility Coalition, and the County School Facilities Consortium.

Should the Board decide to oppose this measure and sign onto the coalition letter, it needs to be a Board action as the deadline is April 22, 2014 in advance of the April 29, 2014 committee hearing.

## **DETAILED REPORT**

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An act to add Section 9204 to the Public Contract Code, relating to public contracts. AB 1347, as introduced, Chiu. Public contracts: claims.

(1) Existing law prescribes various requirements regarding the formation, content, and enforcement of state and local public contracts. Existing law applicable to state public contracts generally requires that the resolution of claims related to those contracts be subject to arbitration. Existing law applicable to local agency contracts prescribes a process for the resolution of claims related to those contracts of \$375,000 or less.

This bill would establish, for contracts entered into on or after January 1, 2016, a claim resolution process applicable to all public entity contracts. The bill would define a claim as a contractor’s written demand or assertion, including a request for a modification, contract amendment, or change order, seeking an adjustment or interpretation of the terms of the contract documents, payment of money, extension of time, or other relief, including a determination of disputes or matters arising out of, or related to, the contract documents or the performance of work on a public work.

The bill would require a public entity, upon receipt of a claim sent by registered mail, to review it and, within 30 days, provide a written statement addressing what parts of the claim are disputed and what parts are undisputed. The bill would require any payment due on an

undisputed portion of the claim to be processed within 7 days, as specified. The bill would provide an alternative procedure if the public entity fails to issue the written statement and would require that the claim be deemed approved in its entirety. The bill would require disputed parts of the claim to be subject to nonbinding mediation. The bill would provide that unpaid claim amounts accrue interest at a statutorily prescribed rate. The bill would proscribe a procedure by which a subcontractor or lower tier contractor may make a claim through the contractor. The bill would require that the text of these provisions or a summary of them to be set forth in the plans or specifications for any public work which may give rise to a claim. The bill would except these provisions from laws relating to false claims. The bill would specify that a waiver of the rights granted by its provisions is void and contrary to public policy. By increasing the duties of local agencies and officials, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

**ASSEMBLY BILL**

**No. 1347**

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**Introduced by Assembly Member Chiu  
(Coauthor: Assembly Member Frazier)**

February 27, 2015

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An act to add Section 9204 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1347, as introduced, Chiu. Public contracts: claims.

(1) Existing law prescribes various requirements regarding the formation, content, and enforcement of state and local public contracts. Existing law applicable to state public contracts generally requires that the resolution of claims related to those contracts be subject to arbitration. Existing law applicable to local agency contracts prescribes a process for the resolution of claims related to those contracts of \$375,000 or less.

This bill would establish, for contracts entered into on or after January 1, 2016, a claim resolution process applicable to all public entity contracts. The bill would define a claim as a contractor's written demand or assertion, including a request for a modification, contract amendment, or change order, seeking an adjustment or interpretation of the terms of the contract documents, payment of money, extension of time, or other relief, including a determination of disputes or matters arising out of, or related to, the contract documents or the performance of work on a public work.

The bill would require a public entity, upon receipt of a claim sent by registered mail, to review it and, within 30 days, provide a written statement addressing what parts of the claim are disputed and what parts

are undisputed. The bill would require any payment due on an undisputed portion of the claim to be processed within 7 days, as specified. The bill would provide an alternative procedure if the public entity fails to issue the written statement and would require that the claim be deemed approved in its entirety. The bill would require disputed parts of the claim to be subject to nonbinding mediation. The bill would provide that unpaid claim amounts accrue interest at a statutorily prescribed rate. The bill would proscribe a procedure by which a subcontractor or lower tier contractor may make a claim through the contractor. The bill would require that the text of these provisions or a summary of them to be set forth in the plans or specifications for any public work which may give rise to a claim. The bill would except these provisions from laws relating to false claims. The bill would specify that a waiver of the rights granted by its provisions is void and contrary to public policy. By increasing the duties of local agencies and officials, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 9204 is added to the Public Contract  
2 Code, to read:  
3 9204. (a) The Legislature finds and declares that it is in the  
4 best interests of the state and its citizens to ensure that all  
5 construction business performed on public works in the state that  
6 is complete and not in dispute is paid in full and in a timely manner.  
7 (b) Notwithstanding any other law, including, but not limited  
8 to, Article 7.1 (commencing with Section 10240) of Chapter 1 of  
9 Part 2, Chapter 10 (commencing with Section 19100) of Part 2,  
10 and Article 1.5 (commencing with Section 20104) of Chapter 1 of  
11 Part 3, this section shall apply to all claims by contractors in  
12 connection with public works.

1 (c) For purposes of this section:

2 (1) "Claim" means a written demand or assertion by a contractor,  
3 including a request for a modification, contract amendment, or  
4 change order, seeking an adjustment or interpretation of the terms  
5 of the contract documents, payment of money, extension of time,  
6 or other relief, including a determination of disputes or matters  
7 arising out of, or related to, the contract documents or the  
8 performance of work on a public work.

9 (2) "Contractor" means any type of contractor within the  
10 meaning of Chapter 9 (commencing with Section 7000) of Division  
11 3 of the Business and Professions Code who has entered into a  
12 direct contract with a public entity for public works.

13 (3) "Public entity" means, without limitation, a state agency,  
14 department, office, division, bureau, board, or commission, the  
15 California State University, the University of California, a city,  
16 including a charter city, county, including a charter county, city  
17 and county, including a charter city and county, district, special  
18 district, public authority, political subdivision, public corporation,  
19 or nonprofit transit corporation wholly owned by a public agency  
20 and formed to carry out the purposes of the public agency.

21 (4) "Public works" has the meaning provided in Section 1720  
22 of the Labor Code.

23 (5) "Subcontractor" means any type of contractor within the  
24 meaning of Chapter 9 (commencing with Section 7000) of Division  
25 3 of the Business and Professions Code who either is in direct  
26 contract with a contractor or is a lower tier subcontractor.

27 (d) (1) Upon receipt of a claim sent by registered mail, the  
28 public entity to which the claim applies shall conduct a reasonable  
29 review of the claim and, within a period not to exceed 30 days,  
30 shall provide the claimant a written statement identifying what  
31 portion of the claim is disputed and what portion is undisputed.  
32 Any payment due on an undisputed portion of the claim shall be  
33 processed and made within seven days after the public entity issues  
34 its written statement. If the public entity fails to issue a written  
35 statement, paragraph (3) shall apply.

36 (2) Any disputed portion of the claim, as identified in writing,  
37 shall be submitted to nonbinding mediation. The public entity and  
38 contractor shall mutually agree to a mediator within 10 days after  
39 the disputed portion of the claim has been identified in writing. If  
40 the parties cannot agree upon a mediator, each party shall select a



mediator and those mediators shall select a qualified neutral third party to mediate with regard to the disputed portion of the claim. If either of the parties reject the mediator's decision regarding all or part of the disputed portion of the claim, the parts of the claim remaining in dispute shall be subject to applicable procedures outside this section.

(3) Failure by the public entity to respond to a claim from a contractor within the 30-day period described in paragraph (1) shall result in the claim being deemed approved in its entirety, with the claim to be processed and paid within seven days from the expiration of the 30-day period in paragraph (1) or as mutually extended by the parties.

(4) Amounts not paid in a timely manner as required by this section shall bear interest at the legal rate prescribed by subdivision (a) of Section 685.010 of the Code of Civil Procedure.

(5) If a subcontractor or a lower tier subcontractor lacks legal standings to assert a claim against a public entity because privity of contract does not exist, the contractor may present to the public entity a claim on behalf of a subcontractor or lower tier subcontractor. A subcontractor may request in writing, either on his or her own behalf or on behalf of a lower tier subcontractor, that the contractor present a claim for work which was performed by the subcontractor or by a lower tier subcontractor on behalf of the subcontractor. The subcontractor requesting that the claim be presented to the public entity shall furnish reasonable documentation to support the claim. Within 45 days of receipt of this written request, the contractor shall notify the subcontractor in writing as to whether the contractor presented the claim to the public entity and, if the original contractor did not present the claim, provide the subcontractor with a statement of the reasons for not having done so.

(e) The provisions of the California False Claims Act (Article 9 (commencing with Section 12650) of Chapter 6 or Part 2 of Division 3 of Title 2 of Government Code) shall not apply to claims made under this section.

(f) The text of this section or a summary of it shall be set forth in the plans or specifications for any public works that may give rise to a claim under this section.

(g) A waiver of the rights granted by this section is void and contrary to public policy.

1 (h) This section applies to contracts entered into on or after  
2 January 1, 2016.

3 SEC. 2. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.



April 2, 2015

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The Honorable David Chiu  
Member, California State Assembly  
State Capitol, Room 2196  
Sacramento, CA 95814

**Re: AB 1347 (Chiu): Public Contracts: Claims Resolution Process  
As introduced on February 27, 2015 – OPPOSE**

Dear Assembly Member Chiu:

The California State Association of Counties (CSAC) regrets to inform you of our opposition to your Assembly Bill 1347 related to claims resolution for public contracts. AB 1347 would mandate a new overly broad claims resolution process on all public contracts with unfeasible timelines, disproportionate requirements and remedies, and it is duplicative of existing processes in current public contracts. Moreover, this measure would force taxpayers to bear the costs when a contractor has failed to fully vet and understand the terms of a contract with a public agency, especially including any terms related to claims resolution procedures.

**Duplicative Requirements.** Counties already include a clearly defined claims resolution process in public contracts. Public contracts also define how and when a public agency will respond to requests for information. In the case of road projects, many counties use the California Department of Transportation's Standard Specifications, which includes a claims resolution process that has been refined and improved over decades and used countless times. Importantly, whether it is the Caltrans process or another mechanism, a dispute resolution processes agreed to by both parties through the execution of a mutually agreed-upon contract inherently results in a process that is fair to both parties. This measure would instead skew the process in favor of contractors by adding additional burdens, paperwork, and process with no public benefit.

**Overly Broad.** AB 1347 would apply to a "written demand or assertion," which is defined as "a request for modification, contract amendment, or change order, seeking an adjustment or interpretation of the terms of the contract documents, payment of money, extension of time, or other relief, including a determination of disputes or matters arising out of, or related to, the contract documents or the performance of work on a public contract." This list includes a majority of the interactions between public agencies and contractors. It would not only be impossibly burdensome and unrealistic, but also costly and time consuming to have to communicate via certified mail for all of the aforementioned exchanges. Moreover, contracts should be vetted, reviewed, and fully understood by both parties prior to execution. It defeats the purpose of having a contract at all if one party can unilaterally change the content and administration of a contract after the final agreement and signatures.

**One-Sided and Unfeasible Timelines.** The measure would require public agencies to complete certain actions within unworkably rigid timelines without imposing similar burdens on contractors. First, an agency would

have to respond to a written demand within 30 days addressing what portions of the claim are disputed or undisputed. Public contracts vary in terms of size, scope and complexity. The timeline set forth in AB 1347 does not account for differences among the variety of contracts public agencies enter into. Furthermore, counties often receive claims with very little—sometimes no— supporting data at all. At the very least, any timeline in statute should only start once the agency receives sufficient supporting data to ascertain the veracity of the claim.

Second, AB 1347 would require payment due on any undisputed portion of the claim to be made within seven days after the public agency issues its written response to a written demand or assertion. This timeline is much shorter than current prompt payment law which requires public agencies to make a progress payments within 30 days after receipt of an undisputed and properly submitted payment request (Government Code §20104.50). Even the largest and most sophisticated public agencies are unable to process a payment within seven days. The treasures of smaller public agencies may only issue treasury warrants on a bi-weekly basis. Given their fiduciary duties as stewards of taxpayer money, public agencies have procedures in place to ensure that any payments are made and accounted for properly. Imposing arbitrarily-short timeframes on payments would erode well-warranted protections on the expenditure of taxpayer funds.

**Usurious Interest Rate.** If a public agency failed to respond to a written demand, AB 1347 would apply a 10 percent per annum. This rate is inflated above current rates than can be obtained in interest-bearing accounts, especially considering the well-warranted limitations on types of accounts in which county treasurers may deposit public funds. We further find this provision to be redundant, as public agencies define the amount of interest to be paid and how it will be calculated in existing contract specifications. These provisions are tied to the requirement of timely payments to the contractor. Indeed, in some cases counties do pay interest on late payments as outlined in the mutually agreed-upon public contract specifications.

**Deemed Approved.** Especially given the aforementioned concerns with the timelines proscribed in the bill, deeming a contract approved in its entirety is a significant overreach. However, even with more appropriate timelines, deeming a contract approved just because of a missed deadline, puts the public agency, at ultimately the tax payers, at financial risk.

**Nonbinding Mediation.** Counties appreciate efforts to find resolution of disputes outside of the court system, however, because mediation is nonbinding, one party can always object to the outcome if the proceedings go badly from their perspective. Nonbinding mediation has the potential to add additional time and cost to the public contracting process, but for intractable disputes would yield the same outcome: a final decision being made in court.

**False Claims Act Exemption.** AB 1347 would exempt claims made under this act from the False Claims Act (Government Code §12650). The False Claims Act is a public agency's primary tool to address fraud against government. It is nonsensical to exempt claims made to a government from one of the most important tools local governments have to protect the public's money against false claims.



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Overall, we are very concerned with the new claims resolution process envisioned by AB 1347 as it will only add time and squander taxpayer funding by usurping a process which works well a significant majority of the time. Under the framework envisioned by AB 1347, counties completing public works projects would be distracted from their primary responsibility to protect the public's investment in infrastructure by ensuring that projects are built to an acceptable standard of quality and at a reasonable cost. Instead, counties would be bogged down in contract review, responding to written demands or assertions on extremely tight timelines, and fearing interest penalties. Finally, the existing claims process within public contracts works well: contractors have the obligation to substantiate their claims, while public agencies are bound to be fair and reasonable stewards of taxpayer funds. To the extent that any adjustments are needed to the existing processes, principles of subsidiarity and good sense would dictate that contractors should address the rare issue with a specific dispute resolution procedure prior to executing a binding contract with a public agency.

For these reasons, we must oppose AB 1347. Please do not hesitate to contact me at (916) 327.7500 x. 566 or at [kbuss@counties.org](mailto:kbuss@counties.org) to discuss our position on this measure.

Sincerely,

A handwritten signature in blue ink that reads 'Kiana Buss'.

Kiana Buss  
Legislative Representative



## BOARD ACTION ITEM

April 20, 2015

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman, Tamaribuchi)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 291 (Medina) – Local Accessibility to CEQA Documents**

### STAFF RECOMMENDATION

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Staff recommends the Board of Directors vote to support AB 291 (Medina) and send a letter to the author indicating our support position.

### SUMMARY

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AB 291 would streamline the filing of California Environmental Quality Act (CEQA) notices of determination for multi-county projects, and improve public access to these notices, by giving local agencies the option to post these notices on the state's CEQAnet website and with the county clerk in the agency's home county.

### ARGUMENTS IN SUPPORT

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According to the author's office, "AB 291 (Medina) would streamline the filing of CEQA notices of determination for multi-county water projects, and improve public access to those notices. This would simplify local agencies' filing of these notices and improve public access by making notices for many water projects available statewide on CEQAnet for the first time."

"This measure will not create any new exemptions to CEQA or otherwise change how local agencies analyze the environmental impacts of water projects under CEQA."

<b>Budgeted (Y/N):</b> n/a	Budgeted amount:	Core x	Choice __
<b>Fiscal Impact (explain if unbudgeted):</b>			

Currently, an agency is required to post notices in each individual county where a project is located. For a water project, that can mean all counties where the water project may have some impact – essentially, those counties through which the project's water flows. Each county clerk then makes these notices available to the public through bulletin board postings or other physical, paper-based means at the county clerk's office.

Agencies approving multi-county water projects face a myriad of different submission requirements from each county, posing substantial and unnecessary logistical burdens. Additionally, for purposes of compliance, the responsible agency must rely on each clerk to maintain proper posting for the minimum timeframe of 30 days, creating the potential that technical error in a single county could cause compliance issues and create additional potential liability if a CEQA lawsuit is filed.

This bill would effectively ensure that the posting date is triggered by the agency's notice of determination posting on the CEQAnet and provide for physical posting in the agency's home county.

## **ARGUMENTS IN OPPOSITION**

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Not all residents of California have internet access and may not be able to go to CEQAnet to see if there are any projects pending that may impact them. AB 291 was originally set for hearing in the Assembly Committee on Natural Resources on April 13, however due to some concerns from the committee chair, Assemblyman Das Williams, the bill was held over and no votes were taken. Specifically, Chair Williams was concerned that other impacted counties still need to be notified. Assemblyman Medina has agreed to amendments that would allow the project proponent to notify the other counties via certified letter, which is still an improvement over the current process.

## **COMMENTS**

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This bill is sponsored by ACWA and the McGeorge Law Legislative Clinic. Other supporters include: California Municipal Utilities Association, Eastern Municipal Water District, Metropolitan Water District of Southern California, Mountain Counties Water Resources Association, San Diego County Water Authority, and Valley Ag Water Coalition. Opposition on file: The Sierra Club of California.

## **DETAILED REPORT**

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An act to amend Section 21152 of, and to add Section 21152.2 to, the Public Resources Code, relating to environmental quality.

AB 291, as introduced, Medina. California Environmental Quality Act: local agencies: notice of determination: water.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact

report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the county clerk of each county in which the project will be located and requires the county clerk to make the notice available for public inspection.

This bill would authorize a local agency, for certain water projects, to file the notice with the county clerk of the county in which the local agency's principal office is located in lieu of the county clerk of each county in which the project is located and would, if the local agency exercises this authorization, require the local agency to file the notice with the Office of Planning and Research.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



**ASSEMBLY BILL**

**No. 291**

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**Introduced by Assembly Member Medina**

February 11, 2015

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An act to amend Section 21152 of, and to add Section 21152.2 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as introduced, Medina. California Environmental Quality Act: local agencies: notice of determination: water.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the county clerk of each county in which the project will be located and requires the county clerk to make the notice available for public inspection.

This bill would authorize a local agency, for certain water projects, to file the notice with the county clerk of the county in which the local agency's principal office is located in lieu of the county clerk of each

county in which the project is located and would, if the local agency exercises this authorization, require the local agency to file the notice with the Office of Planning and Research.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21152 of the Public Resources Code is  
2 amended to read:

3 21152. (a) ~~If~~ *Except as provided in Section 21152.2, if* a local  
4 agency approves or determines to carry out a project that is subject  
5 to this division, the local agency shall file notice of the approval  
6 or the determination within five working days after the approval  
7 or determination becomes final, with the county clerk of each  
8 county in which the project will be located. The notice shall  
9 identify the person or persons in subdivision (b) or (c) of Section  
10 21065, as reflected in the agency's record of proceedings, and  
11 indicate the determination of the local agency whether the project  
12 will, or will not, have a significant effect on the environment and  
13 shall indicate whether an environmental impact report has been  
14 prepared pursuant to this division. The notice shall also include  
15 certification that the final environmental impact report, if one was  
16 prepared, together with comments and responses, is available to  
17 the general public.

18 (b) If a local agency determines that a project is not subject to  
19 this division pursuant to subdivision (b) of Section 21080 or  
20 pursuant to Section 21172, and the local agency approves or  
21 determines to carry out the project, the local agency or the person  
22 specified in subdivision (b) or (c) of Section 21065 may file a  
23 notice of the determination with the county clerk of each county  
24 in which the project will be located. A notice filed pursuant to this  
25 subdivision shall identify the person or persons in subdivision (b)  
26 or (c) of Section 21065, as reflected in the agency's record of  
27 proceedings. A notice filed pursuant to this subdivision by a person  
28 specified in subdivision (b) or (c) of Section 21065 shall have a  
29 certificate of determination attached to it issued by the local agency  
30 responsible for making the determination that the project is not  
31 subject to this division pursuant to subdivision (b) of Section 21080  
32 or Section 21172. The certificate of determination may be in the

1 form of a certified copy of an existing document or record of the  
2 local agency.

3 (c) A notice filed pursuant to this section shall be available for  
4 public inspection, and shall be posted within 24 hours of receipt  
5 in the office of the county clerk. A notice shall remain posted for  
6 a period of 30 days. Thereafter, the clerk shall return the notice to  
7 the local agency with a notation of the period it was posted. The  
8 local agency shall retain the notice for not less than 12 months.

9 SEC. 2. Section 21152.2 is added to the Public Resources Code,  
10 to read:

11 21152.2. (a) For purposes of this section, “water project”  
12 means an activity undertaken pursuant to Sections 1011, 1011.5,  
13 and 1211 of, Chapter 2 (commencing with Section 1250), Chapter  
14 6.6 (commencing with Section 1435), Chapter 10 (commencing  
15 with Section 1700) and Chapter 10.5 (commencing with Section  
16 1725) of Part 2 of Division 2 of, the Water Code.

17 (b) A local agency that is required to file a notice pursuant to  
18 Section 21152 for a water project may, in lieu of the filing  
19 requirements of that section, file the notice in the form required  
20 by that section with the county clerk of the county in which the  
21 local agency’s principal office is located.

22 (c) If the lead agency files a notice pursuant to this section, the  
23 local agency shall also file the notice with the Office of Planning  
24 and Research.

25 (d) (1) The county clerk receiving a notice pursuant to  
26 subdivision (b) shall comply with subdivision (c) of Section 25112.

27 (2) (A) All notices filed pursuant to subdivision (c) shall be  
28 available for public inspection, and a list of those notices shall be  
29 posted on a weekly basis in the Office of Planning and Research.  
30 Each list shall remain posted for a period of 30 days.

31 (B) Failure to file the notice pursuant to subdivision (c) does  
32 not affect the validity of a project.



**BOARD ACTION ITEM**

April 20, 2015

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman, Tamaribuchi)

Robert Hunter, General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 585 (Melendez) – Outdoor Water Efficiency Act of 2015**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to support AB 585 (Melendez) and send a letter to the author indicating our support position.

**SUMMARY**

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The intent of AB 585 is to help local water municipalities and special districts achieve and surpass the 20% reduction goal set by SBX7-7.

AB 585 would, for taxable years beginning on or after January 1, 2015, allow a tax credit equal to \$2,500, or 25%, of the amount paid or incurred by a qualified taxpayer for installing drought-friendly landscaping in their yard.

The individual would be refunded from the state portion of the net tax, not the county or local portion.

Drought-friendly landscaping is chosen by local landscaping ordinances already established by the local water municipalities or special districts.

In addition, AB 585 has two built in repeal triggers should the following occur:

- 1) The drought emergency is revoked by the Governor.
- 2) The tax credit expires on January 1, 2021.

<b>Budgeted (Y/N):</b> n/a	Budgeted amount:	Core x	Choice __
<b>Fiscal Impact (explain if unbudgeted):</b>			

## ARGUMENTS IN SUPPORT

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According to the author's office, "Many water municipalities and special districts have achieved the reduction target set forth in SBX7-7; however, many are still struggling to provide incentives to their consumers to conserve, especially in the central and northern areas of the state." Generally, tax credits are provided to encourage behavior that likely would not occur absent a financial incentive. Now with the Governor's recent Executive Order requiring a 25% reduction in water consumption, this may be the carrot that some homeowners need to change the landscaping in their yard to something that is more drought friendly. Supporting this bill will not only indicate MWDOC's commitment to conservation programs throughout our service area, but can also help highlight the efforts we've already made. Other supporters on file: Southwest California Legislative Council, Eastern Municipal Water District, and the San Diego County Apartment Association.

Also of note, the San Diego County Water Authority has expressed a support if amended position. They are supportive of the objectives of the bill, but have a modest concern relating to the issue that the bill proposes to provide tax credits for compliance with existing ordinances and regulations – those for which the homeowner would be required to comply even without any incentive. They believe that the tax credit incentive would be more meaningful if it was available for landscape improvements that go beyond those already mandated by existing local ordinances and regulations, to encourage water conservation that would not otherwise occur.

## ARGUMENTS IN OPPOSITION

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Currently, this bill does not contain language that would require the taxpayer to provide proof of improvements needed to claim the tax credit. Specifically, it lacks administrative details that must be developed in order to implement the bill and determine its impacts to the department's systems, forms, and processes. The Franchise Tax Board will do an analysis on the fiscal effects of this measure and provide it to the committee for their analysis, but at this time – that is not available. The anticipated fiscal effect will likely be in the tens of millions per year.

## DETAILED REPORT

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An act to add and repeal Section 17053.37 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

AB 585, as amended, Melendez. Outdoor Water Efficiency Act of 2015: personal income tax credits: outdoor water efficiency.

The Personal Income Tax Law allows various credits against the taxes imposed by that law.

This bill, for taxable years beginning on or after January 1, 2015, and before January 1, 2021, or an earlier specified date, would allow a credit equal to 25% of the amount paid or incurred by a qualified taxpayer for water-efficiency improvements made to outdoor landscapes on qualified real property in this state, not to exceed \$2,500 per taxable year, as specified.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

AMENDED IN ASSEMBLY MARCH 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 585**

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**Introduced by Assembly Member Melendez**

February 24, 2015

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An act to add and repeal Section 17053.37 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 585, as amended, Melendez. Outdoor Water Efficiency Act of 2015: *personal* income tax credits: outdoor water efficiency.

The Personal Income Tax Law allows various credits against the taxes imposed by that law.

