

MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
Jointly with the  
**PUBLIC AFFAIRS AND LEGISLATION COMMITTEE**  
January 20, 2014, 8:30 a.m.  
Conference Room 101

**Committee:**

Director Dick, Chairman  
Director Clark  
Director Hinman

Staff: R. Hunter, K. Seckel, J. Ouwerkerk,  
K. Davanaugh, D. Burke

Ex Officio Member: J. Finnegan

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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>.

**DISCUSSION ITEMS**

1. LEGISLATIVE ACTIVITIES
  - a. Federal Legislative Report (Barker)
  - b. State Legislative Report (Townsend)
  - c. County Legislative Report (Lewis)
  - d. Legal and Regulatory Report (Ackerman)
  - e. Legislative Matrix
  - f. MET Legislative Matrix

**ACTION ITEMS**

2. EXTENSION OF WASHINGTON, D.C. COUNSEL CONTRACT WITH JAMES C. BARKER AND FEDERAL LEGISLATIVE PRIORITIES FOR 2014
3. EXTENSION OF STATE LEGISLATIVE ADVOCACY CONTRACT WITH TOWNSEND PUBLIC AFFAIRS, INC.

**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.)

4. 7<sup>TH</sup> ANNUAL ORANGE COUNTY WATER SUMMIT
5. ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) WASHINGTON, DC LUNCHEON AND SACRAMENTO RECEPTION
6. PUBLIC AFFAIRS ACTIVITIES REPORT
7. WATER EDUCATION SCHOOL PROGRAM- MONTHLY PARTICIPATION DATA
8. UPDATE ON UPCOMING WATER POLICY FORUM & DINNER

**OTHER ITEMS**

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

**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.

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Nicholas Crockett  
Kate Blair

*Municipal Water District of Orange County, California*  
*Washington Update*  
*January 14, 2014*

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As the new year begins, this week marks the first real week of significant floor legislative activity for the 2014 Congressional Session.

The \$1.1 Trillion Federal Appropriations package was unveiled last night and the package generally reflects the notion that the spending cuts known as the sequestrations have been eased. This bill will fund all agencies of the federal government until September 30, 2014.

The agreement was reached in the backdrop of the seventeen day Federal Government Shutdown which occurred during the month of October.

The White House and Leaders in both Houses in Congress today have praised the package as a sign of some compromise—following through on an agreement reached this past fall.

The bill funds federal activities below the Obama Administration's requested levels and what Congressional Democrats had sought. Republicans had previously complained that there was too much spending in some frivolous federal program areas. In the end, both sides had to compromise a great deal. Republicans were pointing out that this budget spends \$164 Billion less than the last budget of the Bush Administration.

After years of fighting over how much to cut, this spending plan provides for the passage of the individual twelve Appropriations Subcommittee Bills in one package—the first time this has occurred during the Obama Presidency. It is expected to pass with a majority of support from both parties. In recent years, our national government has been funded through a series of Continuing Resolutions—simple adjustments made to the previous year's funding bills—with little or no policy directives given to the agencies. The consequence of this year's bill is that it will provide new policy directives.

Defense programs were largely protected. The measure provides for a one per cent pay raise for civilian and U.S. Military personnel.

Regarding water programs, the Army Corps is slated to receive \$5.5 Billion, up \$487 Million, roughly an increase of 9 per cent. The Bureau of Reclamation is expected to receive a budget of \$1.1 Billion, an increase of \$44 Million.

Normally this appropriations process is wrapped up by Thanksgiving to allow time to pass before the Administration releases its budget plan for the next fiscal year in February or March.

***Water Update:***

The House and the Senate are in the middle of their Conference Committee activity on the Water Resources Reform Act, or “WRRDA”. This is the legislation which funds the activities of the Army Corps of Engineers and the Senate Bill includes a provision known as the WIFIA Loan Financing Provision which would allow water districts to borrow federal funds at a highly discounted rate. These monies would be paid back over time so there would be no cost to the taxpayer. There has been an issue that has developed over this particular section since our last report.

The Senate language directs that entities receiving WIFIA funds can only fund 49% of their projects with WIFIA monies. The Senate language also states that if an entity receives WIFIA funds, then it is prohibited from using tax exempt municipal bonds for the remainder of the financing. This would create a significant hardship to most water agencies.

The House language, which was never included in the final House Bill, would have allowed 100 per cent WIFIA financing and the House language did not include the municipal bond prohibition.

Director Barbre and MWDOC Staff have worked extensively on this issue during the past month.

The status report: The House, led by Subcommittee Chairman Gibbs of Ohio, champions the 100% WIFIA financing mechanism. We have met with him and his office multiple times. We understand that the Republican Committee Leadership, for the most part, support this direction.

The corresponding Senate Committee, the Environment and Public Works Committee, is chaired by Senator Boxer of California. Their key staff is aware of this issue and are working to resolve it. There are two critical barriers that have to be overcome: 1) One reason for the municipal bond prohibition is that the tax break costs the federal treasury tax revenue—thus it presents a “scoring” problem for the bill, it costs the US Treasury money; and, 2) WIFIA is patterned after the TIFIA program and the TIFIA program has this same tax exempt Municipal Bond prohibition.

These issues are currently being hammered out during “Conference negotiations” between senior Committee Staff and House and Senate Committee Chairmen.

Another issue which we believe has been resolved due to assurances from the senior staff at the Senate Committee on Environment and Public Works is the notion that the California Section 5039 Account in the 2007 WRDA Law will be protected against deauthorization. This is also very significant for MWDOC.

In the FY2014 Appropriations Bill, in the Energy and Water Appropriations section, there was \$44 Million appropriated to the Army Corps for Environmental Infrastructure Accounts, something that MWDOC has sought for many years. *The California Section 5039 Account is an Environmental Infrastructure Account.* Details regarding the appropriations are still emerging at press time.

In the “Statement of Managers to the Conference Report”, there is little information regarding how these funds can be used. Historically, individual state accounts must be “opened” before the Army Corps will allocate any of these funds to that respective state. In California’s case, our account has never been opened. MWDOC staff will be reviewing how California and MWDOC might be able to have the California account “opened” in the future. The most likely case is there is already a predetermined recipient(s) of these FY2014 funds.

Importantly however, is the fact that there was a line item for Environmental Infrastructure funds—the first time we have seen that since 2010. MWDOC staff view this as an important precedent. MWDOC worked hard to include the \$40 Million Authorization for the Section 5039 Account in the 2007 WRDA Bill.

For Fiscal Year 2014, with regards to the Bureau of Reclamation, there was \$19 Million appropriated for Water Smart Grants. For informational purposes, there was \$21.5 Million appropriated for Title XVI Projects nationally.

MWDOC staff are actively tracking both the WRRDA Conference Committee activities and the Appropriations process.

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<b>FEDERAL FUNDING REQUESTS</b>			
<i>Potential Source of Funding</i>	<i>Description</i>	<i>Amount Requested</i>	<i>Status: This listing below is a repeat from last month—<b>Note:</b> The recently released appropriations package will be examined for opportunities.</i>
<b>Natural Resources Conservation Service (NRCS) U.S. Dept of Agriculture</b>	SmarTimer Irrigation Controller Installations		The NRCS Program may provide funding opportunities in future grant programs.
<b>South Orange Coastal Ocean Water Desalination Project</b>	Federal Appropriations and an Authorization for Federal Funds for the Desalination Project	Competitive Grant Programs	<p><b>Appropriations:</b> Repeating from last month, MWDOC continues to pursue a strategy to open up Section 5039 of the WRDA Act which would allow MWDOC to be eligible to receive funds for water infrastructure. Other Western States have “opened” their respective accounts; California’s account has not been opened to date. This past year the Senate Appropriations came very close to opening this account.</p> <p><b>Authorizations:</b> The WRDA Bill is now in a House / Senate Conference.</p>
			<p><b>Earmarks:</b> Again, there is a gradual recognition that more and more Congressional Offices question of the judgment of surrendering their power to allocate federal funds.</p>

<b>GENERAL CONGRESSIONAL AND POLITICAL UPDATES</b>			
	<p>The political firestorm over the computer signup and implementation of the Obama Health Care Law has subsided for a time. The Administration and Congressional Democrats are hoping that the program “works” this year as people experience the new law for the first time.</p> <p>Congressional Democrats are particularly concerned about the implementation of the new law. Many experts do not see a path for a Democrat House Majority and several senior Democrat lawmakers have recently announced their retirements. There are some political commentators that suggest that this issue might cost the Democrats the Senate. That said, there is still a long time before the fall election.</p> <p>Washington has been abuzz with Governor Chris Christy’s alleged punishment of a Mayor and his city for not endorsing him during last year’s election. In a state where there are strong Democratic majorities in both the State House and Senate Chambers, Governor Christy will most certainly be investigated very thoroughly.</p> <p>On the 2016 Presidential front, though not announced, Hillary Clinton is gaining traction as the strong favorite on the Democratic side. Until recently, Governor Christy held that distinction on the Republican side.</p>		

JCB 1-14-14

**MEMO**

**To: Municipal Water District of Orange County**

**From: Townsend Public Affairs, Inc.**

**Date: January 14, 2014**

**Subject: Monthly Political and Activity Report**

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**State Political Update**

The Legislature reconvened to begin the 2014 legislative session on January 6, 2014. They had been on recess since late September. The first week marked the release of the Governor's budget and the Legislative Analyst Office analysis on the State's fiscal outlook. Highlights include:

- Predicts \$106.8 billion in General Fund spending and a total of \$154.9 billion from all funds;
- Sends \$6 billion in deferred payments to schools, with total K-12 spending around \$62 billion;
- Increases spending on UC and CSU by \$142.2 million each;
- Contributes \$1.6 billion to a rainy day fund and proposes an alternate budgetary reserve constitutional amendment for the 2014 ballot to the version proposed by the Legislature;
- Spends \$815 million on deferred maintenance for State parks, highways, schools, community colleges, courts, prisons, and hospitals;
- Increases General Fund spending for the expansion of Medi-Cal benefits by \$670 million; and
- Estimates a 2 percent increase in State worker salaries, totaling \$173 million.

In the area of natural resources, the Governor's Budget proposes to begin dedicating funds to begin implementing the California Water Action Plan. Specifically, the Governor proposes allocating \$618.7 million from various sources to the Water Action Plan, including \$472.5 million (in Prop 84 funding) to IRWMP, \$77 million (Prop 84 and Prop 1E) for flood control, \$30 million (Cap and Trade) for watershed restoration, and \$20 million (Cap and Trade) for energy efficiency. Additionally, the budget provides funding to the SWRCB and DWR to work with local agencies to collect and update groundwater data and information so that the State is able to provide tools, resources, and guidance to local groundwater managers.



The Governor's Budget proposes to shift the Drinking Water Program (and \$200 million in funding for the program) from the Department of Public Health (DPH) to the State Water Resources Control Board (SWRCB). The Governor's stated goals with this shift are to enhance state accountability for water quality issues; better provide comprehensive technical and financial help to communities; and improve the efficiency and effectiveness of drinking water, groundwater, water recycling and water quality programs.

Additionally, a public hearing on the Governor's proposal to shift the Drinking Water Program from DPH to the SWRCB is scheduled at Cal-EPA on January 15<sup>th</sup> at 9 a.m. TPA will be attending the hearing and reporting back with details.

### **Water Bond Discussions**

There are two different versions of a water bond that will carry over from 2013 to 2014. SB 42 (Wolk) and AB 1331 (Rendon) were introduced in early 2013 and carried forward as two-year bills. However, SB 42 will be dropped as Senator Wolk introduced SB 848 late on the 8<sup>th</sup>. SB 848 will essentially replace SB 42 with the exact same language, allowing Senator Wolk to work with the committee and further analyze the bill. Because of the house of origin deadline in the state constitution, SB 42 would have required hearings before both policy committees, the Appropriations committee and a floor vote before January 31<sup>st</sup>. Upon request of the committees, Senator Wolk reintroduced the current content of SB 42 into SB 848. SB 848 will appear in print tomorrow, including Senate Pro Tem Darrell Steinberg and others as coauthors. The bill will be dually referred to both Senate Natural Resources (scheduled for February 11<sup>th</sup>) and Senate Environmental Quality (scheduled for February 19<sup>th</sup>).

Futhermore, AB 1331 (Rendon) was also amended. Amendments include:

- Title amended to "Clean and Safe Drinking Water Act of 2014"
- Technical amendments
- Indian Tribes are eligible for grant funding
- Funding for small community pollution control increased from \$100 million to \$400 million
- Funding for groundwater cleanup decreased from \$250 million to \$100 million
- Funding for specific watersheds eliminated and allocated on a "regional basis; funding maintained at \$1.5 billion
- Funding for the Integrated Regional Water Management (IRWM) relocated to climate change and water security; funding mainted at \$1.5 billion
- Funding for "water recycling" at \$500 million, with \$250 million eligible for stormwater management

- Funding for statewide/regional storage totals \$1.5 billion with \$300 million being allocated in FY 2015/2016 – FY 2019/2020 and the requirement that projects must be consistent with the United States Bureau of Reclamation and its Watersmart program – additionally all storage projects shall be required to “benefit more than one drinking water supplier or more than three million people”

### **MWDOC Outreach**

TPA has been tasked with scheduling a series of outreach meetings for MWDOC Directors and Staff with the Orange County State Legislative Delegation and other Legislators of interest. Below is a summary of those efforts:

- Sacramento Trip – January 13<sup>th</sup>
  - Assembly Member Salas’s office
  - Assembly Member Alejo’s office
  - Department of Parks and Recreation Director Jackson
  - Attendees: Rob Hunter, Karl Seckel, Christopher Townsend, Casey Elloitt
- Sacramento Trip – January 15<sup>th</sup>
  - Assembly Member Daly
  - Attendees: Director Barbre, Casey Elloitt
- District Meeting – January 24<sup>th</sup> at 12:00p
  - Assembly Member Allen
  - Attendees: Director Finnegan, Director Osborn, Rob Hunter, Darcy Burke, Heather Dion Stratman
- District Meeting – January 24<sup>th</sup> at 2:00p
  - Assembly Member Mansoor
  - Attendees: Director Finnegan, Director Clark, Rob Hunter, Darcy Burke, Heather Dion Stratman
- District Meeting – First week of February (Pending)
  - Assembly Member Quirk-Silva
  - Attendees: Director Barbre, Rob Hunter, Darcy Burke, Heather Dion Stratman

### **Federal Update**

#### ***Budget and Appropriations***

The Bipartisan Budget Agreement was signed into law in December of 2013. Now it is left to appropriators to determine exactly how much money to spend on specific agencies and policies. Currently, the committees are crafting a large-package bill, 12 bills combined into one. Although this omnibus deal does not allow some items as much analysis as others, Congress will not compose another stopgap measure, where only short-term decisions are made. House-Senate negotiators are said to be meeting today, hoping to negotiate their last differences over a \$1 trillion spending bill that provides

discretionary spending for the rest of this fiscal year. The two-year bill continues funding until 2015. It includes all federal agency spending and but does not include "mandatory" programs like Social Security or Medicare.

Currently, the government is still funded under a temporary continuing resolution, set to expire January 15<sup>th</sup>. The spending package is likely to be released this week. Expectations are high that the bill will be cleared with little pushback, as the appropriations committees are limiting influence from social, environmental and health policy "riders" that could threaten the process.

### **WRRDA**

Members of the House-Senate Conference Committee on WRRDA have been negotiating on a final deal for the water bill since the House passed its version of the measure in October. Both the House and Senate passed bipartisan versions of WRRDA. The Senate passed the measure by a vote of 83-14 in May and the House by a 417-3 vote in October. House Majority Leader Eric Cantor said he expects a final vote sometime this month.

WRRDA includes authorizations for about \$8 billion in water infrastructure projects. However, neither chamber's version of the measure includes any actual funding. The Senate's version of the measure hands oversight to the U.S. Army Corps of Engineers to make the water project selections; Republicans in the House argued that this would take away responsibility for federal spending from Congress. The White House leans towards supporting the Senate's approach, but it has indicated that President Obama would be willing to sign either version of the bill.

Within WRRDA is a pilot program, the Water Infrastructure Finance and Innovation Act (WIFIA). WIFIA would establish a five-year, \$250 million program allowing the Environmental Protection Agency (EPA) and the Army Corps of Engineers to offer low-interest loans for water and wastewater infrastructure projects costing at least \$20 million. WIFIA would borrow money from the U.S. Treasury for lending at low rates to state and local governments for water and wastewater projects. Projects that are eligible for State Revolving Fund subsidies are eligible for funding from WIFIA, "as are energy efficiency upgrades, desalination, and acquisition of real property. Projects carried out by a non-public entity are eligible, provided that they have a public sponsor. There is a \$20 million minimum for eligibility, and repayment of the loan must be from a dedicated revenue source" according to the Associate General Contractors of America. Senator Boxer, sponsor of the Senate version of WRRDA (S.601) that includes WIFIA, continues to push the pilot program out of conference.

### **Specific Activities for the Month**

- TPA participated in the ACWA Lobbyist Meeting on January 6<sup>th</sup> and provided notes for MWDOC. (State advocacy)
- TPA participated in the ACWA State Legislative Committee meeting on January 10<sup>th</sup> and provided notes. (State advocacy)
- TPA participated in the January 9<sup>th</sup> MWD Legislative Coordinators Conference Call and provided notes for MWDOC. (State Advocacy)
- TPA participated in the MWD Sacramento Lobbying Coordination meeting on January 9<sup>th</sup>. (State Advocacy)
- TPA arranged a MWDOC Sacramento day with General Manager Rob Hunter and Assistant General Manager Karl Seckel to meet with and brief the following:
  - Assembly Member Salas's office
  - Assembly Member Alejo's office
  - Department of Parks and Recreation Director Jackson
- TPA continues to hold conference calls with Darcy Burke every other week to coordinate on activities.
- TPA met with Senator Boxer's and Senator Feinstein's staff to discuss status of WRRDA and inclusion of WIFIA. Both are supportive and looking at various ways during Conference Committee to include funding mechanisms.
- TPA discussed WRRDA Conference Committee issues with Congressman Shuster's personal staff.
- TPA met with Congressman Denham's staff to discuss the WRRDA conference and his ongoing support for the inclusion of WIFIA language.
- TPA met with staff from the House Committee on Natural Resources, Subcommittee on Water and Power and the Senate Energy and Natural Resources Committee to discuss the current status and future of WRRDA and the inclusion of WIFIA.
- TPA continues to monitor WRRDA conference process.
- TPA maintained ongoing communication with appropriate congressional staff, including Senator Feinstein's senior advisor on water policy, on the importance of funding language such as WIFIA in WRRDA.

# The County of Orange Report

Presented January 20, 2013  
By Lewis Consulting Group

## **Anaheim Settles Lawsuit, Moves Toward District Elections**

On January 7<sup>th</sup> a settlement was finally reached in the case of Anaheim v. Moreno. Local School Board Member Jose Moreno filed the lawsuit on June 28, 2012. The lawsuit contended that Anaheim's use of city wide elections to elect city council members was a violation of the California Voting Rights Act (CVRA). The CVRA was passed in 2002 and has resulted in a number of California cities adopting district based voting. At present, Anaheim is the only city of the ten most populous cities in California to still conduct city-wide elections for City Council.

Mayor Tom Tait, realizing the city was destined to lose this issue in court, proposed in August 2012 to place this issue on the November 2012 ballot. However, his colleagues on the council refused to support his call and instead embarked on a two year legal strategy of delay. As part of the terms of the settlement between the city and Dr. Moreno, the city stands to lose close to two million dollars in legal fees.

As a further result of the settlement, two revisions to the city's charter will appear on the November, 2014 election ballot. The first is the main question as to whether or not the city should adopt district based elections. The second separate issue is whether or not the city council should be increased from the current four plus the Mayor to six plus the Mayor. If the district idea is defeated at the polls the city will still adopt districts for future elections, however, the distinction would be a requirement that council members reside in that particular district, but elections would still be conducted citywide. One of the criticisms of city wide elections has been the explosion of campaign spending in the city largely fueled by well healed special interests.