This bill, for taxable years beginning on or after January 1, 2015, and before January 1, 2021, or an earlier specified date, would allow a credit equal to 25% of the amount paid or incurred by a qualified taxpayer for *water-efficiency* improvements made to outdoor landscapes on *qualified* real property in this state, not to exceed \$2,500 per taxable year, as specified.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The 2014 water year, ending on September 30, was the third
- 4 driest based on the 119-year long statewide precipitation record.

1 (b) Temperatures in the first nine months of 2014 were record  
2 breaking—4.1 degrees above the 20th century average across the  
3 state.

4 (c) Responding to these unprecedented dry and hot conditions,  
5 the United States Drought Monitor classified more than 80 percent  
6 of California in an “extreme” drought condition, with 58% of  
7 California in an “exceptional” drought, the highest condition.

8 (d) On January 17, 2014, the Governor called upon retail water  
9 providers throughout California to reduce residential per capita  
10 water use by 20% as compared to 2013 levels.

11 (e) Outdoor water use accounts for the highest percentage of  
12 regional water use.

13 (f) Landscape design, installation, maintenance, and  
14 management can and should be water efficient. The use of  
15 water-efficient landscapes contributes to the state’s efforts to  
16 increase the reliability of its water supplies.

17 (g) Municipalities and local water agencies are tasked with  
18 enforcing water conservation ordinances to eliminate water waste  
19 and restrict outdoor water use.

20 (h) It is the intent of the Legislature to provide an income tax  
21 credit for the purchase of outdoor water use efficiency  
22 improvements during the exceptional drought that California is  
23 facing.

24 SEC. 2. Section 17053.37 is added to the Revenue and Taxation  
25 Code, to read:

26 17053.37. (a) For each taxable year beginning on or after  
27 January 1, 2015, and before January 1, 2021, there shall be allowed  
28 as a credit against the “net tax,” as defined in Section 17039, an  
29 amount equal to 25 percent of the amount paid or incurred during  
30 the taxable year by a qualified taxpayer for water-efficiency  
31 improvements for outdoor landscapes on qualified real property  
32 in this state, not exceed two thousand five hundred dollars (\$2,500)  
33 per taxable year.

34 (b) For the purposes of this section, the following definitions  
35 shall apply:

36 (1) “Multifamily residential real property” means any real  
37 property that is improved with, or consisting of, a building  
38 containing more than one unit that is intended for human habitation,  
39 or any mixed residential-commercial buildings or portions thereof  
40 that are intended for human habitation. Multifamily residential

1 real property includes residential hotels but does not include hotels  
2 and motels that are not residential hotels.

3 (2) “Qualified real property” means either multifamily  
4 residential real property or single-family real property.

5 (3) “Qualified taxpayer” means the owner of any qualified real  
6 property.

7 (4) “Single-family residential real property” means any real  
8 property that is improved with, or consisting of, a building  
9 containing not more than one unit that is intended for human  
10 habitation.

11 ~~(5) “Water-efficiency improvements” means any expenditure~~  
12 ~~paid or incurred by the qualified taxpayer to meet a locally adopted,~~  
13 ~~water-efficient landscape ordinance, regulation, or established~~  
14 ~~outdoor landscape efficiency program.~~

15 (5) “Water efficiency improvements” means expenditures paid  
16 or incurred by the qualified taxpayer to meet the requirements of  
17 any of the following:

18 (A) A local water-efficient landscape ordinance adopted or in  
19 effect pursuant to subdivision (c) of Section 65595 of the  
20 Government Code.

21 (B) A local landscape regulation or restriction on the use of  
22 water adopted pursuant to Section 353 or Section 375 of the Water  
23 Code.

24 (C) A water-efficient landscape program that is developed and  
25 implemented by a regional or local water agency for the specific  
26 purpose of reducing water use.

27 (c) Section ~~42~~ 41 does not apply to the credit allowed by this  
28 section.

29 (d) This section shall remain in effect until December 1, 2021,  
30 ~~and as of that date is repealed~~, unless the drought state of  
31 emergency declared by the Governor on January 17, 2014, is  
32 terminated before that date, in accordance with Section 8629 of  
33 the Government Code. In that event, this section shall remain  
34 ~~operative in effect~~ only until midnight on the first day of the first  
35 calendar quarter commencing more than 60 days after the date of  
36 the termination of the state of emergency, *or until December 1,*  
37 *2021, whichever is earlier*, and credits shall be allowed only for  
38 ~~taxable years beginning on or that portion of the taxable year~~  
39 ~~before the date this section becomes inoperative, and as of~~  
40 ~~December 1, 2021, is repealed.~~



- 1     *(e) This section is repealed on December 1, 2021.*
- 2     SEC. 3. This act provides for a tax levy within the meaning of
- 3     Article IV of the Constitution and shall go into immediate effect.

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**BOARD ACTION ITEM**

April 20, 2015

**TO:** Board of Directors**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman, Tamaribuchi)Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 606 (Levine) – Water Conservation****STAFF RECOMMENDATION**

Staff recommends the Board of Directors vote to support AB 606 (Levine) and send a letter to the author indicating our support position.

**SUMMARY**

AB 606 will require new state owned lands, and state property undergoing landscape changes or retrofit, to reduce water consumption through drought tolerant landscaping, use of recycled water when possible, and replacement of irrigation timers and spray sprinklers where feasible.

**ARGUMENTS IN SUPPORT**

According to the author's office, "This idea comes from Ms. Honda's fourth grade class at Manor Elementary in Marin County. The students have identified California's drought as a serious concern and proposed this bill as a solution."

"Extreme drought conditions have led Californians to engage in creative measures to reduce water consumption across the spectrum. One such example of those efforts can be found in Sacramento's Capitol Park where the Department of General Services implemented drought-tolerant irrigation and landscaping program to conserve water and preserve its hundreds of historic trees."

When the state calls on Californians to make cuts in their personal water consumption, the question often shot back at all governmental entities is, "Why us and not you? What are

<b>Budgeted (Y/N):</b> n/a	Budgeted amount:	Core x	Choice __
<b>Fiscal Impact (explain if unbudgeted):</b>			

you doing to reduce water consumption?" This measure calls for state property to undergo landscape transformation to something more drought tolerant and water efficient. California, as well as local jurisdictions, needs to set the example for everyone else. They need to show that they are doing their part and we're all in this together.

## **ARGUMENTS IN OPPOSITION**

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There are unknown fiscal affects to this bill. Should AB 606 clear policy committee and go to Assembly Appropriations, at that time it will be reviewed for potential fiscal costs. Should this bill be approved and signed into law, additional monies would have to be appropriated to DGS in the next fiscal year budget.

This bill only covers newly acquired state property and property undergoing landscape changes. How much water that will actually result in saving is probably not a lot. But it's a start. Senator Lois Wolk has introduced a similar measure, SB 553 that would require DGS to identify each public property in the department's state property inventory where it is feasible for water consumption to be reduced and water efficiencies to be achieved through implementation of the relevant recommendations made in the model water efficient landscape ordinance and would require the department to implement the relevant recommendations where feasible. This measure is much larger in scope and would likely achieve greater water savings. But at a much greater cost. Senator Wolk has not yet set this bill for a hearing and it is uncertain if she will move it at all this year.

## **COMMENTS**

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AB 606 is scheduled to be heard in the Assembly Accountability and Administrative Review (this committee has jurisdiction over DGS) on April 29, 2015. Deadline for support/opposition letters to make the committee analysis is April 22, 2015. If MWDOC wishes to be listed on the official analysis, the committee needs to assemble as the full Board to do so.

## **DETAILED REPORT**

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An act to add Article 6.5 (commencing with Section 14714) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to state property.

AB 606, as amended, Levine. Water conservation.

Existing law requires the Department of General Services to provide planning, acquisition, construction, and maintenance of state buildings, property, and maintain a statewide property inventory of all real property held by the state. Existing law requires the department, in consultation with the State Energy Resources Conservation and Development Commission, and with the concurrence of the Department of Finance, to identify each public building in the department's state property inventory where it is feasible for that building to reduce energy consumption and achieve energy efficiencies, as specified, and make retrofits, as specified.

This bill would, when the Department of General Services replaces landscaping or irrigation on public property or when new public property is added to the department's statewide property inventory, require the department to reduce water consumption, water efficiencies

for that property, where feasible, through replacement of landscaping, irrigation timers, or spray sprinkler heads, implementation of recycled water irrigation, or any combination thereof.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 606**

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**Introduced by Assembly Member Levine**

February 24, 2015

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An act to add Article 6.5 (commencing with Section 14714) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to state property.

LEGISLATIVE COUNSEL’S DIGEST

AB 606, as amended, Levine. Water conservation.

Existing law requires the Department of General Services to provide planning, acquisition, construction, and maintenance of state buildings and ~~property. property, and maintain a statewide property inventory of all real property held by the state.~~ Existing law requires the department, in consultation with the State Energy Resources Conservation and Development Commission, and with the concurrence of the Department of Finance, to identify each public building in the department’s state property inventory where it is feasible for that building to reduce energy consumption and achieve energy efficiencies, as specified, and make retrofits, as specified.

This bill ~~would require~~ *would, when* the Department of General Services *replaces landscaping or irrigation on public property or when new public property is added to the department’s statewide property inventory, require the department* to identify each public property added to the department’s state property inventory beginning January 1, 2015, ~~where it is feasible for~~ *reduce* water consumption to be reduced and ~~increase~~ *increase* water efficiencies to be achieved for that property, where feasible, through replacement of landscaping, irrigation timers, or spray

sprinkler heads, *implementation of recycled water irrigation*, or any combination thereof, and would require the appropriate replacements where feasible, except as specified: *thereof*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Article 6.5 (commencing with Section 14714) is added to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

Article 6.5. State Property Water Use

14714. (a) ~~The~~ *When the department shall identify each replaces landscaping or irrigation on public property or when new public property that is added to the department's state statewide property inventory beginning January 1, 2016, including, but not limited to, property managed by the Department of Transportation, inventory, the department shall reduce water consumption and increase water efficiencies for that property, where it is feasible for water consumption to be reduced and water efficiencies to be achieved feasible, through any or all of the following:*

(1) Replacement of landscaping with ~~drought-tolerant~~ *drought-tolerant* plants with an emphasis on native plant species.

(2) Replacement of irrigation timers to permit efficient watering schedules.

(3) Replacement of spray sprinkler heads with bubblers, drip irrigation, and soaker hoses.

~~(b) The department shall make the appropriate replacements for each public property identified pursuant to subdivision (a) to reduce overall water consumption where feasible, except that work~~

(4) *Implementation of recycled water irrigation.*

(b) Work on public property of the California State University shall be subject to the consent of the California State University.

(c) For purposes of this section, ~~"feasible"~~ *the following terms have the following meanings:*

(1) *"Feasible"* means capable of being accomplished in a successful manner within a reasonable period of time, taking into

### 3

- 1 account life-cycle cost analyses, and environmental, social,
- 2 *historical*, and technological factors.
- 3 (2) *“Public property” means property managed by the*
- 4 *department or the Department of Transportation.*

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Nicholas Crockett  
Kate Blair

*Municipal Water District of Orange County, California*  
*Washington Update*  
*April 13, 2015*

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With Governor Brown's emergency drought declaration and the state's first mandatory water restrictions, major news media from around the country have begun carrying significant news stories about the water shortages occurring in California.

Congress is returning today after a two week spring recess with many issues to tackle. One of the pressing issues will be whether or not California and other Westerns state interests can come together and pass some kind of meaningful drought related legislation on the federal level.

Of note, weather experts have warned that the drought parching California this year will likely lead to a summer of forest fires and potential water shortages.

Perhaps more sobering, the drought shows no signs of easing at press time and has actually gotten slightly worse this spring, according to the U.S. Drought Monitor's weekly summary.

The same entity declares that more than 44% of California is in "exceptional" drought — the term used to describe the worst level of drought. That's the highest percentage of exceptional drought the state has seen this year. And it's the highest percentage of any U.S. state.

At the Federal Level, on the House side, key staff are meeting weekly to dry and find a path for some legislation that might provide additional relief to the state. Such legislation is certain to pass the full House of Representatives again. The key will be to pass something in the Senate which can also be signed by the President. Most observers believe providing some kind of relief from federal environmental statutes will be the key to a meaningful bill.

Policy makers are hearing an almost daily message here about the severity of the drought in the Western United States.

To that end, the House Natural Resources Committee is holding a hearing tomorrow on recent Administration actions and proposals, such as the Environmental Protection Agency's "Waters of the U.S." and the U.S. Forest Service's Groundwater Directive". The hearing will



include one panel of non-federal witnesses and a panel of federal agency witnesses.

The thrust of the hearing will center on 1) whether or not the Obama Administration's proposals made under the guise of clarifying the federal regulatory roles in some water uses have only provoked more uncertainty; and 2) whether the proposed "Waters of the U.S." regulation and "Groundwater Directive" could have significant negative impacts on water and power ratepayers, states, and localities; and, 3) whether or not such federal decisions could in some cases negatively impact local conservation and groundwater recharge efforts aimed at actually alleviating drought.

In other key water developments, MWDOC has been monitoring the implementation of the WIFIA Loan program. Legislation has been introduced to allow for the use of tax free municipal bond financing with federal WIFIA Loans (HR 1710). We are tracking this legislation to see how well it is being received by the primary committees of jurisdiction. The sponsor of HR 1710, a Democrat, Congressman McNerney isn't on one of the key committees of jurisdiction and to get traction for his bill, a key member of one of the key committees will need to be aggressively involved in moving such legislation.

MWDOC staff are also actively tracking the implementation of WIFIA loan procedures and have participated in explanatory sessions with the EPA.

On the municipal bond financing front, there have been efforts to try and change existing municipal bond financing rules and procedures. MWDOC has signed on to two different letters which follow this theme:

*State and local governments have issued municipal bonds for over a hundred years to help build our communities and our economy; municipal bonds are a safe, reliable, and stable investment for millions of Americans; and, just as state and local governments should not – and could not – shift their costs by taxing federal bonds, the federal government should not try to shift its costs to state and local governments – and our state and local residents – by imposing an unprecedented tax on municipal bonds."*

MWDOC staff have also communicated our concerns directly to Senate Finance Committee Staff, the panel that is reviewing such legislation at the current time.

On Appropriations, MWDOC has sought language in this year's Energy and Water Development Appropriations Bill which would allow California to receive funds from the Army Corps of Engineers. MWDOC was instrumental in receiving and maintaining a \$40 Million authorization for this account in the recent WRDA bills that have passed the Congress. Due to the earmark moratorium, and the Great Recession, it has been harder to access these funds. We are hopeful with the abatement of the Great Recession, and coupled with the severe drought, lawmakers will make these funds available to California. MWDOC continues to stress these points in meetings with key lawmakers and staff.

Of note, the so called plumbing lobby (yes, no typo here) is citing California's unprecedented water restrictions to press Congress to support a small EPA water efficiency program.

A handful of plumbing associations (plumbing fixtures) made the plea to Hill staffers during a recent briefing on EPA's WaterSense program, which works with industry to bring water efficient products to market.

Senate Bill, S. 176, sponsored by Senator Boxer, D-Calif., would authorize the EPA WaterSense program at \$5 million for fiscal year 2015, with the spending authority increasing by the same amount each year through fiscal year 2018. After 2018, the program would be authorized to spend the same amount as the previous year, adjusted for inflation. This program would be a voluntary program to assist in the replacement of older toilets and shower heads. It is too soon to predict if this bill will pass through the Congress this session.


## GENERAL NEWS, CONGRESSIONAL, AND POLITICAL UPDATES

### *On the Presidential Election Front:*

Hillary Rodham Clinton entered the race officially yesterday with the tagline: "I'm running for President. Everyday Americans need a champion, and I want to be that champion". In a statement to speaks to the times in which we live, she announced her campaign via Twitter with an accompanying video message. She is the only serious Democratic candidate running for President.

On the GOP side, since our last report, and within the last week, Senator Rand Paul, (R-Kentucky) and Marco Rubio (R-Florida) have announced their presidential campaigns. Of note, Senator Lindsey Graham of South Carolina, considered a Republican Hawk on foreign policy issues, has criticized Senator Paul as being to the "left" of President Obama on defense and foreign policy issues. Senator Ted Cruz announced his intention to run for the Presidency on March 23, 2015. There is expected to a long fight for the Republican nomination with several more GOP candidates planning to enter the race.

**To: Municipal Water District of Orange County**  
**From: Townsend Public Affairs, Inc.**  
**Date: April 13, 2015**  
**Subject: Monthly Political and Activity Report**

### **STATE POLITICAL UPDATE**

Legislation has begun to be assigned to policy committee for their first hearing. For non-fiscal bills, the deadline to be heard by policy committee is May 15, while bills tagged fiscal need to be heard by policy committee by May 1. With the approaching deadlines, a large number of bills are undergoing the 'gut and amend' process, and spot bills are developing language in order to be assigned to committee, or be scheduled for their first hearing. TPA is actively monitoring both the gut and amend process and the development of language in spot bills for potential impact to the District.

The focus of the Governor and his administration has been on alleviating the impact of the drought on the most severely impacted areas of the state, particularly the Central Valley. Working with the Legislature, the Governor passed an emergency drought package that expedites one billion dollars in funding from his budget proposal, Proposition 1, and Proposition 1E (2006). The Governor's actions followed the release of a snowpack survey that showed the State is only at 13 percent of average water levels for this time of year, making this the lowest reported snowpack in the State's history, worse than the historic drought conditions of 1977.

### **Emergency Drought Legislation Package**

On March 19, the Governor announced with bipartisan support from the Legislature, a drought relief package, AB 91 and AB 92, to expedite \$1 billion to be used for drought relief. The drought package was divided into two bills, AB 91 as the appropriations bill and AB 92 as the policy trailer bill, which guides the implementation of the appropriations from AB 91.

The package accelerates the below funding:

- \$128 million from Governor's Budget — to provide direct assistance to workers and communities impacted by drought
  - \$25 million in emergency drinking water
  - \$17 million in food assistance
- \$267 million from Proposition 1 — funding for safe drinking water and water recycling programs

- \$660 million from Proposition 1E — for flood protection in urban and rural areas

The bulk of this funding is targeted to those communities in the Central Valley that have been devastated by the ongoing drought. Funding for projects dealing with water use efficiency was not expedited in the legislation. However, as funding opportunities through Proposition 1 and the State's drought response continues, water use efficiency programs will be appropriated funding.

On March 24, the Assembly Budget Subcommittee on Resources and Transportation and Senate Budget Committee each convened hearings to discuss the items contained in the drought package. A brief presentation was provided by the Department of Finance regarding the budget appropriations that are being proposed in AB 91 and also to answer any questions regarding the trailer bill provisions contained in AB 92.

During the discussion of AB 91, the Department of Finance presented the intended use for the \$1.059 billion in funding proposed by the Governor. Specifically, the measure accelerates \$132 million that was proposed in the Governor's January budget to assist communities and workers impacted by the drought and continues to implement provisions contained in the Governor's Water Action Plan. Additionally, AB 91 directs \$267 million from the water bond to the existing Safe Drinking Water program, including \$66.3 million for Wastewater Treatment projects that will be targeted to disadvantaged communities (DACs), and \$69.2 million for Drinking Water in Small Disadvantaged Communities; as well, the Water Recycling programs under the SWRCB will receive \$131.7 million in expedited funding. The bill also accelerates \$660 million in funding from Proposition 1E (2006) for flood protection in urban and rural areas.

The Budget Committee also heard from the Department of Finance on the policy changes necessary to implement the Governor's drought package. The conversation on the drought package centered on provisions in AB 92 which give the Department of Fish and Game the authority to impose civil penalties for illegal water diversions that obstruct fish passages, which is largely caused by illegal marijuana growing operations. Republican members expressed concern about granting the Department of Fish and Game the authority to access private property and levy fines to violators. Additional concerns were expressed that the penalty authority is not tied to an emergency drought proclamation, so the authority to levy fines will continue even after the drought is over. A representative from the Department of Fish and Game spoke at the hearings and indicated that the Department would report back to the Legislature annually regarding the fining authority. Ultimately, no Republicans in the Assembly or Senate voted in favor of AB 92.

The Senate approved AB 91 on a 35-1 vote and approved AB 92 on a 24-14 party-line vote. In the Assembly, AB 91 was passed on a vote of 74-0, while AB 92 was approved on a 50-27 vote. Both bills were signed by the Governor on March 27, 2015.

### **Emergency Water Conservation Regulations**

On March 17, the State Water Resource Control Board (SWRCB) passed an extension of the emergency water conservation regulations. The original emergency conservation measures



were approved by the SWRCB on July 15, 2014 for a period of 270 days, with an option at the end of that term to be extended for an additional 270 days. Without the extension, the emergency drought regulations would expire on April 11, 2015. The newly adopted emergency regulations continued previously established practices, with two notable additions:

- Urban Water Suppliers—Provide prompt notice to customer when a leak is indicated that exists within the users exclusive control
- Residents—restrict irrigating landscapes during and up to 48 hours after measurable rainfall

No change was made, or was recommended, to the fining authority related to residential users, or urban water suppliers, who are found in non-compliance of the emergency regulations. A full summary of the recommendations were compiled by TPA and sent to MWDOC staff.

In addition to the extension passed by the SWRCB, the Governor issued a statewide executive order (EO), B-29-15 on April 1, which mandated emergency water reductions. This EO includes actions to save water, with the goal of achieving a 25 percent reduction in water use throughout the state; increase enforcement against preventative water waste; and streamline the State's drought response through new technologies. With this EO, adjustments and compliance among State agencies such as the SWRCB and the Department of Water Resources (DWR) will be swift. The directives of the EO, as well as current activity among the State agencies to enact the requirements of this new order are outlined in more detail below.

### **Governor Brown's Executive Order B-8-29**

On April 1, 2015, the Governor issued an Executive Order (EO) for water reduction and a directive for mandatory water use reductions in cities across California by 25 percent.

The reduction is intended to preserve approximately 1.5 million acre-feet of water over the next nine months. Areas with higher per-capita water use will be required to achieve greater reductions in water use than those with lower per-capita use. In order to enforce the EO, each water district that delivers waters to homes and businesses will be tasked to comply and carry out the EO in order to substantially change the behavior of water conservation. If water suppliers do not comply with the State mandates, they may face a fine up to \$10,000 a day.

The EO requires the DWR and the State SWRCB to undertake specific activities to ensure the intent of the EO is met. All cities and counties will also be required to report on their implementation of this ordinance at the end of 2015.

The sections below describe the actions to be taken at the direction of the Governor's EO by the SWRCB, DWR, and the California Energy Commission (CEC).

#### *State Water Resource Control Board*

The SWRCB met April 10 to begin implementation of the EO.



The following timeline is the current estimate for the adoption period and regulatory development process:

- **April 7, 2015:** Release of draft regulatory framework and request for public comment.
- **April 13, 2015:** Public comment on regulatory framework deadline.
- **April 17, 2015:** Release of draft regulation for informal public comment.
- **April 28, 2015:** Emergency rulemaking formal notice.
- **May 5 or 6, 2015:** Board hearing and adoption of regulations.

An outline of the draft regulatory framework was compiled by TPA and sent to staff. TPA will continue to gather information and work with MWDOC staff on the draft regulations, including the draft regulation for informal public notice, and will send staff a summary of the framework.

#### Regulatory Framework:

##### 1). Urban Water Suppliers

As the EO directs, the SWRCB must consider the relative per capita water usage of each water suppliers' service area and have those areas with high per capita use achieve greater reductions. The SWRCB is going to use the September 2014 resident per capita (R-GPCD) reporting period to serve as a reasonable basis for placement of the 411 urban water suppliers. The five categories will be as follows:

GPCD Range (09 – 2014)	Number of Suppliers Within Range	Conservation Standard
Under 55	18	10 percent
55 to 110	126	20 percent
110 to 165	132	25 percent
Over 165	135	35 percent

Therefore, the proposed breakdown into the R-GPCD groupings is intended to satisfy the EO's 25 percent reduction in potable urban water use. Should each supplier achieve their conservation standard, the state would have an overall reduction in water usage of 26.4 percent.

##### 2). New Reporting Requirements

In order to ensure compliance and satisfactory water use reduction rates, the SWRCB has proposed additional reporting requirements. These requirements will include: (1) Monthly commercial sector use; (2) Monthly large landscape commercial customer use; (3) Monthly industrial sector use; (4) Monthly institutional sector use; and (5) Monthly large landscape institutional customer use. These proposed reporting requirements will also assess the



compliance of commercial (i.e. golf courses or amusement parks), industrial, and landscape sector customers (i.e. cemeteries or college campuses).

### 3). Compliance Assessment

To allow the SWRCB to determine if urban water suppliers are meeting the required use reductions, the Board will assess water production data, as reported by each individual water supplier from June 2015 to February 2016, and compare it against the same time periods of Fiscal Year 2013. Of note, the SWRCB will review both the monthly and cumulative water usage reductions for compliance.

### 4). Enforcement

In addition to the existing tools at the SWRCB disposal, such as informal enforcement such as warning letters and formal enforcement actions such as Cease and Desist Orders (CDO), the Board acknowledges that additional measures may be needed to assess and ensure compliance. At this time, as necessary, the SWRCB will develop these potential tools through the emergency rulemaking.

Proposed tools will include informational orders that would enable the Board to require specific data and additional facts on conservation practices if conservation targets are not met and conservation orders that would immediately go into effect rather than the CDOs that can only be issued and enforced if the SWRCB holds an evidentiary hearing. These potential tools would remain in effect for a duration of 270 days unless extended by the SWRCB.