## **Campaigns Taking Shape**

While most of Orange County residents were enjoying the Holidays, a number of candidates for office in Orange County were pulling out all the stops to raise money before January 1<sup>st</sup>. We are approaching a very critical deadline when many political analysts will review campaign finance documents that will be submitted prior to the end of January. The end of the year cash on hand totals will speak volumes about a campaign's early organizational ability and their resolve to resist the temptation to spend too much too early. We will be reviewing campaign reports for a future PAL report.

The biggest news is the narrowing of the field in Orange County's 45<sup>th</sup> Congressional District. Republican multi-millionaire, Pat Maciarelllo recently withdrew from the race which seems to set up Supervisor John Moorlach as the one candidate best positioned to give State Senator Mimi Walters a tough race.

Also, in the 74<sup>th</sup> Assembly race (currently held by Allan Manossor, late entrant Newport Beach Councilman Keith Curry, seems to have generated a lot of buzz about his candidacy and has likely assumed front-runner status.

### **OCTA Reorganizes**

At the January 13<sup>th</sup> meeting of the Orange County Transportation Authority, a pair of Orange County's most outspoken fiscal conservatives were selected to fill the positions of OCTA Chair and Vice-Chair. Shawn Nelson was elevated to serve as 2014 Board Chair. After a spirited few weeks of behind the scenes campaigning and maneuvering, two candidates for Vice-Chair withdrew from the race, leaving Irvine City Councilman Jeff Lalloway as the last man standing. In an early morning vote, both Nelson and Lalloway were elected by a single vote of acclamation.

### **County Labor Negotiations Turn Ugly**

It was bound to happen, the financial toll imposed by the County's loss of \$73 million coupled with a court order of \$150 million in restitution to the state, has left the county with little choice, but to request concessions from the county's largest public employee union, the OCEA. The union leadership is vigorously defending the pay and benefits of its membership.

At a January 8<sup>th</sup> negotiating meeting between the County negotiators and the union leadership at OCEA headquarters things turned ugly. As a result of the County's version of what occurred, the County has filed an assault case against OCEA General Manager Nick Berardino. In a letter to OCEA President Lezlee Neebe, County CEO Mike Giancola wrote, "At the January 8 meeting, Mr. Berardino verbally abused and physically threatened with violence members of the county negotiating team." Chairman of the Board of Supervisors Shawn Nelson said two Sheriff's officials had to restrain Berardino.

OCEA spokeswoman Jennifer Muir emphatically disputed the County's version of events. In her words, "Did it get heated? Absolutely, but there was no assault."

As a result of the County's perspective on what occurred, they will be formally requesting Berardino's exclusion from future negotiations, will no longer be willing to meet at OCEA offices and will have a security detail at all future negotiations.

### **Despite Challenges, Orange County Credit Rating Upgraded**

Even with the loss of the infamous VLF lawsuit, which results in a multi-year repayment of \$150 million to the state, Standard and Poors recently upgraded the County's credit worthiness.

S&P raised both the issuer credit rating and outstanding general obligation debt by a single notch, AA from AA- and AA- from A+ respectively. S&P cited management practices and an improving local economy as the two principle reasons for the upgrade. The overall report concluded “we believe the county will maintain reserves that include a set-aside of amounts due to the state...and very strong liquidity.”

### **Audit of Great Park Organization Raises Concerns**

A recently released audit of the operations of Irvine’s Great Park raises concerns about political pressure, no bid contracting and missing city and Great Park funds.

The audit was conducted by Newport Beach forensic audit firm Hagen, Streiff, Newton and Oshiro Accountants PC. The audit report was submitted to the City at the beginning of the year and is set to be presented formally at the City Council meeting on January 14<sup>th</sup> (post submittal of this report).

The audit claims that \$5.5 million worth of tax increment was transferred from the city’s redevelopment agency to the great park, but \$38 million in revenue should have also gone to the Great Park, but did not.

The audit further claims that the project management company, Gafcon, had not been properly vetted by staff. Gafcon, prior to being awarded the Great Park contract, had been terminated early by the Port of Los Angeles because of “over-billing, poor quality of work, and inability to meet deadlines.”

Also, cited in the report is that the city kept \$6.5 million of the \$200 million in developer fees to cover expenses “on behalf of the Great Park.”

Several of the Great Park’s biggest consultants and contractors refused to cooperate with the audit, therefore limiting the ability of the audit firm to complete answers to finances outside of the Great Park books.

A further discovery was that the original \$27.3 million schematic-design phase which included team members Gafcon and designer Ken Smith went through 50 change orders making the final contract amount \$42.7 million – a 56% increase.

The audit firm is suggesting that the city work with all contractors to the Great Park to encourage them to participate fully in answering all questions related to work and billings for work performed at the Great Park.

There will no doubt be further discussion on this matter.

# ACKERMAN CONSULTING

## *Legal and Regulatory*

January 20, 2014

1. **CEQA Exemption Update:** As referenced last month the ACWA working group plans to sponsor and introduce a single bill this session to keep the CEQA reform effort alive. That bill will be similar to AB 83 (Jeffries), which was introduced last year but failed passage in the Assembly Natural Resources Committee. This bill was supported by MWDOC and other water agencies. The bill exempted from CEQA compliance any new pipeline of 1 mile or less for distribution of recycled water in an existing system and any new pipeline of 8 miles or less for recycled water distribution within an existing public street or right of way. ACWA and the other working groups are still considering if they will expand their effort this year and wait until later.
2. **Adopt a Storm Drain:** Oakland recently instituted a program for local neighborhoods to adopt a neighborhood storm drain as a result of declining city revenues. The city has 21 staff to monitor and maintain over 10,000 storm drains in the City. The volunteers are expected to inspect the drains on a regular basis and to make sure they are clean and clear. The City is trying to create an atmosphere of community awareness for other areas of City concern such as streets, sidewalks and curbs, sort of a Neighborhood Watch for city infrastructure. No report yet on success of program.
3. **Water Shortage Impacts Northern California:** The City of Calistoga has taken its last drop of water from its main reservoir. The Kimball Dam is at 10% of its capacity and the City must now turn to its lifeline, the State Water Project, for its needs. Similarly the San Juan Water District, which serves the area around Sacramento has urged its customers to halt outdoor watering. This request is currently voluntary but could become mandatory if their Board takes action next month. If you recall during our last major drought in the 1980s, northern California was impacted much more than southern California as a result of our conservation efforts and supply conditions.



4. **Desal versus Smaller Creatures:** While the environmentalists generally put forth the needs of smelt, snail darter and other creatures of substance, their tack may be changing. At a recent California Coastal Commission meeting on the Poseidon project in Huntington Beach, the staff recommended, in concert with environmental group concerns, that the intakes of the proposed plant would kill plankton, fish eggs and larvae and suggested the company redesign their intakes. Poseidon responded that this demand is unproven and cost prohibitive. The plant proposal is based on the same technology as was used in Carlsbad which was approved by the Coastal Commission. This most recent discussion also exposed a no growth posture by the Commission and its allies.
5. **Fireworks vs Clean Water Act:** You may recall last year at a fireworks display in San Diego, a concern was raised whether certain water permits were required and if the ocean was being polluted. Now a group has filed suit against the Lake Tahoe Visitors Authority regarding the 2 fireworks displays they conducted on the Fourth of July and Labor Day. The federal suit claims the Clean Water Act was violated, that no discharge permits were obtained and seeks \$75 million in fines. Even though the Authority and fireworks vendor has an extensive cleanup effort and takes numerous steps to deal with environmental concerns, the suit was filed. Watch this carefully as it may impact your ability to have fireworks in your backyard.
6. **God is on Water's Side:** Last month in Sacramento, Bishop Jaime Soto (formerly of Orange County) speaking on behalf of the California Conference of Catholic Bishops asked people of all faiths to "turn to the divine master asking that he see our plight and give ear to our plea for rain." "May God open the heavens and let his mercy rain down upon our fields and mountains. Let us especially pray for those most impacted by water shortages and for the wisdom and charity to be good stewards of this precious gift. May our political leaders seek the common good as we learn to care and share God's gift of water for the good of all." Amen.



# Municipal Water District of Orange County Priority Legislation

BILL	AUTHOR	HIGH PRIORITY	SUMMARY	LATEST ACTION	MWDOC POSITION	OTHER POSITIONS
NEWLY INTRODUCED/AMENDED IN 2014						
AB 194	Campos [D]	No	<b>Open Meetings: Actions For Violations</b> Amends the Ralph M. Brown Act. Requires every agenda for a regular meeting or notice for a special meeting to provide an opportunity for members of the public to address the legislative body on items being considered by the legislative body. Expands the authorization for a district attorney or interested party to seek a judicial determination that an action taken by a legislative body is null and void if the legislative body violates this requirement.	<b>(01/06/2014)</b> From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.  <b>(01/06/2014)</b> In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.  <b>HEARING DATE: 01/15/2014 1:30 pm, State Capitol, Room 447</b>		
AB 515	Dickinson [D]	Yes	<b>State Environmental Quality Act: Writ of Mandate</b> Amends the State Environmental Quality Act that requires a court, if the court finds that a public agency has violated the requirements of the Act, to issue an order, in the form of a peremptory writ of mandate, specifying what actions by the public agency are necessary to comply with the requirements of the Act. Requires the writ to specify the time by which the public agency is to make an initial return of the writ containing specified information.	<b>(01/06/2014)</b> From ASSEMBLY Committee on JUDICIARY with author's amendments.  <b>(01/06/2014)</b> In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.  <b>(01/06/2014)</b> Re-referred to ASSEMBLY Committees on NATURAL RESOURCES and JUDICIARY.  <b>HEARING DATE: 01/13/2014 1:30 pm, State Capitol, Room 447</b>		<b>ACWA:</b> Watch <b>CSDA:</b> Watch
AB 1331	Rendon [D]	Yes	<b>Climate Change Response for Clean and Safe Drinking Water</b> Repeals the Safe, Clean, and Reliable Drinking Water Supply Act of 2012; Enacts the Clean and Safe Drinking Water Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in a specified amount pursuant to the State General Obligation Bond Law to finance a clean and safe drinking water program.	<b>(01/07/2014)</b> From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.  <b>(01/07/2014)</b> In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.		



## Municipal Water District of Orange County Priority Legislation

SB 40	Pavley [D]	Yes	<b>Safe, Clean, and Reliable Drinking Water Supply Act</b> Changes the name of the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 to the Safe, Clean, and Reliable Drinking Water Supply Act of 2014. Declares the intent of the Legislature to amend the act for the purpose of reducing and potentially refocusing the bond.	<u>(01/06/2014)</u> From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.  <u>(01/06/2014)</u> In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.	<b>MWD:</b> Watch <b>ACWA:</b> Watch <b>CSDA:</b> Watch
SB 764	Yee [D]	No	<b>Fish: Accounting Records: Violation</b> Makes a nonsubstantive change to existing law declaring that the protection and conservation of the fish and wildlife resources of this state are of utmost public interest.	<u>(01/09/2014)</u> Re-referred to SENATE Committee on NATURAL RESOURCES AND WATER.  <u>(01/09/2014)</u> From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.  <u>(01/09/2014)</u> In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.  <b>HEARING DATE: 01/14/2014 9:30 am, Room 112</b>	
SB 772	Roth [D]	No	<b>County Water Company of Riverside: Liability</b> Relates to an exemption for the Elsinor Valley Municipal Water District and the Eastern Municipal Water District from liability for claims by past or existing County Water Company of Riverside concerning the operation and supply of water during an interim operation period for any good faith, reasonable effort using ordinary care to assume possession of, and to operate an supply water to the company's water system. Provides immunity for future customer claims.	<u>(01/09/2014)</u> Re-referred to SENATE Committees on JUDICIARY and ENVIRONMENTAL QUALITY.	
SB 848	Wolk [D]	Yes	<b>Safe Drinking Water: Water Quality: Flood Protection Act</b> Enacts the Safe Drinking Water, Water quality, and Flood protection Act of 2014 which would authorize the issuance of bonds pursuant to the State General Obligation Bond Law to finance a safe drinking water, water quality, and flood protection program.	<u>(01/09/2014)</u> INTRODUCED	



## Municipal Water District of Orange County Priority Legislation

HIGH PRIORITY						
AB 7	Wickowski [D]	Yes	Oil and Gas: Hydraulic Fracturing Requires an operator of a well to record and include all data on hydraulic fracturing treatment, including the risk posed by potential seismicity, as a part of the history of the drilling of the well. Requires an operator to file with the supervisor or a district deputy, a notice of intention to commence hydraulic fracturing treatment containing specified information to include chemical substances included. Requires the posting of such information on a specified Internet website.	(9/11/2013) In ASSEMBLY. Reconsideration granted.  (9/11/2013) In ASSEMBLY. To Inactive File.		ACWA: Watch
AB 142	Perea [D]	Yes	Safe, Clean, and Reliable Drinking Water Supply Act States the intent of the Legislature to enact legislation to amend the Safe, Clean, and Reliable Drinking Water Supply Act of 2012.	(5/06/2013) In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS		MWD: Watch ACWA: Favor CSDA: Watch
AB 145	Perea [D]	Yes	State Water Resources Control Board Drinking Water Transfers to the State Water Resources Control Board the various duties and responsibilities imposed on the State Department of Public Health by the State Safe Drinking Water Act and the Safe Drinking Water State Revolving Fund Law of 1997.	(08/30/2013) In SENATE Committee on APPROPRIATIONS: Held in committee.	Oppose unless Amended	MWD: Oppose unless Amended ACWA: Oppose unless Amended CSDA: Watch
AB 543	Campos [D]	Yes	California Environmental Quality Act Requires a lead agency to translate any notice, document, or executive summary required by the California Environmental Quality Act (CEQA) when the impacted community has a substantial number of non English speaking people.	(06/13/2013) Re-referred to SENATE Committee on ENVIRONMENT QUALITY		ACWA: Oppose CSDA: Oppose
AB 762	Patterson [R]	Yes	Renewable Energy Resources: Hydroelectric Generation Revises the definition of an eligible renewable energy resource for the purposes of the Renewables Portfolio Standard Program to include a hydroelectric generation facility of any size if it meets certain requirements.	(04/22/2013) In ASSEMBLY Committee on UTILITIES AND COMMERCE: Reconsideration granted.		ACWA: Favor CSDA: Watch
AB 793	Gray [D]	Yes	Water Storage Relates to various programs which provides funds for water projects and facilities. States the intent of the Legislature to enact legislation relating to increasing water storage capacity.	(09/03/2013) In SENATE. Read second time. To third reading.		ACWA: Favor CSDA: Watch
AB 982	Williams [D]	Yes	Oil and Gas: Hydraulic Fracturing Defines hydraulic fracturing. Requires any notice of intent to drill, rework, or deepen a well where hydraulic fracturing will occur to include a groundwater monitoring plan for review and approval by the Oil and Gas Supervisor and the appropriate regional water quality control board, which would contain specific information relating to groundwater, water quality, and the monitoring of wells and water quality.	(09/03/2013) In SENATE. From third reading. To Inactive File.  (05/24/2013) In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.		ACWA: Watch



## Municipal Water District of Orange County Priority Legislation

AB 1073	Torres [D]	Yes	<b>Emergency Services: Utility Access</b> Requires the Office of Emergency Services to develop, in collaboration with the Public Utilities Commission, a universal insignia that may be displayed on badges worn by a properly qualified and certified utility worker or technician that would enable the person to gain access to a location subject to a disaster or other emergency to provide vital utility services.	<u>(09/12/2013)</u> Withdrawn from SENATE Committee on GOVERNMENTAL ORGANIZATION  <u>(09/12/2013)</u> In SENATE. Ordered to third reading. <u>(2/22/2013)</u> INTRODUCED.		CSDA: Watch
AB 1078	Quirk [D]	Yes	<b>Water: Water Recycling Technology</b> States the intent of the Legislature to enact legislation to encourage the creation of new technologies to further the use of recycled water in the state.			CSDA: Watch
AB 1349	Gatto [D]	Yes	<b>CalConserve Water Use Efficiency Revolving Fund</b> Establishes the CalConserve Water Use Efficiency Revolving Fund for the purpose of water use efficiency projects. Requires moneys in the fund to be used for purposes that include, but are not limited to, at or below market interest rate loans.		<u>(05/24/2013)</u> In ASSEMBLY Committee on APPROPRIATIONS: Held in committee	MWD: Sponsor ACWA: Favor CSDA: Support
AB 1393	Perea (D)	Yes	<b>Safe Drinking Water State Revolving Fund</b> Transfers the administration of the Safe Drinking Water State Revolving Fund and the related grant and loan program for construction of public water systems to the State Water Resources Council.		<u>(09/09/2013)</u> In SENATE. Read second time. To third reading.  <u>(09/09/2013)</u> Re-referred to SENATE Committee on	ACWA: Support
ACA 8	Blumenfield [D]	Yes	<b>Local Government Financing: Voter Approval</b> Proposes an amendment to the Constitution to create an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district.		<u>(06/27/2013)</u> To SENATE Committees on GOVERNANCE AND FINANCE AND ELECTIONS AND CONSTITUTIONAL AMENDMENTS.  <b>Oppose (4/17/2013)</b>	CSDA: Support
SB 42	Wolk [D]	Yes	<b>Clean, Secure Water Supply and Delta Recovery Act</b> Enacts the Clean, Secure Water Supply and Delta Recovery Act of 2014. Authorizes the issuance of general obligation bonds for the Sacramento San Joaquin Delta Recovery.		<u>(09/11/2013)</u> In SENATE. Senate Rule 29.3 suspended.  <u>(09/11/2013)</u> From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.  <u>(09/11/2013)</u> In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER	MWD: Oppose unless Amended ACWA: Not Favor CSDA: Watch





## Municipal Water District of Orange County Priority Legislation

SB 123	Corbett [D]	Yes	<b>Environmental and Land Use Court</b> Requires a presiding judge of each superior court to establish an environmental and land use division within the court to process civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality.	<b>(05/23/2013)</b> In SENATE Committee on APPROPRIATIONS: Held in committee.		ACWA: Watch CSDA: Watch
SB 617	Evans [D]	Yes	<b>California Environmental Quality Act</b> Amends various provisions of the California Environmental Quality Act. Requires that notices regarding environmental impact reports filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by that clerk for public review. Provides additional duties regarding notices by the Office and the clerk. Requires a statement in the report regarding the placement of the project near natural hazards or adverse environment conditions.	<b>(05/30/2013)</b> In SENATE. From third reading. To Inactive File.		ACWA: Oppose CSDA: Oppose
SB 633	Pavley [D]	Yes	<b>CEQA</b> Amends the California Environmental Quality Act that requires the submission of a subsequent or supplemental environmental impact report when new information which was not known and could not have been known at the time of the original report was certified as complete, becomes available. Requires the new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the report was certified as complete. Relates to exemptions.	<b>(08/06/2013)</b> In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.		ACWA: Watch CSDA: Watch
SB 658	Correa [D]	Yes	<b>Water Quality: Cleanup and Abatement Orders</b> Makes technical, nonsubstantive changes to provisions of the Porter Cologne Water Quality Control Act requiring a person who discharges waste into the water of the state in violation of waste discharge requirements to clean up the waste or to abate the effects of the waste. Provides for the recovery of costs associated with cleanup.	<b>(05/24/2013)</b> In SENATE. From third reading. To Inactive File.	Support with Amendments	ACWA: Watch CSDA: Watch
SB 731	Steinberg [D]	Yes	<b>Environment: California Environmental Quality Act</b> State the intent of the Legislature to enact legislation revising the California Environmental Quality Act to, among other things, provide greater certainty for smart infill development. States the intent of the Legislature to provide funds annually to the Strategic Growth Council for the purposes of providing planning incentive grants to local and regional agencies to update and implement general plans.	<b>(09/11/2013)</b> From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass as amended.	Oppose	ACWA: Watch CSDA: Support in Concept