### 5). Small Water Suppliers

For small water suppliers (those with fewer than 3,000 service connections) to contribute to the EO's goal of 25 percent water reduction, the SWRCB proposed the following:

- Apportioning water supplier reductions, in which small water suppliers must achieve 25 percent water reduction as compared with their 2013 water use;
- Reporting requirements, in which small suppliers would now be directed to provide a one-time report to the SWRCB 180 days after the effective date of the new emergency regulation. This report would need to address the potable water production from June 2013 to November 2013 versus June 2015 to November 2015, the number of days per week outdoor irrigation is allowed, and other specific restrictions on commercial, industrial, and institutional sector customers;
- Compliance assessment, which would be based upon whether small suppliers submitted the required data and met the 25 percent water reduction; and
- Enforcement, where the SWRCB may use any of the aforementioned enforcement as related to urban suppliers.

### 6). Additional Prohibitions and End-User Requirements





In addition to existing water restrictions, the SWRCB proposes new prohibitions be put in place as directed in the EO. This would include restrictions on the following:

- The use of potable water outside of newly constructed homes and buildings that are not delivered by drip or micro-systems; and
- The use of potable water to irrigate ornamental turf on public street medians.

#### *Department of Water Resources*

The DWR has a Drought Team in place that is currently working on options for the DWR to assist in the Department's drought remediation efforts moving forward. DWR, per the Governor's EO, is developing a Turf Replacement Program with the goal of replacing 50 million square feet of turf. This approach was applauded by Metropolitan Water District of Southern California (MET) Chairman, Randy Record, who stated MET's intention to partner with California to "immediately drive down water use throughout [the MET] service area." It was noted during a presentation by a DWR representative that the state would not be able to solely fund the removal of \$50 million square feet of turf, but would rather be working through existing programs. TPA will continue to work with DWR and monitor the development of the turf removal program to help determine the best route for MWDOC involvement.

DWR intends to have the process of development released the week of April 13, which will be a process and combination of funding and promoting current opportunities. Particularly, DWR would like to focus on underserved communities. In addition, DWR wants to promote the use of grey-water, stormwater capture, and other water use efficiency approaches. Therefore, DWR is fast-tracking the process over the next 45 to 60 days, which TPA will gather information and provide updates to MWDOC staff.

Further, DWR is continuing to work on the California Statewide Groundwater Elevation Monitoring (CASGEM), which mandates that a State-wide groundwater elevation monitoring program to track seasonal and long-term trends in groundwater elevations in California's groundwater basins. The current priority of CASGEM is to bring medium and high basins into full compliance.

#### *California Energy Commission*

The CEC met on April 8 for their monthly commission business meeting with an added agenda item in response to the Governor's EO. Per the EO, the CEC has been directed to adopt emergency regulations establishing efficiency standards for water appliances. The CEC voted on whether a need existed for immediate action and if so, what the action would be required to fulfill it.

The CEC voted to adopt a Toilet, Urinal, and Faucet Water Efficiency Regulation, which will, as of January 1, 2016, prohibit the sale or offer of sale of covered toilets, urinals, and faucets that do not meet minimum water efficiency requirements, and will prohibit the installation of such fixtures. This means that only low-flush toilets and low-flow sinks will be allowed for sale beginning January 1, 2016, regardless of when they were manufactured. The action also means





all urinals will have to use only one pint or less per flush. This mandate will apply to both public places and private residences.

The new mandate will set a historic efficiency standard for appliances. The CEC estimates that the newly approved standards will save 10 billion gallons of water in the first year, and more than 100 billion gallons as old appliances are replaced by new ones.

### **Water Bond Implementation**

The State Water Resources Control Board (SWRCB) released the draft guidelines for their Water Recycling program in early March. The guidelines allow for both planning and construction funding, including feasibility studies, for projects that offset or augment state fresh water supplies. Funding under the current draft guidelines allows for 75 percent of a planning project, or feasibility study, to be covered, up to \$75,000, and for construction, up to 35 percent of capital costs, or \$15 million, whichever is less. Workshops for the guidelines will be held on April 15, which TPA will attend and provide an update to staff of any developments. A full summary of the Water Recycling draft guidelines has been sent to staff, and TPA is working to identify District priority projects that would be competitive for grant funding.

The DWR is expected to release their Water Recycling guidelines in December 2015.

### **OWOW 2.0: Proposition 84 Round 3 Funding**

The One Water One Watershed Pillar group met twice in March to discuss recommendations to the steering committee for Proposition 84, Round 3 funding guidelines, making their recommendation to the Steering Committee on April 9. This will be the final round of funding under Proposition 84, and \$63 million will be made available. The Santa Ana Watershed Project Authority (SAWPA) region eligible for funding stretches from the Orange County coast, up along the Santa Ana River and major tributaries, to the mountains north of Rancho Cucamonga, east to the San Bernardino National Forest, and south of Hemet to portions of the San Jacinto Mountains.

SAWPA has indicated that for projects to be competitive they should have a regional impact with multi-agency collaboration and participation. TPA is working with staff to identify MWDOC priority projects, and member agency projects, that have the potential to meet system-wide goals established adopted by the Steering Committee, where MWDOC can act as a regional partner. As of the writing of this report, a maximum grant amount has not been established; however, because this is the last round of funding for Proposition 84 IRWM funds, it is expected that the cap for individual projects will be higher than previous rounds of funding.

## **SPECIFIC ACTIVITIES FOR THE MONTH OF FEBRUARY**

- TPA continues to monitor legislation and provide information to MWDOC staff
- TPA continues to send a weekly legislative matrix to MWDOC staff, which has been updated to include MWDOC Policy Principle related to the bill
- On March 16, TPA analyzed and drafted an outline of the SWRCB Draft Water Recycling guidelines, which was provided to staff
- Throughout March, TPA held check in calls with staff on upcoming funding opportunities, development of Proposition 1 and upcoming Sacramento advocacy day
- Over the month of March TPA began scheduling meetings between MWDOC Directors and the Orange County delegation. To date, TPA has established meetings with:
  - Assembly Member Kim, April 24
  - Assembly Member Wagner, April 16
  - Senator Huff, April 17
- On April 2, TPA monitored the Metropolitan Legislative Coordinators Conference Call and send a summary of discussion items to staff
- On April 10, TPA monitored ACWA State Legislative Committee Meeting and sent a summary to staff
- TPA has begun securing meetings for MWDOC Directors' advocacy trip to Sacramento from April 20 to April 21.
  - Meetings have been secured with Assembly Member Harper, and Senator Bates for April 21



# The County of Orange Report

April 20, 2015  
By Lewis Consulting Group

## **Future Cloudy for Tiered Water Rates**

This week the Fourth District Court of Appeals is expected to issue its ruling on a lower court case that found the City of San Juan Capistrano's tiered water rates violated California's Proposition 218. Prop 218 prohibits agencies from charging more than it costs to provide a service.

In 2013, Superior Court Judge Gregory Munoz ruled in favor of a group of San Juan Capistrano residents who sued to overturn their city's four tier system which charged between \$2.47 and \$9.05 per unit of water.

The Appellate Court has a great deal of latitude in the matter. Even if it sustains the lower court's ruling the applicability of the ruling might only effect San Juan Capistrano or it might have far wider consequences. The ruling will only be directly applicable to local government and residents in Orange County, however, the decision could help influence water pricing in other parts of the state as well.

## **California Survey Shows Heightened Water Awareness**

The PPIC, Public Policy Institute of California, recently released results from its most recent survey of Californians on key governmental issues.

Water and drought is now in a near statistical tie at 23% with jobs and the economy as Californian's most important issue today. No other statewide concern reached the double digit threshold. Interestingly, this survey was completed well before Governor Brown's most recent executive orders suggesting that poling today might inflate the water and drought response.

Also, when asked how big a problem in California water supply is they responded:

- 66% - a big problem
- 19% - somewhat of a problem
- 14% - not much of a problem
- 1% - unsure

When asked about the adequacy of water supply in their part of California looking forward 10 years people responded:

- 26% - would be adequate
- 26% - somewhat inadequate
- 43% - very inadequate
- 5% - unsure

The poll of 1,706 adult Californians was conducted March 8-17 and has a margin of error of +/- 3.7%

## **Help Wanted Sign at Orange County – County CEO Retiring in September**

37 year County employee and current County CEO Mike Giancola announced on April 8<sup>th</sup> his plans to retire in September. Giancola began his career with the County in 1979 as a groundskeeper and later a laborer in the former Orange County Trash Department. He steadily rose through the ranks becoming the head of Orange County Waste and Recycling. Supervisors turned to Giancola to replace former CEO Tom Mauk two and a half years ago.

Giancola has had generally good relations with the Board of Supervisors during his tenure. The looming vacancy will undoubtedly touch off some closed door maneuverings as Supervisors scramble to fill the post. Their deliberations may help clarify the shifting political alliances on the Board.

## **County Reveals Goals and Challenges**

On March 31 the Orange County Board of Supervisors engaged in a public workshop revealing strategies, goals, new visions and on-going challenges.

This planning session took place against a backdrop of greatly improved economic data. The 4.6% unemployment rate in Orange County is the lowest rate of all Southern California counties and the rate is significantly better than the current 5.5% national unemployment rate as well as the 6.7% State of California unemployment rate. In addition, the real estate market has always been a key component of Orange County's economic strength and right now the market is healthy indeed. After four straight years of housing improvement, assessed valuation this year hit an all-time high of \$476 billion. This includes a 6.4% surge over 2013-2014.

However, Orange County is not without its challenges. In the last 35 years the rate of poverty in Orange County has increased from 7% to 13% of the County's population. Our senior population has increased from 8% to 13% over the same time and in a telling description of enormous demographic change over time, the percentage of residents speaking a language other than English at home has risen from 17% to 45%.

As part of the workshop a three prong visionary plan was discussed including promoting Enhanced Public-Private Partnerships, developing a new identity as the "can-do" County and strengthening Orange County as a regional leader.

The discussion also reaffirmed strategic priorities adopted by the County in 2012 with an updated discussion of on-going implementation. The five plan priorities include stabilizing the County budget, an improved County IT program, an improved approach to workforce development, simplifying administrative policies and procedures and dealing with the County's infrastructure needs.

### **Election Update – Moorlach Wins Outright**

The nearly 950,000 Orange County residents who reside in the 37<sup>th</sup> State Senate District have a new State Senator, but a familiar face with the election of John Moorlach.

Moorlach eked out victory, avoiding a run-off election by garnering a majority 50.3% of the vote. In doing so, he bested three opponents, Assemblyman Don Wagner 44%, Republican Naz Namazi 3.5% and Democrat write-in Louise Stewardson 2.2%.

Moorlach's victory was achieved despite being heavily outspent by his main competitor Don Wagner along with a huge independent effort on Wagner's behalf.

Most observers attributed Moorlach's win to his greater familiarity to district voters at the beginning of the race coupled with his ability to roll up a huge margin in the overlapping section of his former 2<sup>nd</sup> Supervisor District. IN the 2<sup>nd</sup> Supervisor District overlap, Moorlach had a 4,273 vote edge over Wagner, while Wagner could only achieve a 1,749 vote edge in his 68<sup>th</sup> Assembly District overlap.

As a result of Moorlach's victory, a slew of candidates who had lined up to run for Wagner's Assembly seat have been forced to put their plans on hold. The Wagner Assembly seat will now be open due to term limits in the regularly scheduled 2016 election.

# ACKERMAN CONSULTING

## Legal and Regulatory

April 20, 2015

1. **Delta Smelt Extinct??** A UC Davis biologist in a presentation before scientists with the Delta Stewardship Council that the Delta Smelt may be on the way to extinction. He cites state surveys figures which show the fish count to be severely down in the Sacramento San Joaquin Delta area. This area is the normal gathering spot but numbers have decreased from the hundreds to the tens. Their population has been decreasing over the past 30 years and severe drought conditions may push them out of business. If the Smelt is declared extinct, many of the rules and regulations regarding water usage in California would have to be reexamined. Pumping restrictions are driven by Smelt habitat but also deal with other species in the region.
2. **Chromium 6 Update:** The Alameda Superior Court has pushed the Department of Public Health to adopt maximum contaminant limits (MCL) for Chromium 6 of 10 parts per billion. This in turn has set a timeline for MCL compliance by public water systems. Those systems are struggling to come up with a plan that can fix the problem. The Legislature has picked up the challenge and introduced SB 385 (Senator Ben Hueso) to grant public water systems a variance to give them time to come up with a compliance plan to meet the new criteria. The Bill is intended to give districts time to carefully study and reasonably analyze solutions and to do so “by the earliest feasible date.” At the same time, the districts are admonished to keep public safety a high priority.
3. **Court Tightens TMDL:** An Appellate Court has sustained the Regional Water Quality Control Board’s ruling on total maximum daily load (TMDL) as it applies to pollutants in lake bed sediment. The case arose from conflicting claims on McGrath Lake in Oxnard. The issue was whether TMDL rules applied only to pollutants coming into the lake or to pollutants in the lake bed sediment. In a novel interpretation, the court said the TMDL applied to both. This made surrounding landowners potentially responsible for remedial action and the associated costs. This ruling is likely to be appealed. The Control Board it appears did realize the increased burden it was placing on the landowners as they gave all parties 14 years to achieve the remedial actions.

4. **Can You Hear Me Now??:** It is estimated that state water districts lose on average 10% of their water to leaks and broken pipes. Many of our systems, including several in Orange County, are 75 to 100 years old and made of cast iron or other material that is no longer used. San Francisco has recently hired specialists from Indiana and Canada to examine their aging system (some going back to 1906) and listen for leaks. Using headphones and high tech listening devices, they can hear leaks from old pipes and also pinpoint the location. This eliminates the need for unnecessary digging. A computer model measures the time it takes for the sound of the leak to travel to the surface to find the location of the leak. The technicians say the noise one hears is similar to the static one heard on old TVs when the screen showed “snow”.
5. **State Seeks Confidential Water Logs:** Various state agencies including the Department of Water Resources have maintained records from well drillers and other permitted activities for many years. These records are treated as confidential under state law. Other western states treat these records as public. Senator Fran Pavley has introduced a bill to make these records public. This is her third try and no one knows if her third time will be a charm or not. It is opposed by the California Chamber and other agricultural interest based on the proprietary nature of the data and the competitive value it has. East Bay Municipal Utility District and others claim the data is needed to properly manage groundwater. This bill is likely to be considered with other issues by the State and Courts relative to historical waters rights and the changing water landscape.
6. **Drought vs Pine Trees:** Pine trees in the southern Sierra Nevada, from Mariposa County to Kern County, are dying at an alarming rate. The cause is the pine beetle which attacks pine trees which are weakened by the severe drought. The magnitude of the problem is presenting grave concern for more serious forest fires in the region. The US Forest Service is being criticized for not thinning the forest and landowners are being advised to be more aggressive in dealing with dead trees on their property. Rain is the best medicine for the trees. They can also be treated with pesticides but it is very expensive.
7. **LA Buying Rice Water:** LA is offering rice farmers in northern California \$700 per acre foot for their water. Some rice farmers are being offered \$2100 per acre to fallow their land. Rice takes more than three acre feet of water to grow one acre of rice. Rice sales vary from \$1000-\$1500 per acre. Rice sales in California have been declining. Last year they were down 25%. The drought is part of the problem but also competition from Louisiana and Arkansas is taking its toll. California rice is still superior in quality but southern rice is cheaper.
8. **Drought vs Skiers:** We all know the ski industry is suffering in California. As drought conditions tend to change migratory patterns of wildlife in our area, it also drives skiers to neighboring states like Idaho, Washington and Colorado. Their economies are benefiting from our drought and conversely our economy suffers.



## Municipal Water District of Orange County Priority Legislation

BILL	AUTHOR	HIGH PRIORITY	SUMMARY	LATEST ACTION	POLICY AREA	MWDOC POSITION	OTHER POSITIONS
<b>Proposed Legislation</b>							
AB 1	Brown [D]		<b>Drought: local governments: fines.</b> Would prohibit a city, county, or city and county from imposing a fine under any local maintenance ordinance or other relevant ordinance for a failure to water a lawn or having a brown lawn during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.	<b>4/9/2015</b> -From committee: Do pass. (Ayes 9, Noes 0.) (April 8). <b>4/13/2015 #4 ASSEMBLY ASSEMBLY SECOND READING FILE</b>	Local Water Resource	Support	
AB 10	Gatto [D]		<b>Political Reform Act of 1974: economic interest disclosures.</b> Would increase the thresholds at which a public official has a disqualifying financial interest in sources of income from \$500 to \$1,000, in investments in business entities from \$2,000 to \$5,000, and in interests in real property from \$2,000 to \$10,000. This bill contains other related provisions and other existing laws.	<b>4/8/2015</b> -Re-referred to Com. on E. & R. <b>Calendar:</b> 4/15/2015 9 a.m. - State Capitol, Room 444 ASSEMBLY ELECTIONS AND REDISTRICTING, RIDLEY-THOMAS, Chair	Governance		
AB 149	Chavez [R]		<b>Urban water management plans.</b> The Urban Water Management Planning Act requires an urban water supplier to submit to the Department of Water Resources a copy of its urban water management plan and requires the department to prepare and submit to the Legislature, on or before December 31, in the years ending in 6 and 1, a report summarizing the status of plans adopted pursuant to the act. This bill, commencing January 1, 2017, would instead require an urban water supplier to update its plan at least once every 5 years on or before December 31 in years ending in 6 and one. The bill would instead require the department to submit its report to the Legislature, on or before December 31, in years ending in 7 and two.	<b>Calendar:</b> 4/28/2015 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS, AND WILDLIFE, LEVINE, Chair	Governance	Support	ACWA - Favor
AB 291	Medina [D]		<b>California Environmental Quality Act: local agencies: notice of determination: water.</b> Would authorize a local agency, for certain water projects, to file the notice with the county clerk of the county in which the local agency's principal office is located in lieu of the county clerk of each county in which the project is located and would, if the local agency exercises this authorization, require the local agency to file the notice with the Office of Planning and Research. This bill contains other existing laws.	<b>4/13/2015</b> 1:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, WILLIAMS, Chair	Governance		ACWA - Support

Item 6e





## Municipal Water District of Orange County Priority Legislation

AB 300	Alejo [D]			<b>Safe Water and Wildlife Protection Act of 2015.</b> Would enact the Safe Water and Wildlife Protection Act of 2015, which would require the State Coastal Conservancy to establish and coordinate the Algal Bloom Task Force, in consultation with the Secretary of the Natural Resources Agency, and would prescribe the composition and functions and duties of the task force. The bill would require the task force to review the risks and negative impacts of toxic blooms and microcystin pollution and to submit a summary of its findings and recommendations to the secretary by January 1, 2017.	<u>4/8/2015</u> -Re-referred to Com. on APPR.	Water Quality		
AB 307 (SPOT)	Mathis [R]			<b>Graywater: groundwater recharge.</b> Would state the intent of the Legislature to enact legislation to explicitly permit the usage of residential, commercial, and industrial graywater for the recharge of a groundwater basin or aquifer.	<u>2/12/2015</u> -Introduced <u>2/13/2015</u> -From printer. May be heard in committee March 15.	Local Water Resource		
AB 308 (SPOT)	Mathis [R]			<b>Graywater: agricultural use.</b> Would state the intent of the Legislature to enact legislation to explicitly permit incorporated and unincorporated communities to sell graywater for agricultural purposes and agriculture to use graywater for agricultural purposes.	<u>2/12/2015</u> -Introduced <u>2/13/2015</u> -From printer. May be heard in committee March 15.	Local Water Resource		
AB 311	Gallagher [R]			<b>Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014.</b> Would require the public agency, in certifying the environmental impact report and in granting approvals for specified water storage projects funded, in whole or in part, by Proposition 1, including the concurrent preparation of the record of proceedings and the certification of the record of proceeding within 5 days of the filing of a specified notice, to comply with specified procedures. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program.	<u>3/23/2015</u> -Action From NAT. RES.: Failed passage Reconsideration granted.	Local Water Resource		ACWA - Not Favor Unless Amended



## Municipal Water District of Orange County Priority Legislation

AB 349	Gonzalez [D]		Common interest developments: property use and maintenance. Current law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies in a common interest development declaration that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified. This bill would also make void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using landscapes that require not more than a specified amount of water. This bill contains other existing laws.	<u>3/2/2015</u> -Referred to Com. on H. & C.D.	Water Use Efficiency		
AB 356	Williams [D]		<b>Oil and gas: groundwater monitoring.</b> Would authorize the State Oil and Gas Supervisor to require a well operator to implement a monitoring program for belowground oil production tanks and facilities, and disposal and injection wells. Because a failure to comply with this requirement would be a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	<u>3/18/2015</u> -Re-referred to Com. on NAT. RES.	Local Water Resource		ACWA - Favor
AB 434	Garcia, E [D]		<b>Drinking water: point-of-entry and point-of-use treatment.</b> Would specifically make the emergency regulations adopted by the State Department of Public Health before January 1, 2014, operative and would require that the emergency regulations remain in effect until repealed or amended by the State Water Resources Control Board. The bill would authorize the State Water Resources Control Board to award a grant for point-of-entry and point-of-use treatment, in lieu of centralized treatment, by a public water system that meets certain requirements. This bill contains other related provisions.	<u>4/7/2015</u> -Re-referred to Com. on E.S. & T.M. <u>Calendar:</u> 4/14/2015 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, ALEJO, Chair	Water Quality		ACWA - Favor
AB 478 (SPOT)	Harper [R]		<b>Desalination.</b> Current law provides that is it the intention of the Legislature that the Department of Water Resources shall undertake to find economic and efficient methods of desalting saline water so that desalted water may be made available to help meet the growing water requirements of the state. This bill would make a nonsubstantive change in these provisions.	<u>2/23/2015</u> - Introduced <u>2/24/2015</u> -From printer. May be heard in committee March 26.	Desalination		



## Municipal Water District of Orange County Priority Legislation

AB 585	Melendez [R]		<b>Outdoor Water Efficiency Act of 2015: personal income tax credits: outdoor water efficiency.</b> The Personal Income Tax Law allows various credits against the taxes imposed by that law. This bill, for taxable years beginning on or after January 1, 2015, and before January 1, 2021, or an earlier specified date, would allow a credit equal to 25% of the amount paid or incurred by a qualified taxpayer for water-efficiency improvements made to outdoor landscapes on qualified real property in this state, not to exceed \$2,500 per taxable year, as specified. This bill contains other related provisions.	<u>3/17/2015</u> -Re-referred to Com. on REV. & TAX	Water Use Efficiency		
AB 603	Salas [D]		<b>Income taxes: turf removal tax credit.</b> Would, under Personal Income Tax Law and the Corporation Tax Law, for taxable years beginning on and after January 1, 2015, allow a credit to a taxpayer participating in a lawn replacement program, as defined, in an amount equal to \$2 per square foot of conventional lawn removed from the taxpayer's property. The bill would make findings and declarations in this regard. This bill contains other related provisions.	<b>Calendar:</b> 4/13/2015 1:30 p.m. - State Capitol, Room 126 ASSEMBLY REVENUE AND TAXATION, TING, Chair	Water Use Efficiency		
AB 606	Levine [D]		<b>Water conservation.</b> Would require the Department of General Services to identify each public property added to the department's state property inventory beginning January 1, 2015, where it is feasible for water consumption to be reduced and water efficiencies to be achieved through replacement of landscaping, irrigation timers, or spray sprinkler heads, or any combination thereof, and would require the appropriate replacements where feasible, except as specified.	<u>3/9/2015</u> -Referred to Com. on A. & A.R.	Water Use Efficiency		
AB 647	Eggman [D]		<b>Beneficial use: diversion of water underground.</b> Would declare that the diversion of water underground constitutes a beneficial use of water for which an appropriation may be made if the diverted water is stored and thereafter applied to beneficial use or if beneficial use of the water, including, but not limited to, protection of water quality or recovery of groundwater levels, is made while the water is underground. This bill would provide that the period for the reversion of a water right does not apply to water being beneficially used in the aquifer or being held in storage for later beneficial use.	<b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair	Water Transfers		
AB 656	Garcia, C [D]		<b>Joint powers agreements: mutual water companies.</b> Current law authorizes local public entities, as defined, to enter into a joint powers agreement for the purposes of providing risk-pooling, as specified. This bill would specifically authorize 2 or more mutual water companies, or 2 or more mutual water companies and one or more public agencies that operate a public water system, to participate in joint powers agreement for risk-pooling, technical support, and other similar services.	<b>Calendar:</b> 4/22/2015 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHIEIN, Chair	Governance		