## Municipal Water District of Orange County Priority Legislation

SB 735	Wolk [D]	Yes	<b>Sacramento San Joaquin Delta Reform Act</b> Amends the Sacramento San Joaquin Delta Reform Act of 2009 to exclude from the definition of covered action the approval or implementation of a project as part of a larger conservation plan submitted pursuant to the Federal Endangered Species Act, a natural community conservation plan submitted pursuant to the Natural Community Conservation Planning Act, or certain permits related to the taking, importation, exportation, or sale of endangered species.	<u>(08/13/2013)</u> In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Not heard.	MWD: Oppose ACWA: Not Favor CSDA: Watch
SB 783	De Leon [D]	Yes	<b>Clean Water, Urban Parks, and Environmental Health Act</b> Declares the intent of the Legislature to enact legislation that would improve the economy, the natural environment, and increase and improve access opportunities to physical fitness, by enacting the California Clean Water, Safe Urban Parks, and Environmental Health Investment Act of 2014.	<u>(3/11/2013)</u> To SENATE Committee on RULES.	CSDA: Watch
SB 787	Berryhill T [R]	Yes	<b>Environmental Quality: Sustainable Protection</b> Enacts the Sustainable Environmental Protection Act. Specifies the environmental review required pursuant for projects related to specified environmental topical areas. Prohibits certain causes of action. Provides that the Act only applies if a lead agency or project applicant has agreed to provide to the public an annual compliance report.	<u>(5/01/2013)</u> In SENATE Committee on ENVIRONMENTAL QUALITY: Reconsideration granted.	ACWA: Favor CSDA: Watch
SCA 9	Corbett [D]	Yes	<b>Local Government: Economic Development: Special Taxes</b> Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified percentage of its voters voting on the proposition.	<u>(06/27/2013)</u> Re-referred to SENATE Committee on APPROPRIATIONS	CSDA: Support
SCA 11	Hancock [D]	Yes	<b>Local Government: Special Taxes: Voter Approval</b> Makes conforming and technical, nonsubstantive changes to provisions relative to special taxation. Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition.	<u>(06/27/2013)</u> Re-referred to SENATE Committee on APPROPRIATIONS	CSDA: Support
<b>INFORMATION ONLY</b>					
AB 262	Waldron [R]	No	<b>Local Government: Organization</b> Makes technical, nonsubstantive changes to the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 that governs the procedures for the formation, change of organization, and reorganization of cities and special districts.	<u>(2/7/2013)</u> INTRODUCED.	
AB 378	Hueso [D]	No	<b>Resources: Delta Research</b> Requires a person conducting Delta research whose research is funded, in whole or in part, by the state, to take specified actions with regard to the sharing of the primary data, samples, physical collections, and other supporting materials created or gathered in the course of that research. Authorizes the Delta Independent Science Board to adopt guidelines to provide adjustments to, and, where essential, exceptions from, these requirements.	<u>(3/7/2013)</u> To ASSEMBLY Committees on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW and WATER, PARKS AND WILDLIFE.	



# **Municipal Water District of Orange County** **Priority Legislation**

AB 436	Jones-Sawyer [D]	No	<b>Inverse Condemnation: Comparative Fault</b> Applies the doctrine of comparative fault to inverse condemnation actions. Requires a court or arbitrator to reduce the compensation paid to a plaintiff in an inverse condemnation proceeding in direct proportion to his or her percentage of fault, if any, in the damaging of property that constitutes a taking.	<u>(07/02/2013)</u> In SENATE Committee on JUDICIARY: Not heard.		
AB 1031	Achadjian [R]	No	<b>Local Government: Open Meetings</b> Makes technical, nonsubstantive changes to a provision of the Ralph M. Brown Act, which requires each legislative body of a local agency to provide notice of the time and place for holding regular meetings and a specified agenda.	<u>(2/22/2013)</u> INTRODUCED.		
AB 1043	Chau [D]	No	<b>Drinking Water, Quality, Flood, River Protection</b> Amends the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. Eliminates the requirement to develop and adopt regulations and requires a grantee of certain initiative bond act funds to take specific actions to recover the costs of cleanup and to utilize those funds for certain groundwater contamination cleanup projects.	<u>(06/25/2013)</u> In SENATE Committee on NATURAL RESOURCES AND WATER: Not heard.		
AB 1223	Stone [D]	No	<b>Safe Drinking Water Act</b> Makes technical nonsubstantive changes to existing law that finds and declares, among other things, that over 95% of all large public water systems in California are in compliance with health based action levels established by the department for various contaminants.	<u>(2/22/2013)</u> INTRODUCED.		
AB 1251	Gorell [R]	No	<b>Water Quality: Stormwater</b> Requires the Secretary for Environmental Protection to convene a stormwater task force to review, plan, and coordinate stormwater related activity to maximize regulatory effectiveness in reducing water pollution.	<u>(05/24/2013)</u> In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.		
SB 37	De Leon [D]	No	<b>Energy Efficiency and Renewable Energy Upgrades</b> States the intent of the Legislature to enact an on bill repayment program that will provide greater access to energy efficiency and clean technology upgrades.	<u>(05/01/2013)</u> Returned to Secretary of Senate pursuant to Joint Rule 62(a).	Watch	
SB 395	Jackson [D]	No	<b>Hazardous Substances: Produced Water</b> Amends the hazardous waste control law. Defines produced water and requires its regulation as a hazardous substance during the extraction of oil and gas, including hydraulic fracturing operations.	<u>(05/30/2013)</u> In SENATE. From third reading. To Inactive File.		
SB 449	Galgiani [D]	No	<b>Local Water Supply Programs or Projects: Funding</b> Prohibits the State Department of Water Resources from funding, through loans, grants or direct expenditure, specific programs or projects within the service area of an urban or agricultural water supplier that receives water from, transferred through, or used in the CALFED Bay-Delta watershed, unless the department determines that the supplier is reducing its dependence on the Delta.	<u>(08/22/2013)</u> Re-referred to SENATE Committee on NATURAL RESOURCES AND WATER.		MWD: Oppose





# **Municipal Water District of Orange County** **Priority Legislation**

## **GOVERNOR'S ACTION ITEMS 2013**

<b>AB 21</b>	<b>Alejo [D]</b>	No	<b>Safe Drinking Water Small Community Emergency Grant Fund</b> Authorizes the assessment of a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and the deposit of that money into the Safe Drinking Water State Small Community Emergency Grant Fund. Authorizes the expending of the money in the fund for grants for specified water projects that serve disadvantaged and severely disadvantaged communities.	<u>(10/08/2013)</u> Signed by GOVERNOR.  <u>(10/08/2013)</u> Chaptered by Secretary of State. Chapter No. 628		
<b>AB 30</b>	<b>Perea [D]</b>	No	<b>Water Quality</b> Amends the Porter Cologne Water Quality Control Act to authorize the Water Resources Control Board to assess an annual charge in connection with any financial assistance under the Water Pollution Control Revolving Fund without a change unless it is determined that the charge is not consistent with federal requirements regarding the fund, at which time the board would replace the charge with an identical interest rate. Relates to deposits to another specified water pollution control fund.	<u>(10/08/2013)</u> Signed by GOVERNOR.  <u>(10/08/2013)</u> Chaptered by Secretary of State. Chapter No. 629		
<b>AB 72</b>	<b>Holden [D]</b>	Yes	<b>Municipal Water District: Board of Directors</b> Requires the directors of a municipal water district, except directors elected at the district formation election, to take office on the first Friday in December succeeding their election.	<u>(06/17/2013)</u> Signed by GOVERNOR.  <u>(06/17/2013)</u> Chaptered by SOS. Chapter No. 8	<b>Support (2/20/13)</b>	<b>ACWA: Favor</b> <b>CSDA: Support</b>
<b>AB 115</b>	<b>Perea [D]</b>	Yes	<b>Safe Drinking Water State Revolving Fund</b> Relates to the state Safe Drinking Water Act. Authorizes the Department of Public Health to fund projects by grant or loan where multiple water systems apply for funding as a single applicant for the purpose of consolidating water systems or extending services to households relying on private wells. Authorizes funding of a project to benefit a disadvantaged community.	<u>(10/08/2013)</u> Signed by GOVERNOR.  <u>(10/08/2013)</u> Chaptered by Secretary of State. Chapter No. 630		<b>ACWA: Favor</b> <b>CSDA: Support</b>
<b>AB 118</b>	<b>Env Safety &amp; Toxic Material Cmt</b>	No	<b>Safe Drinking Water State Revolving Fund</b> Authorizes the State Department of Public Health to adopt interim regulations for purposes of implementing provisions relating to the Safe Drinking Water State Revolving Fund. Requires an applicant for funding to demonstrate that it has the technical, managerial, and financial capacity to operate and maintain its water system for at least 20 years.	<u>(10/08/2013)</u> Signed by GOVERNOR.  <u>(10/08/2013)</u> Chaptered by Secretary of State. Chapter No. 631		
<b>AB 119</b>	<b>Env Safety &amp; Toxic Material Cmt</b>	No	<b>Water Treatment Devices</b> Requires each manufacturer that offers for sale a water treatment device for which it makes a health of safety claim to submit specified information, including the manufacturer's contact information, product identification information, and the specific contaminant claimed to be removed or reduced by the device.	<u>(09/28/2013)</u> Signed by GOVERNOR  <u>(09/28/2013)</u> Chaptered by Secretary of State. Chapter No. 403		