## Municipal Water District of Orange County Priority Legislation

AB 723	Rendon [D]		<b>Plumbing fixtures: WaterSense standards.</b> Would, beginning January 1, 2017, prohibit manufacturers selling water closets, urinals, bathroom faucets, and shower heads from installing or selling any of the aforementioned plumbing fixtures that do not meet WaterSense standards set by the federal Environmental Protection Agency, as specified. The bill would require these manufacturers, by January 30 of each year, to inform, in writing, the California Energy Commission, the department, and the California Building Standards Commission of the number of WaterSense certified models it is offering for sale that year as compared to the years 2010 to 2014, inclusive.	<u><b>Calendar:</b></u> 3/12/15 Referred to Com. on H. & C.D.	Water Use Efficiency		ACWA-Move from Favor to Watch
AB 888	Bloom [D]		<b>Waste Management: plastic microbeads.</b> Would prohibit, on and after January 1, 2020, a person, as defined, from selling or offering for promotional purposes in this state a personal care product containing intentionally added plastic microbeads, as specified. The bill would exempt from those prohibitions the sale or promotional offer of a product containing less than 1 part per million (ppm) by weight of plastic microbeads, as provided. This bill contains other related provisions.	<u><b>Calendar:</b></u> 4/13/2015 1:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, WILLIAMS, Chair	Water Quality		
AB 935	Salas [D]		<b>Integrated Regional Water Management Plans: conveyance projects: grants and expenditures.</b> Would require the Department of Water Resources to provide grants and expenditures, consistent with an integrated regional water management plan, for the planning, design, and construction of local and regional conveyance projects that support regional and interregional connectivity and water management and provide certain benefits. The bill would authorize the department to adopt regulations to implement these provisions.	<u><b>4/6/2015-Re-referred to Com. on W., P., &amp; W.</b></u> <u><b>Calendar:</b></u> 4/28/2015 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS, AND WILDLIFE, LEVINE, Chair	Water Infrastructure Financing		
AB 954	Mathis [R]		<b>Water Quality, Supply, and Infrastructure Improvement Act of 2014.</b> Current law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. This bill would state the intent of the Legislature to enact legislation to implement this bond act.	<u><b>4/6/2015-Re-referred to Com. on W., P., &amp; W.</b></u> <u><b>Calendar:</b></u> 4/28/2015 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS, AND WILDLIFE, LEVINE, Chair	Water Infrastructure Financing		



## Municipal Water District of Orange County Priority Legislation

AB 957	Mathis [R]		<p><b>Water Quality, Supply, and Infrastructure Improvement Act of 2014.</b> The Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$520,000,000 is to be available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians. This bill would make nonsubstantive changes in these provisions.</p>	<p><b>4/6/2015</b>-Re-referred to Com. on W., P., &amp; W. <b>Calendar:</b> 4/28/2015 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS, AND WILDLIFE, LEVINE, Chair</p>	Water Infrastructure Financing		ACWA - Not Favor
AB 1077	Holden [D]		<p><b>Mutual water companies: open meetings.</b> Would prohibit a mutual water company from meeting solely in an executive session without holding a meeting. The bill would require a board of directors of a mutual water company to allow an eligible person to personally attend a meeting of the board, if the eligible person gave the board at least 24 hours advance written notice of his or her intent to personally attend the meeting. This bill contains other existing laws.</p>	<p><b>4/8/2015</b>-Re-referred to Com. on L. GOV. <b>Calendar:</b> 4/22/2015 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHIEIN, Chair</p>	Governance		ACWA - Not Favor Unless Amended
AB 1242	Gray [D]		<p><b>Water quality: impacts on groundwater basins: mitigation measures.</b> Would require the State Water Resources Control Board to take into consideration any applicable groundwater sustainability plan or alternative in formulating state policy for water quality control and adopting or approving a water quality control plan that affects a groundwater basin. This bill contains other related provisions and other existing laws.</p>	<p><b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair</p>	Water Quality		
AB 1244	Gray [D]		<p><b>Water rights: small irrigation use.</b> Current law authorizes any person to obtain a right to appropriate water for a small irrigation use upon registering the use with the State Water Resources Control Board and thereafter applying the water to reasonable and beneficial use with due diligence. This bill would require the board to adopt general conditions, in consultation with the Department of Food and Agriculture, the University of California Cooperative Extension, and others, including, but not limited to the Department of Fish and Wildlife, for small irrigation use, unless the board determines that sufficient funds are not available for that purpose.</p>	<p><b>Calendar:</b> 4/28/2015 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS, AND WILDLIFE, LEVINE, Chair</p>	Water Use Efficiency		



## Municipal Water District of Orange County Priority Legislation

AB 1454	Wagner [R]		<b>State policy for water quality control: California Ocean Plan.</b> Would require the plan to be reviewed at least every 4 years.	<b>4/6/2015</b> -Re-referred to Com. on W., P., & W. <b>Calendar:</b> 4/28/2015 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS, AND WILDLIFE, LEVINE, Chair	Water Quality		
SB 7 (SPOT)	Wolk [D]		<b>Housing: water meters: multiunit structures.</b> Would express the intent of the Legislature to encourage the conservation of water in multifamily residential rental buildings through means either within the landlord's or the tenant's control, and to ensure that the practices involving the submetering of dwelling units for water service are just and reasonable, and include appropriate safeguards for both tenants and landlords. This bill contains other related provisions and other existing laws.	<b>Calendar:</b> 4/14/2015 1:30 p.m. - John L. Burton Hearing Room (4203) SENATE TRANSPORTATION AND HOUSING; BEALL, Chair	Water Use Efficiency		
SB 47	Hill [D]		<b>Environmental health: synthetic turf.</b> Would require the Office of Environmental Health Hazard Assessment, by July 1, 2017, in consultation with the Department of Resources Recycling and Recovery, the State Department of Public Health, and the Department of Toxic Substances Control, to prepare and provide to the Legislature and post on the office's Internet Web site a study analyzing synthetic turf, as defined, for potential adverse health impacts. The bill would require the study to include certain information, including a hazard analysis of exposure to the chemicals that may be found in synthetic turf, as provided.	4/2/15 Set for hearing April 13.	Water Use Efficiency		
SB 122	Jackson [D]		<b>California Environmental Quality Act: record of proceedings.</b> CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. This bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. This bill contains other related provisions.	<b>Calendar:</b> 4/15/2015 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	CEQA		ACWA - Not favor unless amended (Would open final EIR to public comment)
SB 127	Vidak [R]		<b>Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014.</b> CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA and a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. This bill would require the public agency, in certifying the environmental impact report and in granting approvals for projects funded, in whole or in part, by Proposition 1, including the concurrent preparation of the record of proceedings and the certification of the record of proceeding within 5 days of the filing of a specified notice, to comply with specified procedures.	<b>Calendar:</b> 4/15/2015 Anticipated Hearing SENATE E.Q., Not in daily file.	CEQA		ACWA - Not Favor





## Municipal Water District of Orange County Priority Legislation

SB 143	Stone [R]		<b>Diamond Valley Reservoir: recreational use.</b> Current law, with certain exceptions, prohibits recreational use, in which there is bodily contact with water, in a reservoir in which water is stored for domestic use and establishes water standards for those exempted reservoirs. This bill would exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in the Diamond Valley Reservoir if certain standards are met. This bill contains other related provisions.	<b>Calendar:</b> 4/15/2015 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	MET	Oppose	MET- Oppose ACWA- Not Favor
SB 208	Lara [D]		<b>Integrated regional water management plans: grants: advanced payment.</b> Would require a regional water management group, within 90 days of notice that a grant has been awarded, to provide the state entity administering the grant with a list of projects to be funded by the grant funds where the project proponent is a nonprofit organization, as defined, or a disadvantaged community, as defined, or the project benefits a disadvantaged community. This bill contains other existing laws.	<b>Calendar:</b> 4/15/2015 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	Fiscal Policy		
SB 355	Lara [D]		<b>San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.</b> Would require that only one member of the Orange County Division of the League of California Cities be a voting member of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and would require that a resident of a city bordering the Lower Los Angeles River, appointed by the Senator Committee on Rules, be a voting member. The bill would also increase the number of nonvoting members to 9, and would require that one Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Speaker of the Assembly, serve as those nonvoting members.	<b>4/6/2015</b> -From committee with author's amendments. Read second time and amended. Referred to Com. on N.R. & W. <b>Calendar:</b> 4/14/2015 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair	Fiscal Policy	Oppose	
SB 385	Hueso [D]		<b>Primary drinking water standards: variances: hexavalent chromium.</b> Would authorize, until January 1, 2020, the State Water Resources Control Board, at the request of a public water system, to grant a variance from the primary drinking water standard for hexavalent chromium if the public water system prepares and submits a compliance plan, the state board approves the compliance plan, the public water system provides specified notice requirements regarding the compliance plan to its customers, and the public water system sends annual reports to the state board that updates the status of the approved compliance plan.	<b>4/7/2015</b> -From committee with author's amendments. Read second time and amended. Referred to Com. on E.Q. <b>Calendar:</b> 4/15/2015 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	Water Quality		
SB 442 (SPOT)	Hall [D]		<b>Municipal water districts: revenue bonds.</b> Current law, the Municipal Water District Law of 1911, provides for the formation of municipal water districts and grants to those districts specified powers, including the authority to issue revenue bonds for any purpose for which general obligation bonds may be issued. This bill would make nonsubstantive changes in those provisions.	<b>2/25/2015</b> -Introduced <b>3/5/2015</b> - Referred to Com. on RLS.	Fiscal Policy		



## Municipal Water District of Orange County Priority Legislation

<b>SB 553</b>	<b>Wolk [D]</b>		<b>Water conservation.</b> Would require the Department of General Services to identify each public property in the department's state property inventory where it is feasible for water consumption to be reduced and water efficiencies to be achieved through implementation of the relevant recommendations made in the model water efficient landscape ordinance and would require the department to implement the relevant recommendations where feasible, except as specified. This bill contains other existing laws.	<u><b>3/12/2015</b></u> -Referred to Com. on G.O.	Water Use Efficiency		
<b>SB 555</b>	<b>Wolk [D]</b>		<b>Department of Water Resources: urban retail water suppliers: water loss audits.</b> Would require each urban retail water supplier, on or before July 1, 2017, to conduct a water loss audit as prescribed by rules adopted by the Department of Water Resources on or before July 1, 2016. This bill would require an urban retail water supplier to submit a validated audit report to the department within 60 days of completion and the department to post the report on its Internet Web site in a timely manner after its receipt. This bill would require the department to provide technical assistance to guide urban retail water suppliers' water loss detection programs.	<u><b>4/7/2015</b></u> -From committee with author's amendments. Read second time and amended. Referred to Com. on N.R. & W. <b>Calendar:</b> 4/14/2015 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair	Governance		
<b>Groundwater Legislation</b>							
<b>AB 452</b>	<b>Bigelow [R]</b>		<b>Water Rights Fund: Groundwater Regulation Subaccount.</b> Would establish the Groundwater Regulation Subaccount in the Water Rights Fund and would provide that moneys in the subaccount are available, upon appropriation by the Legislature, to the State Water Resources Control Board for the purpose of board enforcement of the provisions of the Sustainable Groundwater Management Act. This bill contains other related provisions and other existing laws.	<b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair			
<b>AB 453</b>	<b>Bigelow [R]</b>		<b>Groundwater management.</b> Would authorize, until a groundwater sustainability plan is adopted, a local agency to amend an existing groundwater management plan in furtherance of, and consistent with, the groundwater management plan's objectives.	<b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair	Local Water Resource		
<b>AB 454</b>	<b>Bigelow [R]</b>		<b>Sustainable groundwater management.</b> Would require a high- or medium-priority basin that is not subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plan by January 31, 2023. This bill contains other related provisions and other existing laws.	<b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair	Local Water Resource		





## Municipal Water District of Orange County Priority Legislation

AB 455	Bigelow [R]		<p><b>Groundwater sustainability plans: environmental impact reports.</b> Would require the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of an EIR for projects covered by a groundwater sustainability plan that require the actions or proceedings be resolved within 270 days of certification of the record of proceeding. The bill would also prohibit the court from staying or enjoining the construction or operation of the project unless the court makes a certain finding. This bill contains other existing laws.</p>	<p><b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair</p>	Local Water Resource		
AB 936	Salas [D]		<p><b>Groundwater monitoring.</b> If there is insufficient interest in establishing a management plan or ground watering association, and the county decides not to perform groundwater monitoring and reporting functions, the Department of Water Resources is required to perform the groundwater monitoring functions. In that event, specified entities with authority to assume groundwater monitoring functions with regard to a basin or subbasin for which the department has assumed those functions are not eligible for a water grant or loan awarded or administered by the state. This bill would create an exception from this eligibility restriction if the entity submits to the department for approval documentation demonstrating the water grant or loan project includes those actions needed to comply with groundwater monitoring functions.</p>	<p><b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair</p>	Local Water Resource		
AB 937	Salas [D]		<p><b>Groundwater recharge.</b> Under current law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Current law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would state the intent of the Legislature to enact legislation relating to groundwater recharge.</p>	<p><b>4/8/2015</b>-In committee: Set, first hearing. Further hearing to be set. <b>Calendar:</b> 4/14/2015 Anticipated Hearing ASSEMBLY W., P. &amp; W., Not in daily file.</p>	Local Water Resource		
AB 938	Salas [D]		<p><b>Groundwater: basin reprioritization: establishment of groundwater sustainability agency.</b> The Sustainable Groundwater Management Act requires a local agency, any time the Department of Water Resources changes basin priorities and elevates a basin to a medium- or high-priority basin after January 31, 2015, to either establish a groundwater sustainability agency within 2 years of reprioritization and adopt a groundwater sustainability plan within 5 years of reprioritization, or to submit an alternative to the department that the local agency believes satisfies the objectives of these provisions within 2 years of reprioritization. This bill would impose the requirement to establish a groundwater sustainability agency or submit an alternative after reprioritization on a local agency or combination of local agencies overlying a groundwater basin.</p>	<p><b>Calendar:</b> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair</p>	Local Water Resource		



## Municipal Water District of Orange County Priority Legislation

AB 939	Salas [D]		<p><b>Groundwater sustainability agency: financial authority.</b> The Sustainable Groundwater Management Act authorizes a groundwater sustainability agency to impose fees to fund the costs of a groundwater sustainability program and requires a groundwater sustainability agency to hold at least one public meeting prior to imposing or increasing a fee. The act requires, at least 10 days prior to the meeting, a groundwater sustainability agency to make available to the public data upon which the proposed fee is based. This bill would require a groundwater sustainability agency to make the data upon which the proposed fee is based available 20 days prior to the public meeting to impose or increase a fee.</p>	<p><u><b>Calendar:</b></u> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair</p>	Local Water Resource		
AB 1243	Gray [D]		<p><b>Groundwater recharge: grants.</b> Would establish the Groundwater Recharge Grant Fund and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the State Water Resources Control Board to provide grants to local governments and water districts for groundwater recharge infrastructure projects. This bill contains other related provisions and other existing laws.</p>	<p><u><b>Calendar:</b></u> 4/14/2015 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS AT 9 A.M.: GROUNDWATER BILLS ASSEMBLY WATER, PARKS, AND WILDLIFE SPECIAL ORDER, LEVINE, Chair</p>	Local Water Resource		
SB 13	Pavley [D]		<p><b>Groundwater.</b> Would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the State Water Resources Control Board to designate a groundwater basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin. This bill contains other related provisions and other existing laws.</p>	<p><u><b>Calendar:</b></u> 4/13/2015 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, LARA, Chair</p>	Local Water Resource		ACWA - Favor and Amend
SB 173	Nielsen [R]		<p><b>Groundwater: de minimis extractors.</b> Current law generally excepts a de minimis extractor from the requirement that a person who extracts groundwater from a probationary basin, as prescribed, or extracts groundwater on or after July 1, 2017, in an area within a basin that is not within the management area of a groundwater sustainability agency and where the county does not assume responsibility to be the groundwater sustainability agency has to file a report of groundwater extraction by December 15 of each year for extractions made in the preceding water year with the State Water Resources Control Board. This bill would define a de minimis extractor for the purposes of these provisions as a person who extracts, for domestic purposes, 10 acre-feet or less per year.</p>	<p><u><b>3/24/2015</b></u>-March 24 set for first hearing. Failed passage in committee. (Ayes 2. Noes 7.) Reconsideration granted.</p>	Local Water Resource		
SB 226	Pavley [D]		<p><b>Sustainable Groundwater Management Act: groundwater rights.</b> Would provide, under the Sustainable Groundwater Management Act, that a groundwater sustainability plan or coordinated groundwater sustainability plans establishes a timely method for determining rights to groundwater in furtherance of the objectives of the act. This bill would require the process to be available to any court of competent jurisdiction. This bill would require the boundaries of a basin to be as identified in Bulletin 118, unless other basin boundaries are established, as specified.</p>	<p><u><b>4/6/2015</b></u>-From committee with author's amendments. Read second time and amended. Referred to Com. on N.R. &amp; W. <u><b>Calendar:</b></u> 4/14/2015 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair</p>	Local Water Resource		



## Municipal Water District of Orange County Priority Legislation

SB 228	Cannella [R]		<b>Groundwater storage: beneficial use.</b> Would declare that the recharging of a groundwater basin by a local groundwater management agency or a local groundwater sustainability agency for the purposes of repelling saline intrusion and recovering basin groundwater levels constitutes a beneficial use of water if the recharge is consistent with the local agency's groundwater management plan or groundwater sustainability plan.	<u>4/6/2015</u> -April 14 set for first hearing canceled at the request of author.	Local Water Resource		
SB 487	Nielsen [R]		<b>Sustainable Groundwater Management Act: California Environmental Quality Act: exemptions.</b> Would exempt from the requirements of CEQA the formation of a groundwater sustainability agency, the amendment of a groundwater sustainability plan or coordinated groundwater sustainability plan, and the implementation of those plans, except to the extent that the implementation requires the construction or installation of a new facility. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	<u>4/6/2015</u> -April 15 hearing postponed by committee. <b>Calendar:</b> 4/29/2015 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	CEQA		
SB 568 (SPOT)	Fuller [R]		<b>Groundwater management.</b> Would declare the intent of the Legislature to enact legislation relating to the Sustainable Groundwater Management Act.	<u>3/12/2015</u> -Referred to Com. on RLS	Local Water Resource		
<b>ACWA Monitored Legislation</b>							
SB 20	Pavley [D]		<b>Wells: reports: public availability.</b> Current law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or re-perforates a well, to file a report of completion with the Department of Water Resources. Current law prohibits those reports from being made available to the public, except under certain circumstances. This bill would instead require the department to, upon request, make the reports available to the public. The bill would require the department to provide specified disclaimers when providing the reports to the public.	<b>Calendar:</b> 4/15/2015 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	Water Quality		

**Metropolitan Water District of Southern California**  
Federal Legislative Matrix - April 9, 2015  
114th Congress

<b>Bill Author</b>	<b>Location</b>	<b>Title - Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
H.R. 211 Calvert (R-CA)	1/8/15: Referred to the House Committee on Natural Resources.	<b>Reducing Environmental Barriers to Unified Infrastructure and Land Development Act of 2015 Act or the “REBUILD Act”</b> - The goals of the program are to simplify the NEPA implementation practices, reduce the time and cost involved in preparing NEPA reviews, and improve the effectiveness of public engagement.	<b>SUPPORT</b> , and seek amendments, pursuant to board action, April, 2012; based on same action on H.R.2538, introduced in the 112th Congress.	HR 211 would extend provisions of a pilot program that authorizes states to utilize a streamlined environmental review process for transportation projects to other infrastructure projects. Staff recommendation: support and seek amendments to expand this authority to other municipal agencies, among other changes.
H.R.291 Napolitano (D-CA)  Companion Measure: S.176 Boxer (D-CA)	1/13/15: Referred to the House Committees on Transportation and Infrastructure, Energy and Commerce, Science, Space and Technology.  3/2/15: Referred to the House Natural Resources Committee.	<b>Water in the 21st Century Act, or “W21”</b> – This bill establishes within the Environmental Protection Agency (EPA) a WaterSense program to identify, label, and promote water efficient products, buildings, landscapes, facilities, processes, and services.	<b>SUPPORT</b> , pursuant to board-adopted 2015 federal legislative strategy, and support of H.R.5363 introduced in 113th Congress.	Metropolitan’s Integrated Resources Plan calls for increased conservation and water use efficiency. By authorizing the WaterSense program, HR 291 would advance conservation programs and provide increased review and labeling of water conservation products and services for commercial, institutional and residential use. In addition, the residential water efficiency incentive programs could provide a funding source for Metropolitan’s conservation rebate programs. Metropolitan sought amendments to H.R. 5363 in the 113 <sup>th</sup> Congress to broaden eligibility for the Water Infrastructure Financing and Innovation Act (WIFIA), and these amendments were included in H.R.

**Metropolitan Water District of Southern California**  
Federal Legislative Matrix - April 9, 2015  
114th Congress

<b>Bill Author</b>	<b>Location</b>	<b>Title - Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
S.176 Boxer (D-CA)  Companion Measure: H.R.291 Napolitano (D- CA)	1/13/15: Referred to the Senate Committee on Environment and Public Works.	<b>Water in the 21st Century Act, or "W21"</b> – This bill establishes within the Environmental Protection Agency (EPA) a WaterSense program to identify, label, and promote water efficient products, buildings, landscapes, facilities, processes, and services.	<b>SUPPORT,</b> pursuant to board- adopted 2015 federal legislative Strategy, and support of S. 2771 introduced in 113th Congress.	Metropolitan's Integrated Resources Plan calls for increased conservation and water use efficiency. By authorizing the WaterSense program, HR 291 would advance conservation programs and provide increased review and labeling of water conservation products and services for commercial, institutional and residential use. In addition, the residential water efficiency incentive programs could provide a funding source for Metropolitan's conservation rebate programs. Metropolitan sought amendments to S. 2771 in the 113th Congress to broaden eligibility for the Water Infrastructure Financing and Innovation Act (WIFIA), and those
S.414 Feinstein (D-CA)	2/9/15: Referred to the Senate Committee on Energy and Natural Resources	<b>California Desert Conservation and Recreation Act of 2015</b> – this bill would provide for both wilderness preservation and recreational activity in desert portions of Southern California, while also setting forth the terms and conditions for renewable energy development in the area.	<b>SUPPORT,</b> pursuant to board action, June 2011, and based on same action on S.138 in the 112th Congress	Metropolitan sought amendments that were added to the bill to explicitly provide protections for the continued use, operation, maintenance, replacement and reconstruction of existing Metropolitan facilities and rights of way within the protected desert areas.

**Metropolitan Water District of Southern California  
State Legislation Matrix 4/13/2015**

<b>Bill Number/Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 149</b> <b>Chavez (R)</b> Sponsor: San Diego County Water Authority	Introduced 01/15/15 Assembly Water, Parks and Wildlife Committee – 04/28/15 hearing	<b>Urban Water Management Plans:</b> Amends UWMP Act to require urban water suppliers to update plan at least once every five years on or before December 31 in years ending in “6” and “1.” Would also require DWR to report on status of plan submittals on December 31 in years ending in “7” and “2.”	<b>SUPPORT</b> (based upon historical practice)	Delay of UWMP submittal will be necessary to capture retail water use data for full year of 2020 to meet requirements of SBX7-7 (2009). Additionally, updated population data from 2020 census will be available in spring of 2021. Delay of UWMP submittal would provide time to accommodate inclusion of comprehensive census data by wholesale and retail water suppliers.
<b>AB 291</b> <b>Medina (D)</b> Sponsor: ACWA and McGeorge Law Legislative Clinic	Introduced 02/11/15 Assembly Natural Resources Committee– 04/13/15 hearing	<b>CEQA: Local Agencies: Notice of Determination:</b> Amends CEQA to authorize local agency for multi-county water transfers to file notice of determination with county clerk in county of local agency’s principal office and with Office of Planning and Research.	<b>SUPPORT</b> (based upon board-adopted policy principles)	Would streamline filing of CEQA notices of determination for multi-county water transfers and improve public access to those notices. Notice of multi-county water transfers would be made available on CEQAnet for broader public access.

**Metropolitan Water District of Southern California  
State Legislation Matrix 4/13/2015**

<b>Bill Number/Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 501 Levine (D)</b>  Sponsor: Author	Introduced 02/23/15  Assembly Water, Parks and Wildlife Committee – 04/14/15 hearing	<b>Resources: Delta Research</b> – Requires person conducting state-funded research to take specified actions to share primary data, samples, physical collections and other supporting materials created or gathered in the course of the research with the Delta Science Program (DSP).	<b>SUPPORT IF AMENDED</b> (based upon board-adopted Delta Action Plan)	Metropolitan has strongly supported, and has argued for, more transparency regarding data collected or used for Delta science. Metropolitan will seek amendments to ensure data comparability; to confirm that data is easily discoverable, accessible and usable; to ensure existing state repositories are used by the DSP; and include the development of web services for larger state databases in existence.
<b>AB 585 Melendez (D)</b>  Sponsor: Author	Amended 03/16/15  Assembly Revenue and Taxation Committee	<b>Outdoor Water Efficiency: Personal Income Tax Credit</b> – For taxable years beginning on January 1, 2015 to January 1, 2021, or until Governor rescinds current drought state of emergency, authorizes personal income tax credit equal to 25% of amount paid for water-efficiency improvements for outdoor landscapes.	<b>SUPPORT</b> (based upon board-adopted policy principles)	Will incentivize homeowners to make improvements to outdoor landscapes during current drought emergency, which would reduce residential water demand.

**Metropolitan Water District of Southern California  
State Legislation Matrix 4/13/2015**

<b>Bill Number/Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 603 Salas (D)</b>  Sponsor: Author	Introduced 02/24/15  Assembly Revenue and Taxation Committee – 04/13/15 hearing	<b>Income Taxes: Turf Removal Tax Credit</b> – Allows tax credit equal to \$2 per square foot of lawn removed by taxpayer who participates in water utility's incentive program.	<b>SUPPORT</b> (based upon board-adopted policy principles)	Will incentivize homeowners and businesses to make improvements to outdoor landscapes, which would reduce residential and commercial water demand.
<b>AB 606 Levine (D)</b>  Sponsor: Author	Introduced 02/24/15  Assembly Accountability and Administrative Review Committee	<b>Water Conservation</b> – Requires Dept. of General Services to identify each public property and determine where it can reduce water use through replacement of landscape irrigation equipment with more efficient equipment.	<b>SUPPORT</b> (based upon board-adopted policy-principles)	Would reduce water use on state- owned properties where irrigation equipment is replaced.