# Municipal Water District of Orange County Priority Legislation

AB 341	Dickinson [D]	Yes	<b>Green Building Standards</b> Requires the Building Standards Commission to solicit recommendations for code updates relating to green building standards from state agencies applicable to a particular occupancy. Requires these agencies to submit recommended code updates for the next 2 California Building Standards Code adoptions and to indicate whether the recommended code updates are intended to be voluntary or mandatory green building standards.	<u>(10/05/2013)</u> Signed by GOVERNOR  <u>(10/05/2013)</u> Chaptered by Secretary of State. Chapter No. 585		
AB 426	Salas [D]	Yes	<b>Recycled Water</b> Makes a technical, nonsubstantive change to findings and declarations with respect to recycled water.	<u>(10/08/2013)</u> Signed by GOVERNOR.  <u>(10/08/2013)</u> Chaptered by Secretary of State. Chapter No. 634	ACWA: Watch CSDA: Watch	
AB 763	Buchanan [D]	No	<b>Aquatic Invasive Plants: Control and Eradication</b> Designates the Department of Boating and Waterways as the lead agency of the state for the purpose of cooperating with other state and local public agencies and with agencies of the United States in identifying, detecting, controlling, and administering programs to manage and eradicate invasive aquatic plants.	<u>(09/23/2013)</u> To the GOVERNOR  <u>(09/23/2013)</u> Signed by GOVERNOR.  <u>(09/23/2013)</u> Chaptered by Secretary of State. Chapter No. 634		
AB 803	Gomez [D]	Yes	<b>Water Recycling Act of 2013</b> Creates the Water Recycling Act of 2013. Defines terms regarding the purpose of recycled water, the use of certain quality recycled water, and requirements for dual plumbed recycled water systems. Prescribes backflow into a public water supply protection. Relates to the notification requirements for the discharge of sewage, waste, or effluent of treated sewage or other waste.	<u>(10/08/2013)</u> Signed by GOVERNOR.  <u>(10/08/2013)</u> Chaptered by Secretary of State. Chapter No. 635	ACWA: Favor CSDA: Watch	
AB 1200	Levine [D]	Yes	<b>Recycled Water: Landscaping</b> Requires the Department of Water Resources to require 1,000,000 acre feet of the water used for landscaping each year to be supplied by recycled water by 2020.	<u>(10/07/2013)</u> Vetoes by GOVERNOR	ACWA: Watch CSDA: Watch	
SB 4	Pavley [D]	Yes	<b>Oil and Gas: Hydraulic Fracturing</b> - Requires an operator of a well to record and include all data on hydraulic fracturing treatment, including the risk posed by potential seismicity, as a part of the history of the drilling of the well. Requires an operator to file with the supervisor or a district deputy, a notice of intention to commence hydraulic fracturing treatment containing specified information to include chemical substances included. Requires the posting of such information on a specified Internet web site.	<u>(09/20/2013)</u> To the GOVERNOR  <u>(09/20/2013)</u> Signed by GOVERNOR.  <u>(09/20/2013)</u> Chaptered by Secretary of State. Chapter No. 613	ACWA: Watch	



## Municipal Water District of Orange County Priority Legislation

SB 135	Padilla [D]	No	<b>Earthquake Early Warning System:</b> Requires the Office of Emergency Services to develop a comprehensive statewide earthquake warning system in California.	<u>(09/24/2013)</u> Signed by GOVERNOR.  <u>(09/24/2013)</u> Chaptered by Secretary of State. Chapter No. 342		
SB 338	Hill [D]	No	<b>Local Agency Meetings: Teleconferencing</b> Requires if the legislative body of a local agency elects to use teleconferencing and a teleconference location is located outside the boundaries of the local agency, that the agenda be posted at that location at least 24 hours in advance of the meeting rather than 72 hours.	<u>(10/11/2013)</u> Vetoes by GOVERNOR.		
SB 436	Jackson [D]	Yes	<b>California Environmental Quality Act: Notice</b> Relates to the California Environmental Quality Act. Requires a lead agency to conduct at least one public scoping meeting for the specified projects and to provide notice to the specified entities of at least one public scoping meeting. Revises the meeting notice requirements to require the notice be given to a list of specified parties including the State Clearinghouse and project applicants.	<u>(09/28/2013)</u> Signed by GOVERNOR  <u>(09/28/2013)</u> Chaptered by Secretary of State. Chapter No. 416		ACWA: Watch CSDA: Watch
SB 591	Cannella [R]	Yes	<b>Publicly Owned Electric Utility</b> Amends the California Renewables Portfolio Standard Program. Requires a local publicly owned electric utility that receives a specified percentage greater of its consumption load demand from hydroelectric generation meeting specified requirements and other renewable energy credits, to meet only the electricity demands unsatisfied by its hydroelectric generation in any given year to satisfy its portfolio content requirements.	<u>(10/03/2013)</u> Signed by GOVERNOR.		ACWA: Watch CSDA: Watch

# Metropolitan Water District of Southern California

State Legislation Matrix 1/14/14

Bill Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 1349 Gatto (D)  Sponsor: Metropolitan and the California Municipal Utilities Association	Introduced 2/22/2013; Assembly Appropriations Committee – held on suspense file	<b>CalConserve Water Use Efficiency Revolving Fund</b> – Would establish sustainable funding source for water use efficiency projects to reduce urban per capita water use and greenhouse gas emissions through water efficiency; to facilitate recycled water; and advance agricultural water use efficiency.	<b>SPONSOR</b>	Provides alternative funding mechanism for projects that can assist Metropolitan and its member agencies in meeting water efficiency targets in Metropolitan's IRP, as well as reduce per capita potable water use.
AB 52 Gatto (D)  Sponsor: California Tribal Business Alliance and various tribes	09/05/13; Senate Environmental Quality Committee	<b>Native Americans: CEQA</b> – Expands CEQA protections for tribal cultural resources to ensure participation by tribes during all phases of project planning, clearance and implementation.	<b>WATCH</b> pursuant to board action in August 2013	Prior version of bill would have resulted in increased project costs and delays, duplicative environmental review and litigation exposure. Metropolitan removed its opposition in light of most recent amendment.
AB 142 Assembly Water, Parks and Wildlife Committee  Sponsor: Author	Amended 05/06/2013; Assembly Appropriations Committee	<b>Water Resources Infrastructure</b> - Requires Department of Water Resources to complete comprehensive study of state and local water supply infrastructure needs and report back to Legislature by July 1, 2014.	<b>WATCH</b> pursuant to water bond priorities adopted in March 2013	Placeholder bill for 2014 water bond renegotiations.

# Metropolitan Water District of Southern California

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<p>AB 145 Perea (D)</p> <p>Sponsor: California Rural Legal Assistance Foundation, Clean Water Action and Community Water Center</p>	<p>Amended 06/18/2013; Senate Appropriations Committee – held on suspense file</p>	<p><b>State Water Resources Control Board: Office of Drinking Water</b> – Transfers entire state drinking water program from Department of Public Health to State Water Resources Control Board.</p>	<p><b>OPPOSE UNLESS AMENDED</b> pursuant to board action in May 2013</p>	<p>Moving Drinking Water Program to SWRCB, without further study, could place program efficiency at risk and diffuse emphasis on public health.</p>
<p>AB 295 Assembly Water, Parks and Wildlife Committee</p> <p>Sponsor: Author</p>	<p>Amended 05/06/2013; Assembly Appropriations Committee</p>	<p><b>Water Supply Infrastructure</b> – Requires SWRCB and Drinking Water Division within DPH to study need for state funding for water projects to ensure access to safe drinking water and report back to Legislature by July 1, 2014.</p>	<p><b>WATCH</b> pursuant to water bond priorities adopted in March 2013</p>	<p>Placeholder bill for 2014 water bond renegotiations.</p>
<p>AB 762 Patterson (R)</p> <p>Sponsor: Author</p>	<p>Introduced 02/21/2013; Assembly Utilities and Commerce Committee</p> <p>Failed passage; granted reconsideration</p>	<p><b>Renewable Energy Resources: Hydroelectric Generation</b> – Allows hydroelectric generation facilities of any size to qualify as renewable energy resource under Renewable Portfolio Standard requirements.</p>	<p><b>SUPPORT</b> pursuant to board- adopted legislative priorities for 2013</p>	<p>Measure is consistent with Board's long-standing position that emissions-free hydroelectric energy should be considered renewable source.</p>

# Metropolitan Water District of Southern California

State Legislation Matrix 1/14/14

AB 801 Brown (D)  Sponsor: Author	Introduced 2/21/2013; Assembly Business, Professions and Consumer Protection Committee	<b>Junk Dealers and Recyclers: Nonferrous Materials</b> – Requires junk dealers or recyclers to obtain proof of ownership and to record transaction for any metal material marked with “indicia of ownership.”	<b>SUPPORT</b> pursuant to policy adopted during 2011/12 legislative session	AB 801 would provide Metropolitan, its member agencies and other public agencies with increased protections against metal theft by strengthening requirements in existing law.
AB 823 Eggman (D)  Sponsors: American Farmland Trust, CA Climate and Agriculture Network and Community Alliance with Family Farmers	Amended 4/23/2013; Assembly Agriculture Committee	<b>Farmland Protection Act</b> – Would establish new statewide farmland mitigation program to offset conversion of farmland to non-agricultural use including acquisition of permanent easements, lifetime endowments and limitations on future use of land.	<b>OPPOSE</b> pursuant to board- adopted Delta Action Plan	Would add additional costs and hurdles to critical infrastructure; provides new avenues for litigation that could slow or stall projects; and significantly expands types of land currently considered farmland for purposes of CEQA review. Will impact land acquisition activities and costs associated with BDCP.
AB 1258 Skinner (D)  Sponsor: Clean Power Campaign	Amended 4/23/2013; Assembly Appropriations Committee – held on suspense file	<b>Renewable Energy</b> – Requires CPUC to determine whether existing hydroelectric facilities can provide operational flexibility to facilitate use of renewable energy. Facilities to be studied include: Helms (PG&E), Balsam Meadow (SCE), Oroville, Castaic and San Luis.	<b>OPPOSE</b> pursuant to energy management policy adopted during 2011/12 legislative session	Intended to reduce greenhouse gas emissions by having hydroelectric pumped storage displace more carbon intensive natural gas generation. State Water Project does not currently have reliable pumped storage facilities due to legal, operational and environmental conditions and requirements.