**Metropolitan Water District of Southern California  
State Legislation Matrix 4/13/2015**

<b>Bill Number/Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 1139 Campos (D)</b>  Sponsor: Author	Amended 03/26/15  Assembly Revenue and Taxation Committee	<b>Personal Income Tax Credit: Turf Removal</b> – For taxable years beginning on January 1, 2015, authorizes tax credit to taxpayer participating in lawn replacement program in amount equal to \$2 per square foot of conventional lawn removed up to \$50,000 per taxable year.	<b>SUPPORT</b> (based upon board-adopted policy principles)	Will incentivize homeowners to make improvements to outdoor landscapes, which would reduce residential water demand.
<b>SB 143 Stone (R)</b>  Sponsor: Author	Introduced 01/27/15  Senate Environmental Quality Committee – 04/15/15 hearing	<b>Diamond Valley Lake: Recreational Use:</b> Would exempt Diamond Valley Lake (DVL) in Riverside County from statutory protections for drinking water reservoirs.	<b>OPPOSE</b> (pursuant to board action on 02/10/15)	Body-contact recreation at DVL will increase risk of waterborne disease to downstream consumers. Supplemental disinfection at water treatment facilities near DVL would be required to maintain baseline public health risk levels. By excluding body-contract recreation at DVL, as was decided by Metropolitan's Board in 1998, Metropolitan has provided high- quality boating experience while protecting public health of downstream water consumers.

**Metropolitan Water District of Southern California  
State Legislation Matrix 4/13/2015**

<b>Bill Number/Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 553 Wolk (D)</b>  Sponsor: Author	Introduced 02/26/15  Senate Governmental Organization Committee	<b>Water Conservation</b> – Requires Department of General Services to identify each public property in department's property inventory and, where feasible, implement water demand reductions to comply with model water efficient landscape ordinance developed by Department of Water Resources.	<b>SUPPORT</b> (based upon board-adopted policy-principles)	Would reduce water use on state- owned properties where irrigation equipment is replaced.



**DISCUSSION ITEM**

April 20, 2015

**TO: Public Affairs & Legislation Committee**  
(Directors Barbre, Tamaribuchi & Hinman)

**FROM: Robert Hunter, General Manager**

**SUBJECT: State Water Resources Control Board**

**STAFF RECOMMENDATION**

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At the April 15 Board meeting, the directors requested a Discussion Item be placed on the PAL meeting regarding both the State Water Resources Control Board upcoming actions and the actions by the Governor. This agenda item will provide for an open discussion between the Board and staff.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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<b>Budgeted (Y/N):</b>	<b>Budgeted amount:</b>	<b>Core</b>	<b>Choice ___</b>
<b>Action item amount:</b>	<b>Line item:</b>		
<b>Fiscal Impact (explain if unbudgeted):</b>			



**ACTION ITEM**

May 20, 2015

**To: PAL Committee**  
(Directors Barbre, Tamaribuchi, Hinman)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 603 (Salas) – Income taxes: turf removal tax credit**

**STAFF RECOMMENDATION**

Staff recommends the Board of Directors vote to support AB 603 (Salas) and send a letter to the author indicating our support position.

**SUMMARY**

Assembly Bill 603 would, under both the Personal Income Tax Law and the Corporation Tax Law, for taxable years beginning on and after January 1, 2015, allow a credit to a taxpayer participating in a lawn replacement program in an amount equal to \$2 per square foot of conventional lawn removed from the taxpayer's property.

**ARGUMENTS IN SUPPORT**

According to the author's office:

"In response to California's worsening drought, last year Governor Brown issued an executive order to double the state's water conservation efforts. The order urged California businesses and residents to avoid wasting water, including limiting lawn watering. Since then, Californians cut water use by 8.8% statewide, falling short of the 20% conservation target that Governor Brown set."

Grass is one of the most water-intensive plants in landscaping. Its high water use and frequent maintenance make it time-consuming and expensive. In fact, outdoor irrigation accounts for over 50 percent of overall water use in Orange County.

<b>Budgeted (Y/N):</b> n/a	Budgeted amount:	Core x	Choice __
<b>Fiscal Impact (explain if unbudgeted):</b>			

Turf's high water use and frequent maintenance make it a time-consuming and expensive yard option. By changing turf to a California Friendly™ yard of drought tolerant plants can save water and money.

On April 1, 2015, Governor Brown issued an Executive Order taking these conservation efforts even further. He is now calling on the Department of Water Resources to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. MWDOC, in partnership with the Metropolitan Water District of Southern California (MWD) has been one step ahead of this effort by offering rebates for turf removal and will have replaced 10 million square feet of turf in fiscal year 2014/2015.

AB 603 not only will help incentivize and enhance MWDOC's turf removal program, but it will incentivize the rest of the state to achieve one of Governor Brown's direct orders to save water statewide. Turf removal programs truly change our state's urban landscape to a more climate appropriate and sustainable plant palette. Literally and figuratively.

## **ARGUMENTS IN OPPOSITION**

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This is likely to be quite costly to the state and will likely end up on the Assembly Revenue & Taxation Committee's suspense file. While that may be a detraction for state coffers, the only negative effect to water districts would be an increase in turf removal applications – leading to an increase in staff time and increased staffing costs.

Consumers already receive a rebate of \$2 per square foot from MWD and sometimes more, depending on the local water district if they offer additional incentives. Do they really need a tax break on top of a rebate? In addition, offering a tax break for one type of program often leads to a domino effect of requests. There are an abundance of good programs that would be worthy of a tax credit, and there comes a time where it becomes difficult to choose one over another. The Legislature will need to determine if this tax credit benefit outweighs the potential loss in revenue.

## **UPDATE FROM LAST COMMITTEE HEARING**

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AB 603 was heard on April 13, 2015 in the Assembly Revenue & Taxation Committee. TPA's Casey Elliott testified on behalf of MWDOC indicating our "Support in Concept" position, but also indicating our willingness to work with the author on some of the implementation language that is currently missing from the bill. Other supporters testifying at the hearing included: the City of Pasadena, San Diego County Water Authority and the Sierra Club. There was one opponent, the California Tax Reform Association who reiterated many of the Franchise Tax Board's (FTB) concerns that are included in the committee analysis.

Assemblyman Salas' office followed up later on April 13 to advise us that the bill is on the Assembly Revenue & Taxation Suspense File (as expected) and they will be taking the committee's and the FTB's suggested amendments. Once those amendments have been returned to the author's office from Legislative Counsel, they will be sharing them with MWDOC as well. As of April 15, 2015, no amendments have been received.

## DETAILED REPORT

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AB 603, as introduced, Salas. Income taxes: turf removal tax credit.

This bill would, under both laws, for taxable years beginning on and after January 1, 2015, allow a credit to a taxpayer participating in a lawn replacement program, as defined, in an amount equal to \$2 per square foot of conventional lawn removed from the taxpayer's property. The bill would make findings and declarations in this regard.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Date of Hearing: April 13, 2015

**ASSEMBLY COMMITTEE ON REVENUE AND TAXATION**

Philip Ting, Chair

**AB 603** (Salas) – As Introduced February 24, 2015

Majority vote. Tax levy. Fiscal committee.

**SUBJECT:** Income taxes: turf removal tax credit

**SUMMARY:** Allows a tax credit, under both the Personal Income Tax (PIT) Law and the Corporation Tax (CT) Law, equal to \$2 per square foot of conventional lawn removed from a "qualified taxpayer's" property. Specifically, **this bill:**

- 1) Contains the following legislative findings and declarations:
  - a) California has been experiencing more frequent and severe droughts and is currently enduring its worst drought in 200 years;
  - b) It is estimated that landscaping accounts for 60% of all water consumed by residential customers. California lawns cover more than 300,000 acres and consume more than 1.5 million acre-feet of water per year;
  - c) Californians have already begun to minimize lawn watering by replacing conventional lawns with water-saving and drought-resistant plants or artificial grass. These landscaping alternatives are dependable tools for water conservation; and,
  - d) In light of severe drought, California has an interest in encouraging consumers to decrease water usage. Establishing a state tax credit for the removal and replacement of conventional grass landscapes will incentivize water conservation.
- 2) Allows a credit, for taxable years beginning on or after January 1, 2015, to a "qualified taxpayer" in an amount equal to \$2 per square foot of conventional lawn removed from the "qualified taxpayer's" property.
- 3) Defines a "qualified taxpayer" as a person participating in a "lawn replacement program" offered by a local water agency.
- 4) Defines a "lawn replacement program" as a local water agency program that offers incentives to customers encouraging the replacement of conventional lawns with artificial lawns, drought-resistant plants, or other water-efficient landscaping.
- 5) Provides that this credit is allowed notwithstanding Revenue and Taxation Code (R&TC) Section 41.
- 6) Takes immediate effect as a tax levy.

**EXISTING LAW:**

- 1) Allows various tax credits under both the PIT Law and the CT Law. These credits are generally designed to encourage socially beneficial behavior or to provide relief to taxpayers who incur specified expenses.
- 2) Requires any bill authorizing a new credit to contain all of the following:
  - a) Specific goals, purposes, and objectives that the tax credit will achieve;
  - b) Detailed performance indicators for the Legislature to use when measuring whether the tax credit meets the goals, purposes, and objectives stated in the bill; and,
  - c) Data collection requirements to enable the Legislature to determine whether the tax credit is meeting, failing to meet, or exceeding those specific goals, purposes, and objectives. The requirements shall include the specific data and baseline measurements to be collected and remitted in each year the credit is in effect, for the Legislature to measure the change in performance indicators, and the specific taxpayers, state agencies, or other entities required to collect and remit data. (R&TC Section 41.)
- 3) Provides, for taxable years beginning on or after January 1, 2014, and before January 1, 2019, a gross income exclusion for amounts received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf removal water conservation program.

**FISCAL EFFECT:** The Franchise Tax Board (FTB) estimates General Fund revenue losses of \$49 million in fiscal year (FY) 2015-16, \$60 million in FY 2016-17, and \$85 million in FY 2017-18.

**COMMENTS:**

- 1) The author has provided the following statement in support of this bill:

In response to California's worsening drought, last year Governor Brown issued an executive order to double the state's water conservation efforts. The order urged California businesses and residents to avoid wasting water, including limiting lawn watering. Since then, Californians cut water use by 8.8% statewide, falling short of the 20% conservation target that Governor Brown set.

Grass is one of the most water-intensive plants in landscaping. Its high water use and frequent maintenance make it time-consuming and expensive. In fact, outdoor irrigation accounts for over 50 percent of all water used by residential customers.

To encourage water conservation, several local agencies have established successful rebate programs to help customers replace traditional lawns with drought-resistant plants and landscaping. For example, Southern Nevada Water District's initiative resulted in the conversion of 100 million square feet of landscape with savings of over 18 billion gallons on water. The Santa Clara Valley Water District estimates that it saves 36 gallons a year for every square foot of conventional grass that is removed.

These programs are dependable tools for water conservation and at least 26 water agencies currently maintain successful initiatives. However, a statewide incentive to



encourage all Californians to take these important steps towards water conservation does not exist.

AB 603 will provide a needed incentive to help Californians conserve water.

2) Proponents of this bill note the following:

AB 603 can provide an additional incentive and relief to those taxpayers who opt for a lawn replacement program to lower water use. Specifically, this bill defines a "lawn replacement program" as a program a local water agency offers with incentives to customers encouraging the replacement of conventional lawns with artificial lawns, drought-resistant plants, or other water-efficient landscaping.

For several years, the City of Pasadena's community-owned utility, Pasadena Water and Power, has run a successful Turf Replacement Program. Our turf replacement program helps all our community-ratepayers, including commercial, institutional, residential and multi-family water customers, switch to a water- and money-saving landscape. Lawns typically use 50 percent more water than other plants. Every year more and more Pasadenans are replacing their thirsty lawns with colorful drought-resistant landscaping that attracts birds and butterflies. Financial incentives such as tax credits motivate that water saving decision.

3) The FTB notes the following implementation and policy concerns in its staff analysis of this bill:

- a) "The bill lacks administrative details that must be developed in order to implement the bill and determine its impacts to the department's systems, forms, and processes. This bill is silent on the following issues:
  - i) "How would the department verify that a qualified taxpayer 'participated in a lawn replacement program'?"
  - ii) "If a taxpayer removes the conventional lawn without replacing the lawn with artificial lawn or drought-resistant plants would they qualify for a tax credit?"
- b) "This bill uses a term that is undefined, i.e., 'conventional lawn.' The absence of definitions to clarify these terms could lead to disputes with taxpayers and would complicate the administration of this credit.
- c) "This bill would allow a credit for a person participating in a lawn replacement program without requiring verification of expenses incurred to participate in a lawn replacement program. If this is contrary to the author's intent, the author may wish to amend the bill.
- d) "This bill would allow a credit for lawn replacement expenses that are currently deductible as business expenses to taxpayers engaged in a trade or business under the Corporation Tax Law. Generally, a credit is allowed in lieu of a deduction in order to eliminate multiple tax benefits for the same item of

expense."

#### 4) Committee Staff Comments

- a) What is a "tax expenditure"? Existing law provides various credits, deductions, exclusions, and exemptions for particular taxpayer groups. In the late 1960s, U.S. Treasury officials began arguing that these features of the tax law should be referred to as "expenditures" since they are generally enacted to accomplish some governmental purpose and there is a determinable cost associated with each (in the form of foregone revenues).
- b) How is a tax expenditure different from a direct expenditure? As the Department of Finance notes in its annual Tax Expenditure Report, there are several key differences between tax expenditures and direct expenditures. First, tax expenditures are reviewed less frequently than direct expenditures once they are put in place. While this affords taxpayers greater financial predictability, it can also result in tax expenditures remaining a part of the tax code without demonstrating any public benefit. Second, there is generally no control over the amount of revenue losses associated with any given tax expenditure. Finally, it should also be noted that, once enacted, it takes a two-thirds vote to rescind an existing tax expenditure absent a sunset date, effectively resulting in a "one-way ratchet" whereby tax expenditures can be conferred by majority vote, but cannot be rescinded, irrespective of their efficacy, without a supermajority vote.
- c) California's drought enters its fourth year: California is currently facing a fourth year of severe drought. The Sierra Nevada snowpack, which provides roughly 30% of the state's water supply, is currently at its second-lowest level on record. The Federal Government has informed farmers for the second year in a row that it will not be providing any water from its Central Valley Project reservoir system. State regulators, in turn, recently voted to impose a new round of water conservation rules, including severe restrictions on landscape watering. According to climate change simulations, droughts are only likely to increase in both frequency and severity.
- d) Where does our limited water go? According to the Public Policy Institute of California, California agriculture is largely dependent on irrigation, which accounts for roughly 80% of the state's human water use. Households and non-farm businesses, in turn, account for about 20% of human water use in California. Major metropolitan regions in Southern California and the Bay Area are still relatively well supplied, owing to significant investments in conservation, infrastructure, and supply diversification. In the northern and central parts of the state, however, communities without diverse water supplies have faced dramatic cutbacks in water use, with some communities receiving emergency supplies from the state. One important key to conservation is reducing the amount of water used for landscaping, which currently accounts for roughly 50% of all urban water use.
- e) Local water rebate programs: In recent years, a number of local governments and agencies have established rebate programs to encourage conservation. For

example, in an effort to reduce water consumption, the Metropolitan Water District of Southern California offers a rebate based on each square foot of water-intensive turf removed.<sup>1</sup> To be eligible for this rebate, customers must first apply for and receive project approval. The approval, in turn, specifies the square footage approved and the reserved rebate amount.

The City of Sacramento Department of Utilities, in turn, is currently offering cash to help customers remove their front yard turf and replace it with native and drought tolerant plants. Qualified applicants are eligible to receive up to \$1,000 (\$0.50 per square foot of turf removed) for their new landscapes. The popularity of such programs is only expected to increase as California continues to grapple with one of the worst droughts in its recorded history.

- a) Undefined terms: This bill would likely benefit from greater definitional guidance. For example, this bill defines a "qualified taxpayer" as a "person participating in a lawn replacement program offered by a local water agency." This bill, however, does not define the term "local water agency." A "local water agency" would almost certainly include the Metropolitan Water District of Southern California, but it is unclear to Committee staff whether it would also include municipal entities such as the City of Sacramento's Department of Utilities. To avoid confusion and ease administration of this credit, the author may wish to consider further defining key terms.
- f) Keep calm and carry forward: Statutes allowing new credits are typically drafted to include standard "carry forward" provisions. These provisions state that, in cases where there is no further tax liability to offset for a given taxable year, the taxpayer may carry forward the remaining credit amount for a specified number of years. The author may wish to consider amendments adding such a provision.
- g) Section 41 shall not apply: On September 29, 2014, Governor Brown signed SB 1335 (Leno), Chapter 845, Statutes of 2014, which added R&TC Section 41. SB 1335 recognized that the Legislature should apply the same level of review used for government spending programs to tax preference programs, including tax credits. Thus, Section 41 requires any bill introduced on or after January 1, 2015 that allows a new income tax credit to contain specific goals, purposes, and objectives that the tax credit will achieve. In addition, Section 41 requires detailed performance indicators for the Legislature to use when measuring whether the tax credit meets the goals, purposes, and objectives so-identified.

This bill provides that R&TC Section 41 shall not apply to this credit. The Committee may wish to consider the appropriateness of this Section 41 exemption. Advocates of the exemption may argue that obtaining useful performance data (e.g., year-over-year increases in turf removal participation rates) would be cumbersome in light of the relatively modest per-customer financial subsidy proposed. Critics of a Section 41 exemption, however, might argue that the carve-out exacerbates one of the primary problems inherent in crafting tax expenditure measures – namely, it is often unclear what objectives the Legislature is aiming to achieve and how it plans to measure the attainment

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<sup>1</sup> Rebates of \$2 or more are currently provided for each square foot of turf removed.

of such objectives.

- h) An incentive or a reward? Generally, tax credits are provided as a matter of legislative grace to encourage socially beneficial behavior that likely would not occur absent a financial incentive. Because this bill applies to taxable years beginning on or after January 1, 2015, this bill would be providing a credit for behavior that had already taken place before this bill's enactment. The Committee may wish to consider the policy implications of providing such an incentive.
- i) Absence of a sunset date: In its current form, this bill's proposed tax expenditures lack automatic sunset provisions. This Committee has a longstanding policy favoring the inclusion of sunset dates to allow the Legislature periodically to review the efficacy and cost of such programs. The author may wish to consider the addition of appropriate sunset provisions.
- j) Setting an example: Last summer, Arijeet and Rajvarun Grewal, brothers and students from Pioneer Middle School and Sierra Pacific High School in Hanford, wrote to the author to propose their idea for saving "California one drop at a time." The young students asked the author to introduce a bill to incentivize the installation of synthetic grass for California homeowners. On February 24, 2015, the Grewal family travelled to Sacramento to see this bill, the outgrowth of their idea, introduced as legislation.
- k) Related legislation: The following related bills have been introduced in the current legislative session:
  - i) AB 585 (Melendez) would, for taxable years beginning on or after January 1, 2015, and before January 1, 2021, allow a credit equal to 25% of the amount paid by a qualified taxpayer for water-efficiency improvements made to outdoor landscapes on qualified real property in California, not to exceed \$2,500 per taxable year, as specified. AB 585 is pending hearing by this Committee.
  - ii) AB 1139 (Campos) would, for taxable years beginning on or after January 1, 2015, allow a credit to a taxpayer participating in a lawn replacement program, as defined, in an amount equal to \$2 per square foot of conventional lawn removed from the taxpayer's property, up to \$50,000 per taxable year, as provided. AB 1139 is pending hearing by this Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

City of Pasadena  
San Diego County Water Authority  
Sierra Club California

### **Opposition**

None on file

**Analysis Prepared by:** M. David Ruff / REV. & TAX. / (916) 319-2098

**ACTION ITEM**

May 20, 2015

**TO:** Board of Directors**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman, and Tamaribuchi)Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: TRAVEL TO WASHINGTON D.C. TO COVER FEDERAL INITIATIVES****STAFF RECOMMENDATION**

Staff recommends the Board of Directors receives and files the report.

**COMMITTEE RECOMMENDATION**

Committee recommends (To be determined at Committee Meeting)

**DETAILED REPORT**

For the third quarter of fiscal year 2014-2015, three trips have been taken:

- January (Director Barbre)
- February – 2 trips (Director Barbre)
- March – No trip

The meetings and discussions have revolved around what Congress and the various Committees will do with respect to earmarking of projects and/or how to deal with the prohibition on earmarking as well as implementation of WIFIA, and drought and other water related legislation.

<b>Budgeted (Y/N):</b> Yes	Budgeted amount: \$7,500 – 5 trips; 2014-2015 Fiscal year expenditure	Core <u>X</u>	Choice ____
<b>Action item amount:</b>		Line item: 11-7155 (Directors travel), 11-7150 (Staff)	
<b>Fiscal Impact (explain if unbudgeted):</b> Staff is projecting the trips will be about \$2,100 over budget due to the increased advocacy. A larger amount has been budgeted for next year.			

The following goals will be the purpose and focus for our advocacy trips in 2015:

1. Monitor the EPA's implementation of the WIFIA rules and regulations regarding this loan program and where possible, offer assistance to the EPA so that the program is workable.
2. Submission of an Appropriations Request centered on asking the EPA to prepare a Report on what the costs of allowing tax free municipal bonds to be included in a WIFIA loan package—like the TIFIA Transportation Program currently allows. (\*\*\*)  
Note – this letter was submitted to Senator Feinstein on February 18, 2015 (\*\*\*)
3. Track and assist with California water and drought related legislation.

Meetings with House and Senate staff will focus on these goals.

## **SUMMARY OF TRIPS**

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In January, Director Barbre traveled to Washington D.C. January 14-16, February 11-13 and February 24-27. The next trip is scheduled for April 15-17, and then again from May 13-15.

## **FISCAL IMPACT**

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The following is budgeted for fiscal year 2014/2015:

Washington Legislative Advocacy (5 trips) - \$7,500 for directors.

- 4 trips have been taken so far this fiscal year (September, November, January & February)
- Total cost estimate so far for fiscal year 14/15: \$7,704.79 (over budget)
- Total cost estimate for this quarter:
  - January - \$1,342.88
  - February (2 trips) - \$1876.38
  - March – \$402.19 (credit for canceled trip can be used for a different trip, but money has been spent)

Projecting out for 4<sup>th</sup> Quarter of fiscal year 2014/2015

- Two trips have been booked/scheduled by Director Barbre for April & May
  - April - \$868.47
  - May - \$993.00
  - June – No trip scheduled at this time

Due to MWDOC's increased advocacy and outreach efforts, we are projected to be approximately \$2,100 over budget in Washington Legislative Advocacy. Staff has recommended a larger travel budget to accommodate these efforts in fiscal year 2015/2016.

**ACTION ITEM**

May 20, 2015

**TO:** Board of Directors**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman, and Tamaribuchi)Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: TRAVEL TO SACRAMENTO TO COVER STATE INITIATIVES****STAFF RECOMMENDATION**

Staff recommends the Board of Directors receives and files the report.

**COMMITTEE RECOMMENDATION**

Committee recommends (To be determined at Committee Meeting)

**DETAILED REPORT**

Last month, the Board directed this item be returned to committee for discussion. For the third quarter of fiscal year 2014-2015, five trips have been taken:

- January (Heather Baez)
- February – 2 trips (Heather Baez)
- March – 2 trips (Heather Baez)

<b>Budgeted (Y/N): Yes</b>	Budgeted amount: Sacramento Legislative Advocacy - \$1,600 – 4 trips; ACWA Legislative Symposium \$1500 2014-2015 Fiscal year expenditure	Core <u>X</u>	Choice <u>  </u>
<b>Action item amount:</b>		Line item: 11-7155 (Directors), 11-7150 (Staff)	
<b>Fiscal Impact (explain if unbudgeted):</b> Staff has projected to be approximately \$3,000 over budget for this year; staff has budgeted additional costs to meet the districts travel needs for the following fiscal year.			

The majority of the Sacramento travel revolves around ACWA's State Legislative Committee (SLC) which is comprised of 40 members (four members from each of our 10 geographic regions) and recommends official state legislative policy positions on behalf of the Association. Committee members review relevant introduced and amended legislation, develop positions and provide recommendations to the Board of Directors regarding ballot measures and other major statewide policy issues. This allows MWDOC to be more engaged at the state level as well as within our own region.

The State Legislative Committee meeting typically runs two hours, and MWDOC staff uses the remainder of the day to meet with legislative and committee staff.

In working with MWDOC's Sacramento advocates, we have outlined the following goals for 2015:

1. Continue to meet with and educate the Orange County delegation on Water Issues affecting the District and region as a whole.
2. Secure support and potential funding for the Doheny Desalination Project and other reliability efforts in Orange County.
3. Monitor, track, and assist with Prop 1 implementation guidelines
4. Monitor, track and respond to related legislation outlined in MWDOC's Legislative Policy Principles approved by the Board in January 2015.
5. Other issues as directed by the Board.

Meetings with members of the Orange County delegation, committee staff and other involved parties focus on these goals.

### **SUMMARY OF THIRD QUARTER FY 14/15 TRIPS**

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In January, Heather attended the ACWA State Legislative Committee (SLC) meeting, met with Senate Republican Caucus Natural Resources and Water Consultant, Todd Moffitt, Christina Hulick, Legislative Aide for Assemblyman Bill Brough, and Mark Reeder, Chief of Staff for Senator Janet Nguyen.

February's trips included:

Water 2015 sponsored by Capitol Weekly, ACC-OC/OCBC Sacramento Advocacy Trip, and the ACWA SLC Meeting (same week/plane ticket as ACC-OC/OCBC Trip), plus meetings with members of the Orange County delegation & staff.

March trips included the ACWA Legislative Symposium (as reported on at the March 2015 PAL meeting and General Managers report); the 2<sup>nd</sup> trip in March included the ACWA SLC meeting and CSDA's Public Works Coalition (re: CEQA legislation). The 2<sup>nd</sup> March trip was covered by MWD as after the SLC meeting and CSDA meeting, Heather picked up with the MWD State Water Project trip and joined them for the remainder of the weekend.

### **FISCAL IMPACT**

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The following is budgeted for fiscal year 2014/2015:

Sacramento Legislative Advocacy (4 trips) - \$1,600 for staff.

- 6 trips (5 paid by MWDOC) have been taken so far this fiscal year (October, January, February & March)
- Total cost estimate so far for fiscal year 14/15: \$2,200 (over budget)
- Total cost estimate for this quarter:  
\$1,750

Projecting out for 4<sup>th</sup> Quarter of fiscal year 2014/2015

- Upcoming trips:  
April 10  
May 1  
June 5  
June 26

In addition to the above planned trips, Directors Barbe and Thomas are planning a Sacramento trip April 20-21 to meet with members of the delegation to discuss water and drought related messaging.

We are projected to be approximately \$3,000 over budget for this fiscal year. Due to our increased advocacy and outreach efforts in both Sacramento and Washington D.C., staff has recommended a larger travel budget for fiscal year 15/16. It is important for MWDOC to



**ACTION ITEM**

May 20, 2015

**TO:** Board of Directors

**FROM:** Robert Hunter, General Manager

**SUBJECT: RESOLUTION HONORING CITY OF SANTA ANA RETIRING  
METROPOLITAN DIRECTOR DANIEL “DAN” GRISET**

**RECOMMENDATION**

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Staff recommends the Board of Directors approve honoring Metropolitan Director Daniel “Dan” Griset with an honorary resolution and direct staff to prepare the resolution for presentation at the upcoming MWDOC Water Policy Dinner on July 29<sup>th</sup>, 2015.

**DETAILED REPORT**

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In March, Director Daniel “Dan” Griset retired from the Metropolitan Water District of Southern California’s Board of Directors after serving on behalf of the City of Santa Ana for ten years. Director Griset has been an active member of the Orange County delegation as well as a friend and supporter of the Municipal Water District of Orange County. As a token of our thanks for his years of service and his continued support, staff has drafted an honorary resolution recognizing his contributions and support. The draft resolution follows and is intended to be presented to Director Griset at MWDOC’s upcoming Water Policy Dinner which will be held on July 29<sup>th</sup>, 2015.

Budgeted (Y/N): Y	Budgeted amount: \$5,000	Core _X_	Choice __
Action item amount: \$150.00	Line item: 32-7040		
Fiscal Impact (explain if unbudgeted):			

**A Resolution of the Board of Directors  
Recognizing Daniel “Dan” Griset  
On the occasion of his retirement from the  
Metropolitan Water District of Southern California  
Board of Directors**

**WHEREAS**, Daniel “Dan” Griset is retiring from Metropolitan Water District of Southern California’s Board of Directors after twenty years of faithful service and sound resource stewardship; and

**WHEREAS**, in February of 1995, Dan was appointed by the City of Santa Ana to serve as the representative on the Metropolitan Water District of Southern California’s Board of Directors; and

**WHEREAS**, Dan served as the Vice Chair of the Communications and Education Committee as well as the serving on the Executive Committee, the Legislation Committee, Blue Ribbon Review Committee and the Legal and Claims Committee; and

**WHEREAS**, Dan serves as the founding principal of the Grist Insurance Group., a brokerage firm assisting privately-held businesses and individuals with employee benefit plans and other insurance risk management programs; and

**WHEREAS**, Dan is a Chartered Life Underwriter and a member of the Society of Financial Service Professionals; and

**WHEREAS**, Dan was the Mayor, City Councilmember and Planning Commissioner of the City of Santa Ana; and

**WHEREAS**, Dan has distinguished himself for his on-going public services, including serving on the Orange County Sanitation District, Orange County Transportation Commission, Orange County Transit District, the National League of Cities and the life Underwriters’ Association the city’s Public Safety Commission; and

**WHEREAS**, Dan graduated from University of California Berkeley with a Bachelor’s Degree in History and a minor in Economics; and

**WHEREAS**, Dan graduated from The Fletcher School of Law and Diplomacy, Tufts/Harvard Universities with a Master degree in International Affairs; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Municipal Water District of Orange County offers a heartfelt thanks to Dan for his service to the residents of Orange County, Southern California and the California Water Community for his leadership, stewardship and contributions in enhancing southern California’s water reliability and a heartfelt congratulations in his future endeavors.



**ACTION ITEM**

May 20, 2015

**TO:** Board of Directors

**FROM:** Robert Hunter, General Manager

**SUBJECT: MEMORIAL RESOLUTION HONORING CITY OF BURBANK  
METROPOLITAN DIRECTOR GLENN A. BROWN**

**RECOMMENDATION**

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Staff recommends the Board of Directors approve honoring Metropolitan Director Glenn A. Brown with an honorary, memorial resolution and direct staff to prepare the resolution for presentation to his family at a future date.

**DETAILED REPORT**

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In January, Director Glenn A. Brown retired from the Metropolitan Water District of Southern California's Board of Directors after serving on behalf of the City of Burbank for fourteen years. Director Brown passed away at his home in February. Director Brown played a key role in the selection of the site for Diamond Valley Lake and was a recognized geology expert, both here in the United States as well as abroad. He was a friend and supporter of the Municipal Water District of Orange County and his expertise will be greatly missed. As a token of our thanks for his years of service, staff has drafted an honorary, memorial resolution recognizing his contributions and noteworthy career. The draft resolution follows and is intended to be presented to his family at a later date.

Budgeted (Y/N): Y	Budgeted amount: \$5,000	Core _X_	Choice __
Action item amount: \$150.00	Line item: 32-7040		
Fiscal Impact (explain if unbudgeted):			

**A Memorial Resolution of the Board of Directors**

**Recognizing Glenn A. Brown for his service on the Metropolitan Water District of Southern California Board of Directors**

**WHEREAS**, Glenn A. Brown retired from Metropolitan Water District of Southern California's Board of Directors in January of 2015 and passed away at his home in February, after fourteen years of faithful service and sound resource stewardship; and

**WHEREAS**, in December of 2001, Glenn was appointed by the City of Burbank to serve as the representative on the Metropolitan Water District of Southern California's Board of Directors; and

**WHEREAS**, Glenn served as the Chair of the Engineering and Operations Committee and Water Planning and Stewardship Committee as well as the serving on the Executive Committee, Legal and Claims Committee, Ethics Committee, Organization and Personnel Committee, and Asset and Real Property Committee; and

**WHEREAS**, Glenn was a registered engineering geologist and served on the peer review panel that examined potential groundwater storage projects along Metropolitan's Colorado River Aqueduct, including the district's Hayfield groundwater storage project; and

**WHEREAS**, Glenn also played a role in Metropolitan's preliminary evaluation of potential reservoir sites south of the San Andreas Fault, which led to the selection of the Diamond Valley Lake project in Hemet; and

**WHEREAS**, Glenn had more than 60 years of experience in applied geology and was the senior geologist on water rights litigation regarding the San Fernando Valley in the 1950's and early 60's; and

**WHEREAS**, Glenn provided consulting services for a range of domestic and international projects involving engineering and environmental geology as well as hydrogeology through his firm Glenn A. Brown and Associates, which later merged with LeRoy Crandall and Associates; and

**WHEREAS**, Glenn was a California native, born in Hollywood, and graduated from University of California at Los Angeles with a Bachelor's Degree in Geology; and

**WHEREAS**, Glenn served our Great Nation in the United States Navy in World War II from 1942 to 1946; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Municipal Water District of Orange County offers a heartfelt thanks to Glenn for his service to the residents of Orange County, Southern California and the International Water Community for his leadership, expertise, stewardship and contributions in enhancing southern California's water reliability and heartfelt condolences to his family on his passing.



**ACTION ITEM**

May 20, 2015

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Tamaribuchi, Hinman)

Robert Hunter  
General Manager

Staff Contact: Maribeth Goldsby

**SUBJECT: CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2015 BOARD OF DIRECTORS ELECTION – SOUTHERN NETWORK REGION, SEAT A**

**STAFF RECOMMENDATION**

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Staff recommends that the Board of Directors discuss whether to nominate a member of the MWDOC Board to the CSDA Board of Directors, or to support incumbent, Jo MacKenzie (Vista Irrigation District) for the CSDA Board of Directors election (Southern Network Region Seat A).

**COMMITTEE RECOMMENDATION**

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To be determined.

**SUMMARY**

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CSDA is seeking independent special district candidates for the 2015 election for Seat A for the 2016-2018 term. The leadership of CSDA is elected from its six geographical networks and each of the six networks has three seats on the Board (with staggered 3-year terms). Candidates must be affiliated with an independent special district that is a CSDA regular member located within the geographic network they seek; MWDOC is in the Southern Network Region. MWDOC is eligible to nominate one person, a Board member or management employee, for this election. The commitment and expectations for Board members is attached. *Nominations and supporting documents are due by May 22<sup>nd</sup>.*

Alternatively, the Board may choose to support incumbent Jo MacKenzie (Vista Irrigation District), who is running for re-election. Attached is background information on Ms. MacKenzie.

<b>Budgeted (Y/N):</b> N/A	Budgeted amount:	Core __	Choice __
<b>Action item amount:</b>		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			



**California Special  
Districts Association**  
*Districts Stronger Together*

**DATE:** February 20, 2015

**TO:** CSDA Voting Member Presidents and General Managers

**FROM:** CSDA Elections and Bylaws Committee

**SUBJECT: CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS  
SEAT A**

The Elections and Bylaws Committee is looking for Independent Special District Board Members or their General Managers who are interested in leading the direction of the California Special Districts Association for the 2016 - 2018 term.

The leadership of CSDA is elected from its six geographical networks. Each of the six networks has three seats on the Board with staggered 3-year terms. Candidates must be affiliated with an independent special district that is a CSDA regular member located within the geographic network that they seek to represent. (See attached Network Map)

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, education and resources. The Board of Directors is crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration. Serving on the Board requires one's interest in the issues confronting special districts statewide.

**Commitment and Expectations:**

- Attend all Board meetings, held every other month at the CSDA office in Sacramento.
- Participate on at least one committee, meets 3-5 times a year at the CSDA office in Sacramento.  
*(CSDA reimburses Directors for their related expenses for Board and committee meetings as outlined in Board policy).*
- Attend CSDA's two annual events: Special District Legislative Days (held in the spring) and the CSDA Annual Conference (held in the fall).
- **Complete all four modules of CSDA's Special District Leadership Academy within 2 years.**  
*(CSDA does not reimburse for expenses for the two conferences or the Academy classes even if a Board or committee meeting is held in conjunction with the events).*

**Nomination Procedures:** Any Regular Member is eligible to nominate one person, a board member or managerial employee (as defined by that district's Board of Directors), for election to the CSDA Board of Directors. **A copy of the member district's resolution or minute action and Candidate Information Sheet must accompany the nomination. The deadline for receiving nominations is May 22, 2015.** Nominations and supporting documentation may be mailed or faxed.

Nominees will receive a Candidate's Packet in the mail. The packet will include campaign guidelines.

CSDA will mail ballots on June 5<sup>th</sup>. The ballots must be received by CSDA no later than 5:00 p.m. August 7, 2015 and must be the original ballot (no faxes or e-mails). The successful candidates will be notified no later than August 10<sup>th</sup>. All selected Board Members will be introduced at the Annual Conference in Monterey, CA in September.

### **Expiring Terms**

(See enclosed map for regional breakdown)

<b>Northern Network</b>	Seat A John Woolley, Manila Community Services District
<b>Sierra Network</b>	Seat A Noelle Mattock, El Dorado Hills Community Services District*
<b>Bay Area Network</b>	Seat A <i>Currently vacant</i>
<b>Central Network</b>	Seat A Joel Bauer, West Side Cemetery District*
<b>Coastal Network</b>	Seat A Elaine Freeman, Rancho Simi Recreation & Park District
<b>Southern Network</b>	Seat A Jo MacKenzie, Vista Irrigation District*

(\* = Incumbent is running for re-election)

If you have any questions, please contact Charlotte Lowe at 877-924-CSDA or [charlottel@csda.net](mailto:charlottel@csda.net).





**California Special  
Districts Association**  
*Districts Stronger Together*

## BOARD OF DIRECTORS NOMINATION FORM

Name of Candidate: \_\_\_\_\_

District: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Network: \_\_\_\_\_ (see map on back)

Telephone: \_\_\_\_\_  
(PLEASE BE SURE THE PHONE NUMBER IS ONE WHERE WE CAN REACH THE CANDIDATE)

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Nominated by (optional): \_\_\_\_\_

Return this form and a Board resolution/minute action supporting the candidate  
and Candidate Information Sheet by fax or mail to:

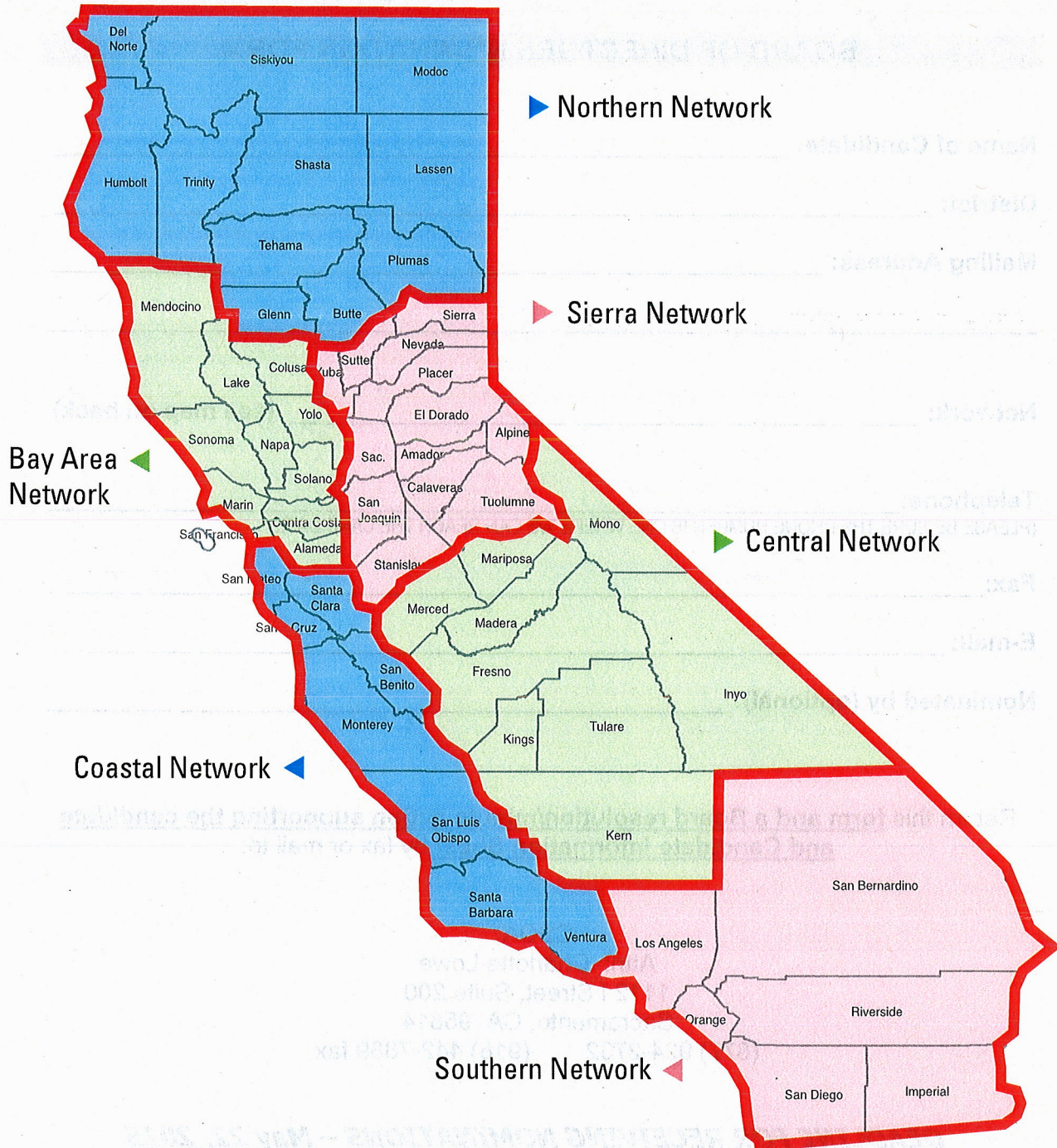
CSDA  
Attn: Charlotte Lowe  
1112 I Street, Suite 200  
Sacramento, CA 95814  
(877) 924-2732 (916) 442-7889 fax

***DEADLINE FOR RECEIVING NOMINATIONS – May 22, 2015***



California Special Districts Association

## DISTRICT NETWORKS





California Special  
Districts Association  
*Districts Stronger Together*

## CSDA BOARD CANDIDATE INFORMATION SHEET

The following information **MUST** accompany your nomination form and Resolution/minute order:

Name: \_\_\_\_\_

District/Company: \_\_\_\_\_

Title: \_\_\_\_\_

Elected/Appointed/Staff: \_\_\_\_\_

Length of Service with District: \_\_\_\_\_

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

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2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

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3. List local government involvement (such as LAFCo, Association of Governments, etc.):

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4. List civic organization involvement:

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**\*\*Candidate Statement** – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. **Any statements received in the CSDA office after June 4, 2015 will not be included with the ballot mailing.**

**NOMINATION RESOLUTION SAMPLE**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

**NOMINATING** \_\_\_\_\_

**TO THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION  
BOARD OF DIRECTORS  
SOUTHERN NETWORK, SEAT A**

**WHEREAS**, this district is a member district of the California Special Districts Association (CSDA); and

**WHEREAS**, the Elections and Bylaws Committee is seeking candidates for the CSDA Board of Directors Southern Network, Seat A for the 2016-2018 term; and

**WHEREAS**, MWDOC Director \_\_\_\_\_ has indicated an interest in running for this seat; and;

**WHEREAS**, the MWDOC Board believes Director \_\_\_\_\_ has the proper background and experience to fulfill this position and offers their support.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Municipal Water District of Orange County that Director \_\_\_\_\_ is hereby nominated to serve as Board Member on the CSDA Board of Directors, Southern Network, Seat A for the 2016-2018 term.

**BE IT FURTHER RESOLVED** the District Secretary is hereby directed to transmit a certified copy of this resolution to CSDA, 1112 I Street, Suite 200, Sacramento, CA 95814, forthwith.

Said Resolution was adopted, on roll call, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I hereby certify the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ adopted by the Board of Directors of \_\_\_\_\_ at its meeting held on \_\_\_\_\_, 2015.

ATTEST:

District Secretary

**(CONCURRING RESOLUTION SAMPLE)**

RESOLUTION NO. \*\*\*

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE Agency Name  
CONCURRING IN THE NOMINATION OF JO MACKENZIE  
TO THE CSDA BOARD OF DIRECTORS

WHEREAS, the California Special Districts Association (CSDA) is holding an election for its Board of Directors for the Southern Network (Region 6), Seat A for the 2016-19 term; and

WHEREAS, the Agency Name is a voting member of CSDA and a voting member for the Southern Network (Region 6), Seat A; and

WHEREAS, the incumbent, Jo MacKenzie, of the Vista Irrigation District is seeking re-election for this position; and

WHEREAS, Jo MacKenzie has been involved with the CSDA Board since 2003 and has served in a wide variety of roles including Board President in 2011, Vice President in 2010, and Treasurer in 2008 and 2009; and

WHEREAS, the Board of Directors of the Agency Name believes that Jo MacKenzie is an effective member of the CSDA Board.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Agency Name does concur in the nomination of Jo MacKenzie to represent the Southern Network (Region 6), Seat A, on the CSDA Board of Directors; and

BE IT FURTHER RESOLVED that the District Secretary is hereby directed to transmit a certified copy of this resolution to the attention of the Board Secretary of the Vista Irrigation District at 1391 Engineer Street, Vista, CA 92081, forthwith.

PASSED AND ADOPTED by the following roll call vote of the Board of Directors for the Agency Name this \*\* day of \*\*, 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Name, President

ATTEST:

\_\_\_\_\_  
Name, Secretary  
Agency Name



# JO MACKENZIE

## PROVEN EXPERIENCE LEADING SPECIAL DISTRICTS

- **DEDICATED**
  - **FISCALLY RESPONSIBLE**
  - **COMMITTED TO SPECIAL DISTRICTS**

It would be an honor to continue serving special districts on the CSDA Board of Directors. I am committed to building on the present foundation of CSDA's educational programs and legislative and public outreach, so that CSDA continues to be recognized as the voice of all special districts. My enthusiasm, commitment, and comprehensive knowledge of special districts and LAFCO, along with my years of experience, will help me to serve as a member of the CSDA Board representing the Southern Network (Region 6).

### CSDA EXPERIENCE:

- ❖ President 2011
- ❖ Vice President, 2010
- ❖ Treasurer, 2008 and 2009
- ❖ CSDA Finance Corporation, 2007-2012, President 2012, 2013 and 2015
- ❖ Fiscal Committee Chair, 2008 and 2009
- ❖ Audit Committee Chair, 2008
- ❖ Legislative Committee, 2004-2015; Chair, 2006-2010 and 2012
- ❖ Membership Committee Member, 2011 to present

### DISTRICT EXPERIENCE:

- ❖ Elected in 1992, Board of Directors, Vista Irrigation District (CSDA District of Distinction)
- ❖ Served on and chaired District Committees
- ❖ One of the principal negotiators for the San Luis Rey Water Rights Settlement Agreement between VID, five Indian Bands, the City of Escondido, and the Federal Government

### OTHER LEADERSHIP POSITIONS:

- ❖ ACWA Board of Directors, 2014-2015
- ❖ ACWA Local Government Committee, 2012 to present; Chair 2014-2015
- ❖ ACWA Region 10 Board, Vice Chair, Alternate Chair, Director, 1997-2010
- ❖ San Diego LAFCO, Regular Special Districts Member, 2015
- ❖ San Diego LAFCO, Alternate LAFCO Commissioner, 2008 to 2014
- ❖ San Diego LAFCO Special District Advisory Committee, 1994-2008, Chair 2005-2008
- ❖ CSDA San Diego Chapter, Board Member 1993 to present, President 1998-2000
- ❖ Special District Leadership Foundation Board of Directors, Treasurer 2014 and 2015

### COMMUNITY INVOLVEMENT:

- ❖ San Marcos Planning Commissioner, 1979-1986
- ❖ San Marcos Traffic Commission, 1999-2004
- ❖ San Marcos Budget Review Committee, 1980-1982 and 1995-2006, Chair 1996-2006
- ❖ San Marcos Chamber of Commerce, Lifetime Ambassador

### RECOGNITIONS:

- ❖ Special District Official of the Year by PublicCeo, 2011
- ❖ CSDA Legislative Advocate of the Year, 2010
- ❖ Graduate CSDA Leadership Academy
- ❖ Graduate Leadership 2000, Cal State San Marcos





## INFORMATION ITEM

April 20, 2015

**TO:** Public Affairs & Legislation Committee  
(Directors Barbre, Hinman & Tamaribuchi)

**FROM:** Robert Hunter, General Manager

**SUBJECT:** 8th Annual Orange County Water Summit – May 15, 2015

### STAFF RECOMMENDATION

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Staff recommends the Public Affairs & Legislation Committee receive and file this report on the Orange County Water Summit.

### COMMITTEE RECOMMENDATION

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Committee recommends (To be determined at Committee Meeting)

### SUMMARY

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The 8<sup>th</sup> Annual Orange County Water summit is scheduled for Friday, May 15, 2015 and will be held at Disneyland's Grand Californian. Disney has begun working on room décor for the event. Outreach for registrations and sponsorships continue. A copy of the invitation is attached.

As a reminder, the lead agency for this year's Summit is Orange County Water District. They will be responsible for registration, vendor contracts and payments, financial services and other support services as required.

Over 200 guests have made reservations which include on-line registrations, table sponsor guests and speakers. Registration numbers usually peak the week prior to the Summit.

Sponsorships, as of April 14, 2015, are as follows:

Budgeted (Y/N): N	Budgeted amount:	Core _X_	Choice __
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted): The event must break-even through registrations and sponsorships. For the last four years we have realized a surplus which has been used to defray future expenses and for required event-related deposits.			