# Metropolitan Water District of Southern California

State Legislation Matrix 1/14/14

AB 1331 Rendon (D)  Sponsor: Author	Amended 01/07/2014; Senate Natural Resources and Water Committee	<b>Water Bond</b> – Repeals existing 2014 bond in its entirety. Proposes \$6.5 billion general obligation bond for November 2014 ballot to fund \$1 billion for safe and clean drinking water projects; \$1.5 billion for ecosystem and watershed protection projects; \$1.5 billion for regional water security; \$1 billion for Delta sustainability; and \$1.5 billion for surface and groundwater storage. Legislature would appropriate and direct funding for program implementation.	<b>SUPPORT IF AMENDED</b> pursuant to water bond priorities adopted in March 2013	Generally speaking, AB 1331 aligns with Metropolitan's 2014 bond priorities. Many, but not all, of Metropolitan's policy concerns identified in September 11, 2013, amendment were addressed in most recent amendment.
AB 1393 Perea (D)  Sponsor: Author	Amended 09/06/2013; Senate Rules	<b>Safe Drinking Water State Revolving Fund</b> – Authorizes only transfer of Safe Drinking Water State Revolving Fund from Dept. of Public Health (DPH) to State Water Resources Control Board. Retains balance of state's drinking water program at DPH.	<b>WATCH</b> pursuant to board action in May 2013	Amendments limited scope of program reorganization found in AB 145. Limited focus of AB 1393 was one of two amendments recommended by Metropolitan's board for AB 145.
AB 1445 Logue (R)  Sponsor: Author	Introduced 01/06/2014; Assembly Desk	<b>California Water Infrastructure Act of 2014</b> – Repeals existing 2014 bond in its entirety. Proposes \$5.8 billion general obligation bond for November 2014 ballot to finance public benefits associated with water storage projects. Funds would be continuously appropriated.	<b>OPPOSE UNLESS AMENDED</b> pursuant to water bond priorities adopted in March 2013	Funding priorities in AB 1445 are inconsistent with Metropolitan's 2013 water bond priorities.
SB 40 Pavley (D)  Sponsor: Author	Amended 1/06/2014; Senate Natural Resources and Water Committee	<b>Safe, Clean, and Reliable Drinking Water Supply Act</b> – Would repeal Safe, Clean and Reliable Drinking Water Supply Act of 2012.	<b>WATCH</b> pursuant to water bond priorities adopted in March 2013	Placeholder bill for 2014 water bond renegotiations. Most recent amendment added urgency clause.

# Metropolitan Water District of Southern California

State Legislation Matrix 1/14/14

SB 42 Wolk (D)  Sponsor: Author	Amended 09/11/2013; Senate Natural Resources and Water Committee	<b>Safe Drinking Water, Water Quality &amp; Flood Protection Act of 2014</b> – Repeals existing 2014 bond in its entirety. Proposes \$6.475 billion general obligation bond to fund: 1) Delta community-supported ecosystem restoration and levee enhancement; 2) regional water supply, including recycled water, groundwater cleanup and water conservation; 3) safe and clean drinking water projects; 4) watershed and ecosystem projects statewide; 5) public benefits associated with groundwater and surface water storage; 6) Central Valley flood protection; and 7) wastewater treatment.	<b>OPPOSE UNLESS AMENDED</b> pursuant to water bond priorities adopted in March 2013	Funding priorities in SB 42 are inconsistent with Metropolitan's 2013 water bond priorities.
SB 449 Galgiani (D)  Sponsor: Author	Amended 08/14/2013; Senate Natural Resources and Water Committee	<b>Local Water Supply Programs or Projects</b> – Requires DWR to conduct statewide inventory of local regional water supply projects and post specified results on DWR's Internet website by July 1, 2014.	<b>WATCH</b>	Most recent amendment reverts to April 1 version of bill. Metropolitan opposed April 18 version which proposed to shift the responsibility for evaluating strategies, plans and projects undertaken by local water suppliers to DWR thus removing local water supplier's discretion to determine whether a capital investment is cost effective and feasible.



# Metropolitan Water District of Southern California

State Legislation Matrix 1/14/14

SB 727 Jackson (D) Sponsor: California Product Stewardship Council and Clean Water Action	Amended 04/03/2013; Senate Environmental Quality Committee	<b>Medical Waste</b> – Requires pharmaceutical companies who sell products in California to develop plan to collect, transport and process home-generated pharmaceutical drugs to centralized collection site.	<b>SUPPORT</b> pursuant to board-adopted legislative priorities for 2013	Pharmaceutical drug collection programs will help minimize introduction of related chemicals into wastewater to enhance protection of drinking water quality, groundwater, surface water and recycled water.
SB 731 Steinberg (D) Sponsor: Author	Amended 09/09/2013; Assembly Local Government	<b>CEQA</b> – Would enact California Environmental Quality Act (CEQA) Modernization Act of 2013 and proposes numerous changes to CEQA law.	<b>OPPOSE UNLESS AMENDED</b> pursuant to board action in August 2013	Could impose several costly new requirements on public agencies with no reciprocal benefits. Could make CEQA compliance significantly more burdensome, costly and unpredictable with new requirements and could increase costs to public agencies undertaking their own projects.
SB 735 Wolk (D) Sponsor: Delta Counties Coalition	Amended 05/24/2013; Assembly Water, Parks and Wildlife Committee	<b>Sacramento-San Joaquin Delta Reform Act of 2009: Covered Actions</b> – Would authorize local Delta counties to enter into MOU with Dept. of Fish and Wildlife and Delta Stewardship Council (DSC) for conservation plan consistency with Delta Plan.	<b>OPPOSE</b> pursuant to board-adopted Delta Action Plan	Measure is premature as no actions have been subject to DSC consistency determination process. Could also be interpreted to enable DSC to amend Delta Plan which could trigger impacts to BDCP to ensure consistency with Delta counties' local habitat plans.

# Metropolitan Water District of Southern California

State Legislation Matrix 1/14/14

<p>SB 750 Wolk (D)</p> <p>Sponsor: Author</p>	<p>Amended 08/08/2013; Assembly Water, Parks and Wildlife Committee</p>	<p><b>Building Standards: Submeters</b> – Directs water purveyors to require newly constructed multiunit residential structures or mixed use residential and commercial structures that apply for water connections after January 1, 2014, to have, as condition of new water service, submeters that measure water supplied to each individual dwelling unit.</p>	<p><b>SUPPORT IF AMENDED</b> pursuant to board-adopted water conservation policy principles</p>	<p>Measure would promote construction of water efficient buildings and provide communities with another tool to better manage available supplies. Author committed to taking clarifying amendments on oversight and responsibility of submeters.</p>
<p>SB 848 Wolk (D)</p> <p>Sponsor: Author</p>	<p>Introduced 01/09/2014; Senate Rules Committee</p>	<p><b>Safe Drinking Water, Water Quality &amp; Flood Protection Act of 2014</b> – Repeals existing 2014 bond in its entirety. Proposes \$6.475 billion general obligation bond to fund: 1) Delta community-supported ecosystem restoration and levee enhancement; 2) regional water supply, including recycled water, groundwater cleanup and water conservation; 3) safe and clean drinking water projects; 4) watershed and ecosystem projects statewide; 5) public benefits associated with groundwater and surface water storage; 6) Central Valley flood protection; and 7) wastewater treatment.</p>	<p><b>OPPOSE UNLESS AMENDED</b> pursuant to water bond priorities adopted in March 2013</p>	<p>Funding priorities in SB 848 are inconsistent with Metropolitan's 2013 water bond priorities.</p>

# Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R. 123 Holt (D-NJ)	1/31/2013; Introduced and referred to the House Committee on Armed Services, Subcommittee on Readiness	<b>Water Advanced Technologies for Efficient Resource Use Act of 2013</b> – This bill encourages water efficiency.	<b>SUPPORT</b> based on board-adopted 2013 Legislative Strategy (Dec. 2012)	WaterSense is the complement of EPA's ENERGYSTAR program. The bill would increase the effectiveness of the WaterSense program, which certifies water-efficient products and services and provides consumer outreach and education. The grant funding would allow Metropolitan and its member agencies to expand incentive programs to encourage early adoption of water efficient devices. This would help reduce per capita water use to achieve 20x2020 and the water efficiency targets in the IRP.
H.R. 745 Napolitano (D-CA)	5/23/2013; Hearing held by the House Natural Resources Subcommittee on Water and Power.	<b>To reauthorize the Water Desalination Act of 1996</b> - The bill would reauthorize funding provisions in the 1996 Water Desalination Act for desalination research.	<b>SUPPORT</b> based on board-adopted 2013 Legislative Strategy (Dec. 2012)	The legislation would provide much needed funding for desalination research, including both brackish and seawater desalination.

## Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R. 765 Capps (D-CA)	3/1/2013; In House Committee on Natural Resources: Referred to Subcommittee on Water and Power	<b>Hydrologic Changes and Water Systems Grants</b> - Authorizes the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States	<b>SUPPORT</b> , based on support for HR 2738 in the previous Congress	This is a reintroduction of H.R. 2738 of the 112th Congress. This EPA-administered grant program could have significant benefit to Metropolitan and its member agencies as they face the challenges of climate change on water supply sources. Grant funding could go towards many projects and programs that Metropolitan and the member agencies are currently operating or are studying for future operations, including groundwater recharge, water banking, recycling, desalination, stormwater capture, water use efficiency, etc

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Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R. 836 Miller, Ga. (R-CA)	2/27/2013; Introduced and referred to the House Transportation and Infrastructure Subcommittee on Water Resources and the Environment	<b>Sunshine Conflicts Act of 2013 -</b> This legislation amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to require the Administrator of the Environmental Protection Agency (EPA) to issue a rule within 60 days to prohibit any member of a board or body that approves permit applications for the discharge of pollutants from seeking to influence the approval of any permit in which that member has a financial interest.	<b>SUPPORT</b> , based on support for H.R. 2765 in the previous Congress	This bill would help ensure that a wide pool of experienced and technically qualified persons could serve on water boards, such as SWRCB and the regional boards. The legislation directs EPA to revise its rules to rely on a conflict of interest test, rather than an arbitrary income standard test. In California, it has become increasingly difficult for the Governor to find qualified individuals to fill SWRCB and Regional Board vacancies, so oftentimes, vacancies remain open for lengthy periods, which could result in delays in Board actions/decisions. Metropolitan and its member agencies are covered under various general and individual NPDES permits which are issued, renewed, and acted upon by SWRCB and the regional boards in Southern California.

# Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R. 1004 Garamendi (D-CA)  Companion Measure: S. 228 Feinstein (D-CA)	3/11/2013; Referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulations	<b>Sacramento-San Joaquin Delta National Heritage Area:</b> This legislation establishes the Sacramento-San Joaquin Delta National Heritage Area.	<b>SUPPORT,</b> pursuant to Board action to support S. 29/H.R. 486, March 2011	This bill establishes the "Sacramento-San Joaquin Delta Heritage Area" and designates the Delta Protection Commission (DPC) as the management entity for the Heritage Area. The bill authorizes \$20 million for the DPC to develop a management plan for the Heritage Area that must be consistent with the Delta Plan adopted by the Delta Stewardship Council.