Sponsor Name	Sponsorship Type	Sponsorship Amount	Sponsorship Amount - Pledged
<b>STILL AVAILABLE</b>	Title Sponsor	\$ 10,000	
Mesa Water District	Luncheon Sponsor	\$ 7,500	\$ 7,500
Irvine Ranch Water District	Program Sponsor	\$ 6,000	\$ 6,000
<b>STILL AVAILABLE</b>	Audio Visual	\$ 3,500	
<b>STILL AVAILABLE</b>	Program Session Sponsor	\$ 4,000	
<b>STILL AVAILABLE</b>	Program Session Sponsor	\$ 4,000	
<b>STILL AVAILABLE</b>	Program Session Sponsor	\$ 4,000	
Black & Veatch	Table Sponsor	\$ 1,600	\$ 1,600
RBF Consulting	Table Sponsor	\$ 1,600	\$ 1,600
Yorba Linda Water District	Table Sponsor	\$ 1,600	\$ 1,600
Moulton Niguel Water District	Table Sponsor	\$ 1,600	\$ 1,600
Metropolitan Water District of Southern California	Table Sponsor	\$ 1,600	\$ 1,600
Metropolitan Water District of Southern California	Table Sponsor	\$ 1,600	\$ 1,600
Mesa Water District	Table Sponsor	\$ 1,600	\$ 1,600
Irvine Ranch Water District	Table Sponsor	\$ 1,600	\$ 1,500
Orange County Sanitation District	Summit Associate	\$ 2,000	\$ 2,000
Butier	Summit Associate	\$ 2,000	\$ 2,000
Arcadis	Summit Associate	\$ 2,000	\$ 2,000
Raymond James	Breakfast Sponsor	\$ 1,000	\$ 1,000
Irvine Chamber of Commerce	Media/Outreach In Kind	\$ -	\$ -
Fullerton Chamber of Commerce	Media/Outreach In Kind	\$ -	\$ -
Huntington Beach Chamber of Commerce	Media/Outreach In Kind	\$ -	\$ -
Anaheim	Parking Shuttle Sponsor - In kind	\$ -	\$ -
Disney	Presenting In Kind		
<b>TOTAL</b>		<b>\$ 75,800</b>	<b>\$ 33,200</b>

The full planning committee met on March April 9<sup>th</sup> and the agenda was reviewed. Staff has continued to pursue speakers and sponsors based on the recommendations of the committee and the direction from the Co-Chairmen; Director Steve Sheldon (OCWD) and Director Jeff Thomas (MWDOC). The next meeting is scheduled for

Staff from OCWD and MWDOC are developing partnerships with local business groups such as local chambers of commerce to promote the event. The registration link is



available at [www.ocwatersummit.com](http://www.ocwatersummit.com). Promotion for both sponsorships and registration will continue until the event and printing deadlines.

The working draft of the program follows:



## **The 2015 OC WATER SUMMIT**

*Moving Parts*

**Friday, May 15, 2015**

7:30 a.m. – 1:30 p.m.

Grand Californian Hotel, Disneyland Resort  
Anaheim, California

### **Session 1 (45 minutes)**

**8:10 a.m. to 8:55 a.m.**

**Ben Edwards, Hurley – Emcee - (CONFIRMED)**

**Thirst** (video clip is an old news reel about water conditions in CA – demonstrates nothing has really changed)

### **Necessity is the Mother of Invention**

*We know there are repeated weather cycles – so why wait for others to solve our water problems? We must be proactive to do something about it.*

(15 -20 minutes) Presentation from Farmer's Almanac – how they predict the weather (great story about a secret formula combined with modern technology); drought cycles; severe weather conditions; historical drought data; satellite images of groundwater basins, etc. Since 1792, The Old Farmer's Almanac has been known for its traditionally 80 percent accurate forecasts; predictions one year at a time.

(10 – 15 minutes) Alternative Conveyance Update – Roger

**Speakers:**

- Janice Stillman, Editor, Farmer's Almanac – (CONFIRMED)
- Roger Patterson, Assistant General Manager, Metropolitan Water District of Southern California (CONFIRMED)

**Session 2** (60 minutes)  
**9:00 a.m. to 10:00 a.m.**

**WHAT HAPPENS IN CA DOESN'T STAY IN CA: STATE, NATIONAL AND GLOBAL ECONOMIC IMPACTS OF CA'S DROUGHT**

How much is the drought costing CA and the U.S. in terms of agriculture, textiles, manufacturing, building, construction, health, finance, etc.?; what impacts has it had on exports and global markets? Are other global markets filling the gaps and cutting in to the U.S.'s potential future trade and profits?

**Speakers:**

- Moderator: Representative from the Long Beach Port – (CONFIRMED)
- John Chandler, Chandler Farms (CONFIRMED)
- Paul Parreira, RPAC (CONFIRMED)

**Break**  
**10:00 a.m. to 10:15 a.m.**

**Session 3** (60 minutes)  
**10:20 a.m. to 11:20 a.m.**

**OCEAN DESALINATION: MOVING IN THE RIGHT DIRECTION?**

Similar problems and solutions taking place in other parts of the world; Australia's Mega Droughts and issues/solutions with desalination, water reuse and conservation; Masdar - the world's first sustainable city – challenges and solutions, and their unique partnership with the U.S. government.

**Speakers:**

- Moderator – Tom Pankratz, Editor, Global Water Intelligence (CONFIRMED)
- Doheny Ocean Desalination Project - TBD
- Poseidon Representative– TBD
- Others TBD

**Session 4** (20 minutes)  
**11:25 a.m. to 11:45 a.m.**

**THE CITY OF THE FUTURE**

Representative, Masdar, a Mubadala Company (Invited)

**15 Minute Break to Set Room for Lunch**  
**11:45 a.m. to 12:00 p.m.**

**Video – Infrastructure (15 minutes)**

**Lunch Session (65 Minutes)**

**12:15 p.m. to 1:20 p.m. All Eyes on These City Mayors**

A mayors' roundtable on their water problems and solutions to get their cities out of the mess now and prevent it from happening in the future.

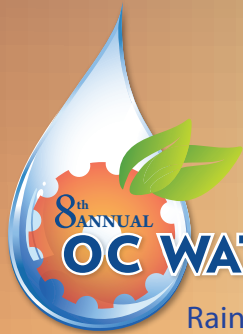
Speakers:

- Moderator - Bettina Box - Invited
- Matt Patterson, City of Los Angeles –(*Invited*)
- Representative from the City of San Diego (*Invited*)
- Mayor Robert Silva, City of Mendota) (CONFIRMED)

**1:25 Closing Remarks**

**1:30 Conclusion**

# LIQUID MOTION



Rain today, gone tomorrow? Droughts in California are expected to occur three out of every 10 years. And what happens in California does not stay in California. Without proper planning and investment in water infrastructure and policy, California's \$1.9 trillion economy can come to a stand still, having devastating ripple effects on U.S. and global markets. Join us for the 8th Annual Orange County Water Summit to set imagination, innovation and investment into motion to keep water flowing.

## PROGRAM AND SPEAKERS

MASTER OF CEREMONIES: BEN EDWARDS

### NECESSITY IS THE MOTHER OF INVENTION

Janice Stillman, Editor, The Old Farmer's Almanac (Confirmed)

Roger Patterson, Assistant General Manager, Metropolitan Water District of Southern California (Confirmed)

### WHAT HAPPENS IN CA DOESN'T STAY IN CA: STATE, NATIONAL AND GLOBAL ECONOMIC IMPACTS OF CA'S DROUGHT

Moderator: Joel Perler, Assistant Business Development Manager, Port of Long Beach (Confirmed)

John Chandler, Chandler Farms (Confirmed)

Paul Parreira, RPAC (Confirmed)

### OCEAN DESALINATION: MOVING IN THE RIGHT DIRECTION?

Moderator: Tom Pankratz, Editor, Water Desalination Report, Global Water Intelligence (Confirmed)

Other Speakers TBD

### THE CITY OF THE FUTURE

Representative, Masdar, a Mubadala Company (Invited)

### ALL EYES ON THESE CITIES

Moderator: TBD

City of Los Angeles Representative TBD

Mayor Kevin L. Faulconer, City of San Diego (Invited)

Mayor Robert Silva, City of Mendota (Confirmed)

## INDIVIDUAL TICKET - \$120\*

(\*TICKET PRICE WILL INCREASE TO \$140 BEGINNING MAY 4, 2015)

Ticket includes continental breakfast, lunch, self-parking and Summit materials.

To sponsor, register or learn more, please visit [www.OCWaterSummit.com](http://www.OCWaterSummit.com) or contact:

Eleanor Torres (714) 378-3268 – [etorres@ocwd.com](mailto:etorres@ocwd.com)

Gina Ayala (714) 378-3323 – [gayala@ocwd.com](mailto:gayala@ocwd.com) (Media Inquiries)

May 15, 2015

7:30 a.m. – 1:30 p.m.

Grand Californian Hotel,  
at the Disneyland Resort,  
Anaheim, California

Hosted By



Disneyland  
RESORT



**INFORMATION ITEM**

April 20, 2015

**TO: Public Affairs & Legislation Committee**  
(Directors Barbre, Tamaribuchi & Hinman)

**FROM: Robert Hunter, General Manager**      **Staff Contact:** Tiffany Baca

**SUBJECT: Orange County Water Hero Mobile App**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs & Legislation Committee receive and file this report

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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The Orange County Water Hero Program is a joint program offered by the Municipal Water District of Orange County and the Orange County Water District. The program began in 2007 as an outreach effort, to educate young Orange County water users and their families, and to encourage them to be more water efficient.

Under the previous program, to become a Water Hero, children were asked to take a pledge to save 20 gallons of water each day. Once the child completed the pledge form online or by mail, an OC Water Hero kit was mailed to them. If they were successful in getting their parents or guardians to sign up as well, they received an additional OC Water Super Hero kit. To date, we have registered 15,810 children as OC Water Heroes, and 3,925 as Super Heroes.

Since its inception, the program has dealt with many challenges. The cost of the kits in staff time, materials, mailing expenses and postage has been growing rapidly, and interest in the program has diminished significantly over time.

The current effort underway is to develop an OC Water Hero Smart Phone App that would replace the previous kit-based program. This format was proposed by staff to transition children currently enrolled in the program and to encourage and energize new Water Heroes to participate in water-saving activities and water education.

<b>Budgeted (Y/N):</b>	Budgeted amount:	Core X	Choice ____
<b>Action item amount:</b>	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b> \$7,500 was budgeted and spent in 2014-2015. \$10,000 has been proposed for 2015-2016.			

Efforts for this program transition began in fiscal year 2013-2014 when MWDOC budgeted \$7,500 for the effort. Immersiv Media has been commissioned to develop the mobile application and new OC Water Hero website.

On March 4<sup>th</sup>, MWDOC and OCWD staff met with Immersiv Media to review and discuss the beta version of the new Water Hero Program app. Upon review, staff determined there were additional features that would need to be incorporated and additional information that needed to be provided to launch a more complete app to the public. MWDOC and OCWD staff will meet again on April 15<sup>th</sup> to discuss progress and determine project timelines. Additional updates and information will be provided in the General Manager's report until the app is complete, at which time a write-up will come back to PAL.



**INFORMATION ITEM**

April 20, 2015

**TO: Public Affairs & Legislation Committee**  
(Directors Barbre, Tamaribuchi & Hinman)

**FROM: Robert Hunter, General Manager**

**SUBJECT: VALUE OF WATER COMMUNICATION CHOICE PROGRAM**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs & Legislation Committee discuss the information provided and then receive and file the report

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**DETAILED REPORT**

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Staff has been working closely with Fraser Communications to finalize the creative materials, secure media placements and produce both a 30 second spot and a longer 2 minute video for the Value of Water CHOICE program. Staff will provide a preview of these items at the Public Affairs and Legislation Committee meeting. A media placement schedule has also been provided to the participating agencies.

Participating agencies have received social media posts, a print ad, a PowerPoint template (attached), a newsletter template (attached), drought talking points for field crews and other support materials for presentations and media outreach. Staff is also working on finalizing the Consumer Confidence Water Quality Report electronic templates. Looking forward, efforts will focus on coordinating key influencer groups that participating agencies have identified and on media placement and outreach of developed materials.

<b>Budgeted (Y/N): Y</b>	<b>Budgeted amount: \$178,000</b>	<b>Core ____</b>	<b>Choice X__</b>
<b>Action item amount:</b>	<b>Line item:</b>		
<b>Fiscal Impact (explain if unbudgeted): .</b>			



## VALUE OF WATER NEWSLETTER ARTICLE:

### Let's Get Smart About Water

In Orange County, as well as in all of Southern California, periodic droughts are a reality. More people are living and working here, so we're going to have to get smarter about water. And one of the first things we have to do is find new sources of water for the future.

**Insert water agency name here** has a staff of engineers and water experts to ensure efficient use of existing sources of water and to discover new ones. Our goal is to provide a diverse portfolio that includes water supplies from several different sources. Some of these projects include: **(INSERT YOUR PROJECT INFORMATION HERE – provide the name of the project and a brief description (NOT TECHNICAL) i.e., recycling, desalting, water use efficiency and other projects here – photos would be great here as well.)**

Using our existing water resources wisely and exploring new and innovative means to develop new supply is part of our long term vision. For example, **(using new well technology which is hidden below ground, the Doheny Ocean Desalination Project is an example of the technology that will ensure the steady flow of drinkable water whether we're in a drought or not. This project won't impact the landscape or interrupt our views. - Use this example or provide an example of innovation from your organization)**

Jobs are important to Orange County, and water is important to the businesses that create jobs. **(INSERT AGENCY NAME HERE)** is working hard to ensure that Orange County remains a place where business and people can prosper. We partner with local businesses to offer free technical programs and cash incentives to help them continue to thrive in a water challenged future. We also provide information and education to their employees on **(Fill in here – landscape, irrigation, plant selection, Smart timers, water efficient appliances, etc...)**



We need to teach a whole new generation about the importance of water conservation, so they'll develop the smart water behaviors we'll need in the future. Orange County water agencies have sponsored a Water Education School Assembly Program since the 1970's. Together, we educate over 80,000 students each year, which is over 3 million students in total. The curriculum teaches students where their water comes from and how to be water smart.

Innovation, jobs, and education are critical to Orange County and the lifestyle we have all come to love and appreciate. It's time we all got smarter about water, whether in response to this drought or in planning for the next one. For ways you can save water and information on rebates to help you make those changes, please visit, [www.ocwatersmart.com](http://www.ocwatersmart.com).

# The Value of Water.

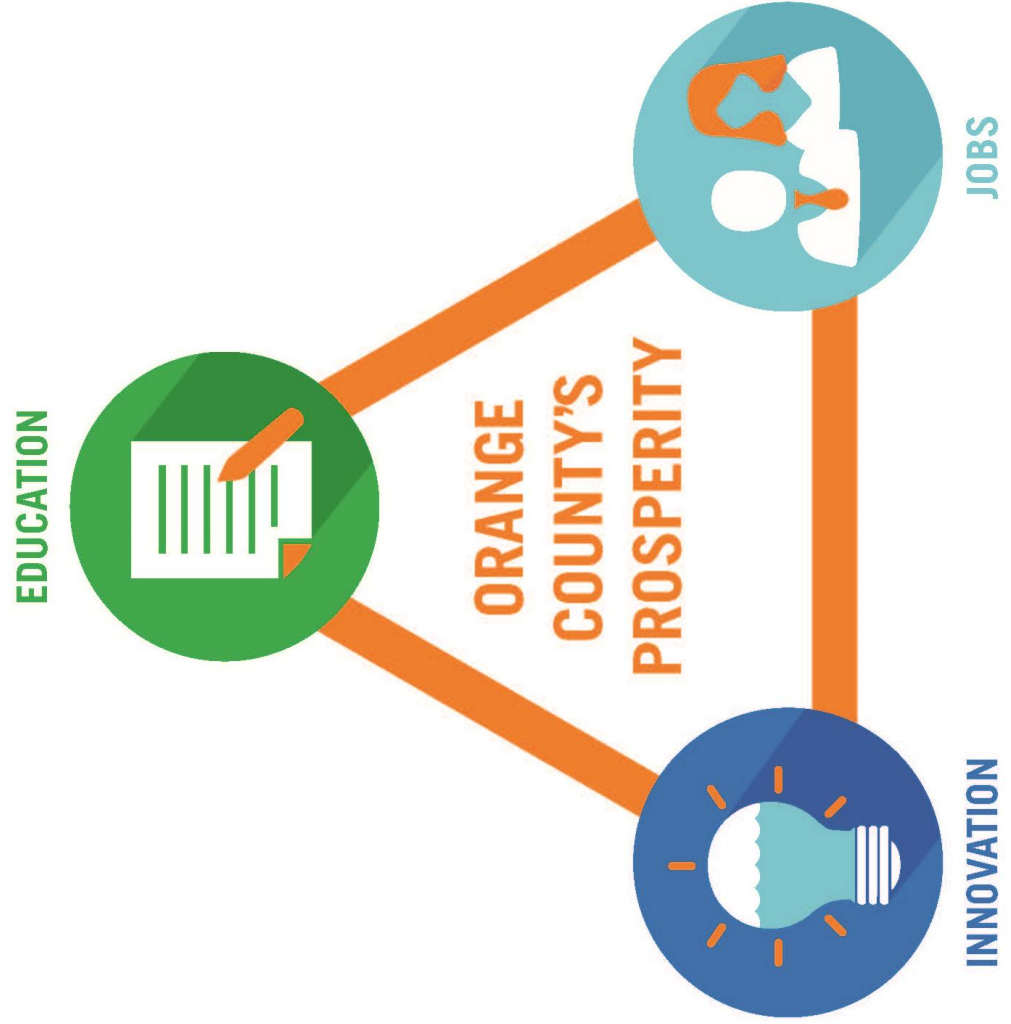
INNOVATION. EDUCATION. JOBS  
(Presentation Date)

(Agency Logo)

LET'S GET **ABOUT** **SMART** WATER



# The Value of Water: INNOVATION. EDUCATION. JOBS.

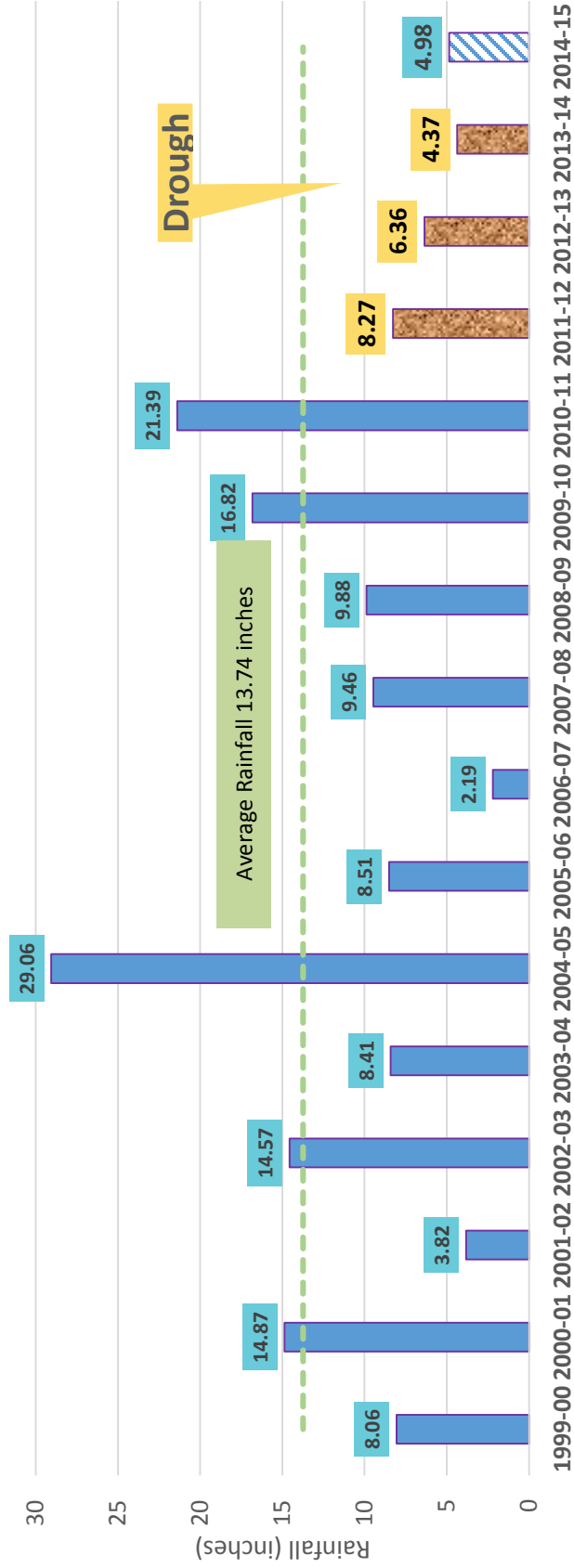


[illegible]



### Talking Point One Goes Here.

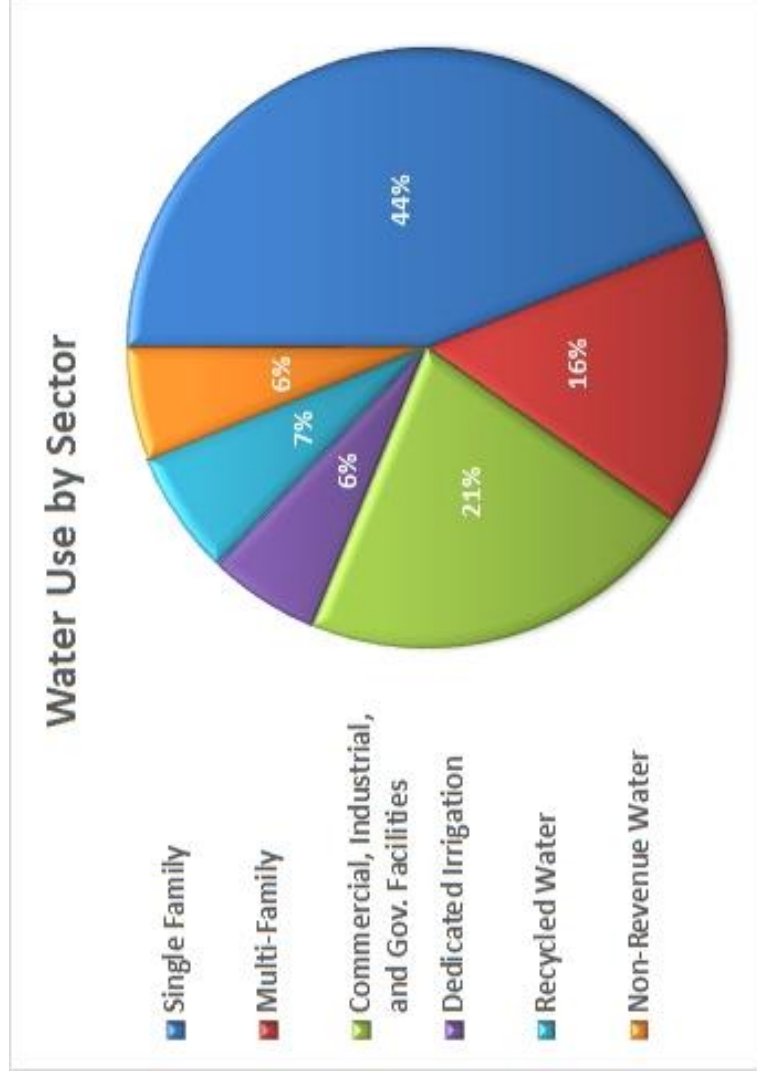
- Some stats and facts to back it up.
- Supporting information.





## Talking Point One Goes Here.

- Some stats and facts to back it up.
  - Supporting information.







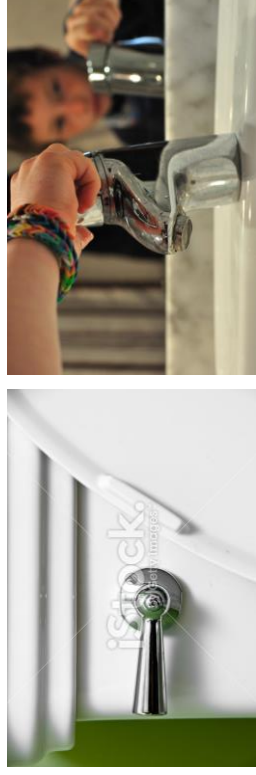


### Talking Point One Goes Here.

- Some stats and facts to back it up.
  - Supporting information.

### Talking Point Two Goes Here.

- Some stats and facts to back it up.
  - Supporting information.
- Some stats and facts to back it up.
  - Supporting information.
  - Keep it light.





# Presenter Name

## Contact Info

**MWDOC - MAY/JUNE 2015 MEDIA  
OOH and Print**

**CINEMA LOCATIONS (May 4 through June 28)**

District	Theatre	Address	City	Zip Code	Total Screens
Buena Park	Metropolex 18 at Buena Park (Krikorian)	8290 La Palma Ave.	Buena Park	90620	18
Huntington Beach	Huntington Regency 5	7822 Warner	Huntington Beach	92647	5
Huntington Beach	Huntington Beach 20 with XD (Century)	7777 Edinger Ave.	Huntington Beach	92647	20
La Habra	La Habra 16 (Regal)	1351 W Imperial Hwy.	La Habra	90631	16
Orange	Orange 30 with IMAX (AMC)	20 City Blvd W Ste E	Orange	92868	30
Orange	Orange Stadium Promenade 25 with XD (Century)	1701 W Katella Ave.	Orange	92867	25
San Clemente	San Clemente Cinema 6 (Krikorian)	641-B Camino de Los Mares	San Clemente	92673	6
San Juan Capistrano	San Juan Capistrano (Regency)	26762 Verdugo St.	San Juan Capistrano	92675	3

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**PUMP TOPPER LOCATIONS (May 4 through June 28)**

District	Gas Station	Street	City	Zip Code	Total Screens
Brea	Shell	3300 E Imperial Hwy.	Brea	92823	8
El Toro	Shell	23038 Lake Forest Dr.	Laguna Hills	92653	12
Fountain Valley	Shell	17966 Brookhurst St.	Fountain Valley	92708	24
Garden Grove	Shell	10971 Chapman Ave.	Garden Grove	92840	12
Garden Grove	76	13960 Harbor Blvd.	Garden Grove	92843	12
Mesa Water District	ARCO	3003 Newport Blvd.	Costa Mesa	92626	12
Mesa Water District	Shell	790 W 19th	Costa Mesa	92627	12
Moulton Nigel	Shell	28922 Golden Lantern	Laguna Niguel	92677	12
Moulton Nigel	Shell	27600 Marguerite Pkwy.	Mission Viejo	92677	12
Moulton Nigel	Shell	27055 Aliso Creek Rd.	Aliso Viejo	92656	10
Newport Beach	Shell	1600 Jamboree Rd.	Newport Beach	92660	12
Newport Beach	76	2201 E Pacific Coast Hwy.	Corona Del Mar	92625	8
Orange	Shell	4035 E Chapman Ave.	Orange	92869	10
Santa Margarita	Shell	27875 Santa Margarita Pkwy.	Mission Viejo	92692	12
Santa Margarita	Shell	30114 Santa Margarita Pkwy.	Rancho Santa Margarita	92688	12
Trabuco Canyon	Shell	21712 Plano Trabuco Rd.	Trabuco Canyon	92679	12
Tustin	Valero	14501 Red Hill Ave.	Tustin	92780	8
Tustin	Shell	1815 N Tustin	Orange	92865	8

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**BUS SHELTER LOCATIONS (May 4 through June 28)**

District	Face	Location Description	Panel #	Zip Code	Post Dates
Emerald Bay (Rotation 1)	N	Crown Valley WS 1ft N/O Forbes F/N - 1	1612	92677	05/04-05/31/15
Emerald Bay (Rotation 2)	S	Alicia ES 1ft N/O Ivy Glen F/S - 1	1609	92677	06/01-06/28/15
EOCWD (Rotation 1)	W	Dyer SS 1ft W/O Pullman F/W - 1	2186	92705	05/04-05/31/15
EOCWD (Rotation 2)	W	17th St. NS 100ft E/O Gimbert Ln F/W - 2	4783	92705	06/01-06/28/15
Seal Beach (Rotation 1)	N	Seal Beach Blvd WS 100ft S/O St Andrews Dr F/N - 1	6783	90740	05/04-05/31/15
Seal Beach (Rotation 2)	S	Pac Cst Hwy ES 100ft N/O Balboa Dr F/S - 2	6777	90740	06/01-06/28/15

**LOCAL NEWSPAPER - Freedom Enterprise (OC Register)**

District	Newspaper	Publish Day	Distribution	Zip Code	Insertion Dates
Serrano	Orange City News (Villa Park)	Wednesday	Orange County Register	92861	5/6 & 6/3
South Coast	Dana Point News	Thursday	Orange County Register	92629	5/7 & 6/4
Yorba Linda	Yorba Linda Star	Friday	Orange County Register	92886/92887	5/8 & 6/5



**INFORMATION ITEM**

April 20, 2015

**TO: Public Affairs & Legislation Committee**  
(Directors Barbre, Tamaribuchi & Hinman)

**FROM: Robert Hunter, General Manager**

**Staff Contact:** Tiffany Baca

**SUBJECT: 2015 Water Awareness Poster & Slogan and Digital Arts Contests**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs & Legislation Committee receive and file this report.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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For over 35 years, the Municipal Water District of Orange County (MWDOC), and its member agencies, have held a Poster & Slogan Contest for Orange County students. Through this annual contest, students are encouraged to submit posters, slogans, or digital artwork that reflect water efficient and/or water saving messages and slogans. The goal of the program is to get our youngest water users thinking about the importance of our most valuable resource- water, and how they can contribute to the success of our future water supply by becoming more water efficient each day.

The judging process has begun for the 2015 Water Awareness Poster & Slogan and Photography & Digital Arts contests. The contest theme this year is "Every Drop Counts," and nearly 600 entries were received from Orange County students in grades K-12. A survey link has been sent to the MWDOC Board, staff, and MWDOC member agency staff to assist us in selecting this year's winners. A total of 30 students will be selected as winners – 15 for their poster entries, five for their slogan entries, and 10 for their digital artwork entries. Teachers of participating students will also be entered into a drawing to receive a gift card for the purchase of classroom/teaching supplies.

The 30 winning students and their teachers and families will be recognized at our annual Awards Ceremony, which will be held on June 1<sup>st</sup> at the Discovery Science Center in Santa Ana. Ricki the Rambunctious Raindrop will also be in attendance.

<b>Budgeted (Y/N):</b>	Budgeted amount:	Core X	Choice ____
<b>Action item amount:</b>	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b> \$7,500 was budgeted for Awards and Events in 2014-2015, and the same amount has been proposed for 2015-2016.			



## INFORMATION ITEM

April 20, 2015

**TO:** **Public Affairs & Legislation Committee**  
(Directors Barbre, Tamaribuchi & Hinman)

**FROM:** **Robert Hunter, General Manager**

Staff Contact: Jessica H. Ouwerkerk

**SUBJECT: RECAP OF CHILDRENS WATER EDUCATION FESTIVAL**

### STAFF RECOMMENDATION

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Staff recommends the Public Affairs & Legislation Committee receive and file the staff report.

### COMMITTEE RECOMMENDATION

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Committee recommends (To be determined at Committee Meeting)

### SUMMARY

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Each year, MWDOC participates in Orange County Water District's Children's Water Education Festival as both a sponsor and a presenter. As in years past, MWDOC contributed \$3,500 in budgeted funds as a Platinum level sponsor. MWDOC also presented an activity both days of the Festival, March 25-26. Our educational activity focused on protecting and preserving Orange County's water resources. The activity concluded with a discussion on water use efficiency tips. Students and teachers were also encouraged to participate in the Poster & Slogan Contest as a follow-up activity. Nearly 500 students in grades four through six participated in MWDOC's activity.

Budgeted (Y/N): Y	Budgeted amount: \$3,500	Core _X_	Choice __
Action item amount: N/A		Line item: 32-7670	
Fiscal Impact (explain if unbudgeted):			



**INFORMATION ITEM**

April 20, 2015

**TO: Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman & Tamaribuchi)

**FROM: Robert Hunter, General Manager**

**Staff Contact:** Heather Baez

**SUBJECT: OVERVIEW OF TRANSLATION SERVICES TO COMPLY WITH AB 2747**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs & Legislation Committee receive and file the report

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**DETAILED REPORT**

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AB 2747 (Assembly Committee on Judiciary) was an omnibus/clean-up bill that included pages of sections covering 29 subject areas.

Sections 6 and 21 correct an apparent oversight where some special district utility districts were not covered by SB 120 (Lowenthal), Ch. 560, Stats. of 2009. Although these provisions create no new substantive policy, they subject water districts to the provisions of SB 120. SB 120 allows tenants of single-unit dwellings to take over a utility service account in arrears by the owner and pending termination, allows the tenant to offset rent by the amount of the utility payments the tenant makes, and requires the utility to provide 10 days notification of service termination in specified languages.

**What was in place prior:**

- Existing law provides that whenever a district, furnishes residential light, heat, water, or power through a master meter, or furnishes individually metered service in a multiunit residential structure, mobile home park, or farm labor camp where the owner, manager, or farm labor employer is listed by the district as the customer of

<b>Budgeted (Y/N):</b> N/A	Budgeted amount: N/A	Core _X_	Choice __
<b>Action item amount:</b>	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b>			

record, the district is required to make every good faith effort to inform the actual users of the services, by means of a specified notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination and further provides for the district to make service available to actual users who are willing and able to assume responsibility for the entire account.

**What is required now:**

- This bill would additionally require a district to provide that notice to actual users in a single-family dwelling.
- The bill would require that **the notice be written in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.**
- The bill would instead provide for the district to make service available to actual users who are willing and able to assume responsibility for subsequent charges to the account.
- By imposing on special districts additional requirements regarding termination of residential utility service, the bill would impose a state-mandated local program.
- This bill would additionally authorize a tenant who has made a payment to a district for public utility service to deduct the amount of the payment from the rent when due, as specified.

**Compliance required by: January 1, 2015**

This issue was brought up at the March 19, 2015 MWDOC Member Agency Managers Meeting as an informational item and to see if agencies would be willing to work together to help defray some of the translations costs. Santa Margarita Water District, Irvine Ranch Water District and Moulton Niguel Water District indicated that they are already in compliance, have the translations, and are willing to share the information with their fellow agencies.

On March 31, 2015, Public Affairs Director Darcy Burke sent out an email to all member agencies with the name and contact number of the first two agencies that volunteered their services (SMWD & MNWD) and the agencies are working together to get the information they need to be in compliance.



**INFORMATION ITEM**

April 20, 2015

**TO: Public Affairs & Legislation Committee**  
(Directors Barbre, Hinman & Tamaribuchi)

**FROM: Robert Hunter, General Manager**

**SUBJECT: DROUGHT OUTREACH**

**STAFF RECOMMENDATION**

Staff recommends the Public Affairs & Legislation Committee receive and file the report

**COMMITTEE RECOMMENDATION**

Committee recommends (To be determined at Committee Meeting)

**DETAILED REPORT**

As part of our efforts to provide education, information and resources to Orange County residents, business and policymakers, Public Affairs is tracking activities related to drought outreach. Since the last Public Affairs and Legislation Committee in March/April, staff members have conducted the follow drought outreach efforts:

Item	Type	Date	Staff Person	Notes
Water Expo Planning Meeting	Meeting	03/24/2015	Darcy	Tustin SWRCB New Regulations Discussion
Member Agencies Leg Coordinators Meeting	Meeting	03/26/2015	Heather	
Fountain Valley City Council Meeting	Presentation	04/07/2015	Rob	
AlertOC Test Notification Message	Mass Notification	04/07/2015	Kelly/Darcy	26 WEROC Member Agencies Participated

<b>Budgeted (Y/N):</b> N/A	Budgeted amount: N/A	Core _X_	Choice __
<b>Action item amount:</b>		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			

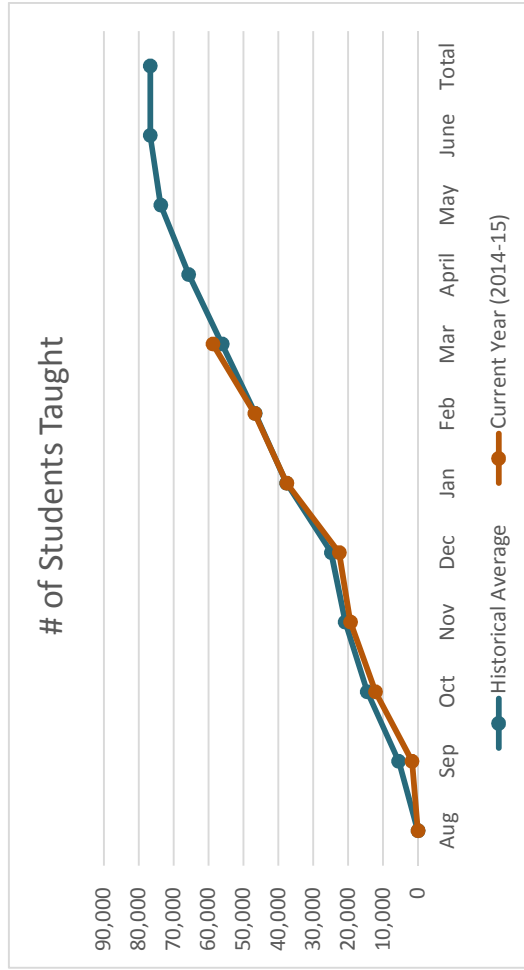
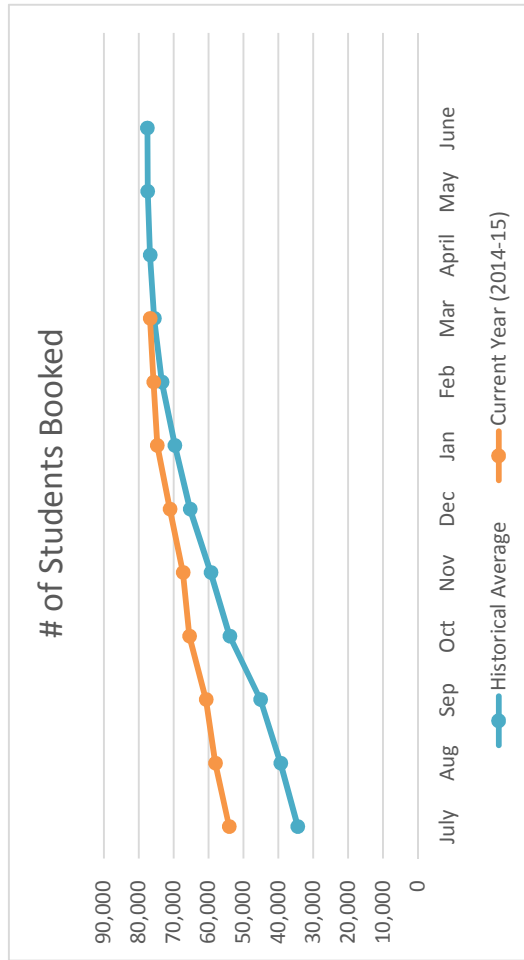


Public Affairs Workgroup	Meeting	04/14/2015	Jessica/Darcy	Coordination meeting for outreach and messaging
City of San Juan Capistrano City Council	Presentation	04/15/2015	Harvey	Water Supply Conditions and Allocations
Orange County's Operation Area Emergency Operations Center	Presentation	04/30/2015	Harvey	Water Supply Conditions and Allocations

## 2014-15 Water Education School Program

# of Students Booked	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Target
Historical Average	34,405	39,319	45,070	53,900	59,337	65,269	69,616	73,332	75,563	76,726	77,411	77,523	
Current Year (2014-15)	54,053	58,028	60,691	65,453	67,314	71,036	74,656	75,743	76,754				83,952

# of Students Taught	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
Historical Average	0	5,526	14,522	20,838	24,823	37,676	46,625	56,093	65,692	73,691	76,705	76,705
Current Year (2014-15)	0	1,673	12,161	19,355	22,514	37,603	46,730	58,787				83,952



**Public Affairs Activities Report**  
**March 16, 2015 – April 19, 2015**

<b>Member Agency Relations</b>	<p>Tiffany managed invitations, accepted reservations, managed guest, MWD and Director needs, and accompanied Director McKenney on two Diamond Valley Lake Inspection Trip's. One was held on March 27<sup>th</sup> and another on April 17<sup>th</sup>. Tiffany and Heather accompanied Director Barbre on his three-day State Water Project Trip on March 20<sup>th</sup> through 22<sup>nd</sup> which included an agriculture portion, a stop at Harris Ranch in the Central Valley and the Edmonston Pumping Plant. Tiffany and Bryce prepared informational materials for tour guests, before and after the tour.</p> <p>Darcy and Tiffany met with Fred O'Callahan in regards to the July Water Resources Management Inspection trip hosted by Director Dick that will include Weymouth Shops and the Jet Propulsion Laboratory.</p> <p>Tiffany participated in a Metropolitan's Member Agencies Inspection Trip Coordinator's meeting on April 8<sup>th</sup>. Tiffany is also working with all four MWDOC/Metropolitan Directors and Metropolitan staff to submit tour requests for next season.</p> <p>Tiffany met with Fred O'Callahan from JPL on Friday, April 10<sup>th</sup> to discuss timelines and trip logistics for Director Dick's Weymouth/JPL tour on July 17<sup>th</sup>.</p> <p>Darcy scheduled the member agency meetings with Stetson Engineering in regards to the Consumer Confidence Report. The agency meetings were held here at MWDOC, March 30<sup>th</sup> – April 1<sup>st</sup>.</p> <p>Darcy and Jessica worked with Kelly to develop and distribute two press releases regarding the regional AlertOC Test on April 7<sup>th</sup>. In addition, they developed social media posts, newsletter templates and AlertOC message templates for the exercise. Darcy participated in the planning meeting with member agencies, cities and the County. Darcy is drafting a regional Drought Communications plan for regional messaging and outreach efforts.</p> <p>Jessica, Darcy and Tiffany hosted a Public Affairs Workgroup meeting on April 14<sup>th</sup> to develop regional messaging in response to Metropolitan's Board action implementing the allocation program.</p> <p>Heather provided an update at the member agency managers meeting on the implementation of AB 2747 from 2014 that requires water retailers to provide shut-off notification in six different languages. Follow-up information was provided to the City of Fountain Valley and Laguna Beach County Water District per request.</p>
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	<p>Heather coordinated and hosted a member agency legislative coordinator's briefing lunch where we covered the SWRCB's updated regulations, Emergency Drought Legislation, pending legislation of interest, Prop 1 implementation update and an upcoming WIFIA informational webinar.</p> <p>Upon request by the member agencies, Jessica developed and distributed a summary of the Governor's recent Executive Order and related talking points. The speaking points can be used by member agency staff when responding to media inquiries, drafting newsletter articles, etc.</p> <p>MWDOC participated in both days of the annual Children's Water Education Festival. Jessica, Tiffany, Leah, Bryce, Marey, and Kat helped staff MWDOC's booth, which focused on protecting our water resources.</p> <p>Tiffany provided educational materials to Trabuco Canyon Water District for a classroom visit and their annual Water Awareness Day event.</p> <p>Tiffany provided Laguna Beach County Water District and Yorba Linda Water District with water use efficiency infographics and CA water code section 31007 presentation slides.</p> <p>Jessica and Darcy developed talking points regarding water supply allocations. The draft messaging was distributed to the member agencies on April 13.</p>
<b>Community Relations</b>	<p>Darcy and Jessica are working with City of Anaheim staff to coordinate a Water Expo at the new Anaheim Regional Transportation Center on June 6<sup>th</sup>. All MWDOC member agencies have been invited to participate and host a booth.</p> <p>Heather met with Chris Palmer, the new Southern California representative for CSDA and provided an overview on MWDOC.</p> <p>Heather attended ACC-OC's Board of Directors Installation event at the Tustin Community Center.</p> <p>Jessica developed and distributed the March issue of eCurrents, which featured articles on sprinkler tune-up, the AlertOC regional test exercise, the OC Garden Friendly Program, MWDOC's legislative efforts, and more.</p> <p>Jessica, Tiffany, Bryce, and Marey implemented MWDOC's social media activities through Facebook, Twitter, and Pinterest during this period.</p> <p>Jessica updated several pages on the MWDOC website, Open</p>

	Government site, and WUE microsite. Tiffany updated the WACO page.
<b>Education</b>	<p>In collaboration with the School Program Working Group (comprised of staff from EOCWD, Mesa Water, SMWD, and MNWD), Jessica developed and distributed a Water Education School Program Request for Proposals (RFP). The RFP was distributed to numerous education providers. Six proposals were received in response to the RFP. The Working Group will evaluate responses and make a recommendation to the Board on April 20.</p> <p>Jessica and Tiffany met with Toby Gant of Discovery Science Center to plan and coordinate the upcoming Poster &amp; Slogan Contest and Photography &amp; Digital Arts Contest Awards Ceremony. The Ceremony is scheduled to take place at DSC on June 1.</p>
<b>Media Relations</b>	<p>Darcy and Jessica provided information and coordinated interviews for a number of reporters with the LA Times (Bettina Boxall), NBC4 (Maritza Moulite) and OC Register (Aaron Orlowski, Brooke Staggs, Louis Casiano, Jeff Collins, Keegan Kyle, Sue Carpenter, and Greg Mellen). At least seven separate news stories have ran as a result of these efforts.</p> <p>Darcy and Jessica distributed two press releases announcing the April 7 AlertOC regional test exercise.</p> <p>Jessica and Tiffany developed and distributed a press release announcing Director McKenney was recently elected Chair of ACWA Region 10.</p> <p>Jessica developed a draft press release announcing activation of MWDOC's Water Supply Allocation Plan. The press release will be distributed on April 15.</p>
<b>Special Projects</b>	<p>Tiffany created a new briefing paper template that navigates away from text heavy content and instead emphasizes impactful visual components as well as informational bites. The MWDOC Who We Are briefing paper has successfully been transitioned to the new template. Tiffany is in the process of completing an updated Drought briefing paper utilizing the new template.</p> <p>Tiffany is continuing to work with Immersiv Media on the OC Water Hero Program phone app.</p> <p>Heather &amp; Darcy attended the WACO Planning meeting and WACO on April 10<sup>th</sup>. Heather, with the help of Harvey, secured the speaker – Tanya Trujillo, the Executive Director of the Colorado River Board of California</p>

	<p>Tiffany, Bryce and Marey continue to manage the administrative process for the annual Poster Slogan Contest and Digital Arts Contest, and will continue to work on a variety of components of the contest leading up to the Awards Ceremony in June 2015.</p> <p>Tiffany and Bryce prepared the March cover image for social media, eCurrents, and the website. Tiffany and Marey prepared the April cover image.</p> <p>Darcy and Jessica are working with Fraser Communications on the last of the materials for the Value of Water (VOW) program. The production of the short video/PSA was completed on April 1<sup>st</sup> and will be in theaters and gas top pumps beginning April 18. A meeting was held on March 24<sup>th</sup> for VOW participating agencies. Darcy provided additional social media posts and a newsletter article template. Jessica developed a PowerPoint presentation template for the participating agencies to use. Darcy also developed and distributed talking points for Field Crew related to the drought and the Value of Water Pillars. Darcy, Jessica and Tiffany attended the meeting.</p> <p>Darcy is working on completing the electronic Consumer Confidence Report template. Next year's Choice program will focus on media buys and outreach.</p> <p>Darcy participated in an Orange County Water Summit Planning Committee on April 9. The program is being finalized, registration has begun and sponsors are securing their spots. The next full committee meeting is scheduled for May 1, 2015.</p> <p>Darcy participated at the State Water Resources Control Board's Operator Certification Stakeholders meeting. The current efforts are focused on validation and working with other water stakeholders on the development of a recycled water operator certification program.</p> <p>Heather coordinated a debriefing meeting with IEUA, Western MWD and Eastern MWD to discuss the 2014 D.C. luncheon and potential plans for the 2015 luncheon.</p> <p>Heather attended the CPUC meeting and gave a statement on behalf of MWDOC in support of SDG&amp;E's South Orange County Reliability Project.</p> <p>Heather participated in the ISDOC Executive Committee meeting, helped secure the Quarterly Luncheon speaker – local author &amp; historian Chris Epting, and sent out the notification/invitation for the Quarterly Lunch on April 30.</p> <p>Jessica developed a Frequently Asked Question flyer outlining the</p>
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	<p>new regulations and watering restrictions required by the State Water Resources Control Board. The FAQ is posted on MWDOC's drought webpage and social media accounts.</p> <p>Jessica and Bryce coordinated professional photos of the MWDOC Board of Directors, MWDOC's MET Directors, and General Manager. The new photos will be used on the website, eCurrents newsletter, hallway photos, and other outreach efforts.</p> <p>Tiffany provided a registration form/link for the Elected Officials Forum which will be held on April 29<sup>th</sup>. Tiffany also created a survey to poll attendees about what they would like to include on the agenda.</p>
<b>Water-Use Efficiency Marketing</b>	<p>Heather and Joe participated in Met's newly formed Member Agency Water Use Efficiency Policy Working Group.</p> <p>In collaboration with MWDOC, the Orange County Stormwater Program, has created lawn signs that will be displayed at successful Turf Removal Program participating sites. The County paid for printing of the more than 500 signs.</p> <p>Jessica participated in the OC WUE Coordinators workgroup meeting on April 2.</p> <p>Jessica coordinated printing and distribution of water use efficiency bill inserts promoting the Water Smart Home Survey Program, smart timers, rotating nozzles, and soil moisture sensors. The bill inserts will be distributed by 6 retail water agencies during the months of May through July; e-bill inserts will also be distributed to customers of select water agencies.</p> <p>Jessica and Melissa participated in the City of Mission Viejo's Green Business Program Kickoff meeting on March 26. At the event, local businesses learned about sustainability initiatives and incentives offered by water/energy/trash agencies.</p>
<b>Legislative Affairs</b>	<p>Heather participated in the ACWA Region 10 State Legislative Committee (SLC) conference call in advance of the ACWA SLC meeting.</p> <p>Heather attended and participated in ACWA's SLC meeting in Sacramento on March 20 and April 10. (The group meets every 3 weeks during the legislative session.)</p> <p>Heather participated in CSDA's Public Works Coalition legislative working group in Sacramento.</p> <p>Heather continues to have regular conference calls with Townsend Public Affairs on state legislative matters.</p>

## Item 22

	<p>Heather participated in ACC-OC's Legislative and Regulatory Committee.</p> <p>Heather worked with the County of Orange and the League of Cities, Orange County Division to coordinate efforts to oppose SB 355 (Lara) that would remove a voting Orange County member from the San Gabriel &amp; Lower Los Angeles Rivers and Mountains Conservancy.</p> <p>Heather participated in MWD's member agency legislative coordinators' conference call.</p> <p>Heather attended ACWA's 2015 Drought Impacts Briefing featuring local, state and federal officials.</p> <p>Heather met with Steve McCarthy, the newly appointed Director of Policy for the Assembly Republican Caucus.</p> <p>Heather met with Teodoro Martinez from Assemblyman Salas' office regarding AB 603 (Turf Removal Tax Credit).</p>
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