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Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R.1352 Grijalva (D-AZ)	4/11/2013; Referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation	<b>Lower Colorado River Protection Act</b> - Provides for the protection of the quality of water in the Lower Colorado River and the development and implementation of a comprehensive plan for the prevention and elimination of pollution in the Lower Colorado River and the maintenance of a healthy Lower Colorado River ecosystem.	<b>SUPPORT, if amended</b> to limit the funding to projects impacting the Colorado River, based on MWD position on HR 3481 introduced in 2010	This legislation is identical to HR 3481 and authorizes a new program within EPA to develop and implement a pollution plan for the Lower Basin of the Colorado River and provides federal funding for municipal wastewater treatment facilities along the river. The bill should be amended to limit the pollution control plan to projects related to reducing the effects of municipal wastewater or septic systems being released into the river. Projects related to this specific issue should be federally funded through the existing Reclamation Wastewater and Groundwater Study and Facilities Act referenced in section 203.

# Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R. 1823 Heck (R-NV)	6/14/2013: House Committee on Judiciary: Referred to Subcommittee on Crime, Terrorism, Homeland Security and Investigations	<b>Importation and Exportation of Mussels the Protecting Lakes Against Quaggas (PLAQ) Act-</b> Existing federal law (16 USC 42) makes it a crime to import into the U.S. or to ship between States, certain animals, including zebra mussels. Prohibited animals (including mollusks like the zebra mussel) "shall be promptly exported or destroyed at the expense of the importer or consignee. Related federal law prohibits the transport in interstate commerce of any wildlife possessed or transported in violation of state law (16 USC 3372(a)(2)). HR 1823 would expand the zebra mussel restriction in Section 42 to include all mussels in the genus Dreissena-- which includes the quagga mussels that are now in the lower Colorado River.	<b>OPPOSE, Unless Amend</b> based on support for State quagga liability protection legislation	Water agencies in Texas that divert water across state lines have expressed concerns that the federal government could interpret this law to authorize shutdown of diversions from an interstate boundary water body due to the presence of zebra mussels. Metropolitan is opposed to this bill unless it is amended due to the concern that this bill as drafted could potentially restrict agencies from transferring water on the Colorado River.



## Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014  
113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R. 1863 Vela (D-TX)	6/7/2013: House Committee on Foreign Affairs: Referred to Subcommittee on The Western Hemisphere	<b>Mexico Water Sharing Report -</b> This bill directs the Secretary of State to report within 120 days after enactment and thereafter annually to Congress regarding: (1) efforts by Mexico to meet its deliveries of water to the Rio Grande in accordance with the Treaty between the United States and Mexico Respecting Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande ("Mexican Treaty"), and (2) benefits to the United States of the Interim International Cooperative Measures in the Colorado River Basin through 2017 and Extension of Minute 318 Cooperative Measures to Address the Continued Effects of the April 2010 Earthquake in the Mexicali Valley, Baja, California ("Minute 319").	<b>WATCH</b>	Metropolitan is affected by the agreements in the Mexican Treaty and Minute 319. Stakeholders on the Rio Grande are concerned that Congress may amend the bill to tie funding for Minute 319 implementation to Mexico's agreements on the Rio Grande. Metropolitan will watch the bill to ensure it is not amended in a manner that adversely affects Metropolitan's interests.

# Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R.2280 Calvert (R-CA)  Companion Measure: S.1175 Feinstein (D-CA)	6/6/2013; Referred to the House Natural Resources Committee.	<b>Infrastructure Facilitation and Habitat Conservation Act of 2013</b> - creates a source of federal funding to acquire land for conservation plans adopted by local government agencies for purposes of implementing infrastructure development.	<b>SUPPORT</b> , pursuant to board action on H.R. 1907, October 2011	Often mitigation for project impacts requires advanced investment in habitat acquisition. This program would provide Metropolitan and its member agencies with access to federal loans to assist with those up-front costs.
H.R.2307 Vela (D-TX)  Companion Measure: S.1125 Cornyn (R-TX)	7/9/2013; Referred to the House Committee on Foreign Affairs	<b>Working to Address Treaty Enforcement Rapidly for Texas Act</b> - This legislation links Texas negotiating efforts on the Rio Grande to international treaties between the United States and Mexico on the Colorado River.	<b>OPPOSE</b> pursuant to board action on the domestic agreements supporting Minute 319 and protecting Metropolitan's interests in the deal, November 2012	Metropolitan has spent significant resources over the past decade working with Lower Colorado River stakeholders to establish a cooperative relationship with its counterparts in Mexico resulting in the agreements of Minute 319. Metropolitan opposes conceptually tying funding for Minute 319 implementation to Mexico's agreements on the Rio Grande because that could impact the cooperative relationship Colorado River stakeholders have spent a decade cultivating with Mexico and would have an adverse impact on Metropolitan's interests.

# Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R. 2508 Calvert (R-CA)  Companion Measure: S. 1219 Boxer (D-CA)	7/8/2013; Referred to the House Natural Resources Subcommittee on Water and Power.	<b>Pechanga Indians Water Rights Settlement</b> - Authorizes the Pechanga Band of Luiseno Mission Indians Water Rights Settlement	<b>WATCH</b>	The Act seeks to achieve a final settlement of the Pechanga's claims to water rights in the Santa Margarita River Watershed that includes the Pechanga, Rancho California Water District, Eastern Municipal Water District (EMWD), and the United States. Metropolitan staff are currently analyzing the renewed proposal and Act, and working on terms that will be brought to this Board for consideration.
H.R. 2705 Denham (R-CA)	7/25/2013; Referred to the House Natural Resources Subcommittee on Water and Power and the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.	<b>Stanislaus River Native Anadromous Fish Improvement Act</b> - Develops a pilot program to remove non-native predator Fishes from the Stanislaus River to protect the native anadromous fishery resources affected by the operation of the New Melones Unit of the East Side Division of the Central Valley Project.	<b>SUPPORT</b> based on board-adopted 2013 Legislative Strategy (Dec. 2012)	H.R. 2705 will establish a pilot program on the Stanislaus River to remove non-native predator fish that are currently imperiling the survival of the river's native salmon and steelhead. The predator removal program established by H.R. 2705 could help support restoration of native salmon and steelhead, which in turn will allow for greater reliability of the delivery of water through the Delta.

## Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
H.R.3080 Shuster (R-PA)  Companion Measure: S.601 Boxer (D-CA)	11/20/2013; Conference held between the House and Senate. (S.601).	<b>Water Resources Reform and Development Act of 2013 (WRRDA)</b> - Creates the Water Resources Reform and Development Act of 2013.	<b>WATCH</b>	Metropolitan is rarely involved in the harbors, river navigation, and flood control projects run by the US Army Corps of Engineers that are the subject of this bill. For that reason, this bill would not have significant direct benefits to Metropolitan. The bill would still provide some potential indirect benefits. The bill in its current form does not contain a Water Infrastructure Finance and Innovation Act (WIFIA) provision.
S. 67 Lautenberg (D-NJ)	1/23/2013; Introduced and referred to the Senate Committee on Environment and Public Works	<b>Public Water Systems and Hazardous Chemical Releases</b> - Amends the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to reduce or eliminate the risk of releases of hazardous chemicals from public water systems and wastewater treatment works.	<b>OPPOSE</b> , pursuant to board action on S. 711, October 2011	This bill broadly expands the regulatory authority of EPA over water district facilities to require extensive counter-terrorism measures system-wide. Requires consideration of and possible implementation of prescriptive chemical treatment, irrespective of Metropolitan's significant investments to secure and protect facilities.

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Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
S. 228 Feinstein (D-CA)  Companion Measure: H.R. 1004 Garamendi (D-CA)	4/23/2013; Hearing held by the Senate Energy and Natural Resources Subcommittee on National Parks.	<b>Sacramento-San Joaquin Delta National Heritage Area:</b> This legislation establishes the Sacramento-San Joaquin Delta National Heritage Area.	<b>SUPPORT</b> , pursuant to Board action to support S. 29/H.R. 486, March 2011	This bill establishes the "Sacramento-San Joaquin Delta Heritage Area" and designates the Delta Protection Commission (DPC) as the management entity for the Heritage Area. The bill authorizes \$20 million for the DPC to develop a management plan for the Heritage Area that must be consistent with the Delta Plan adopted by the Delta Stewardship Council.
S.335 Merkley (D-OR)	2/14/2013; Introduced and referred to the Senate Committee on Environment and Public Works	<b>Water Infrastructure Finance and Innovation Act (WIFIA) of 2013 –</b> This legislation would authorize low interest loans and payment guarantees from EPA for water treatment and distribution, water efficiency projects, energy efficiency of water systems, storm water management, water reuse, source protection and other projects under the Federal Water Pollution Control Act and Clean Water Act.	<b>SUPPORT</b> , based on board-adopted 2013 Legislative Strategy, December 2012	This bill would provide funds for "regionally significant" water infrastructure projects following a competitive application process. Unlike existing State Revolving Funds which generally prioritize small, rural water systems for funding, this program focuses on large-scale projects with the minimum loan amount set at \$20 million.

# Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
S. 601 Boxer (D-CA)  Companion Measure: H.R.3080 Shuster (R-PA)	11/20/13; Conference held between the Senate and House (H.R.3080).	<b>Conservation and Development of Water Resources</b> - Provides for the conservation and development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to Rivers and harbors of the United States.	<b>SUPPORT AND AMEND</b> Title X of this bill, based on board-adopted 2013 Legislative Strategy, December 2012	Title X of this bill is the Innovative Financing Pilot Projects section, also known as Water Infrastructure Finance and Innovation Act of 2013. We support this provision but will seek to request amendments to eligibility requirements for water supply reliability and water conservation projects.
S.1125 Cornyn (R-TX)  Companion Measure: H.R.2307 Vela (D-TX)	6/10/2013; Referred to the Senate Committee on Foreign Relations.	<b>Working to Address Treaty Enforcement Rapidly for Texas Act</b> - This legislation links Texas negotiating efforts on the Rio Grande to international treaties between the United States and Mexico on the Colorado River.	<b>OPPOSE</b> pursuant to board action on the domestic agreements supporting Minute 319 and protecting Metropolitan's interests in the deal, November 2012	Metropolitan has spent significant resources over the past decade working with Lower Colorado River stakeholders to establish a cooperative relationship with its counterparts in Mexico resulting in the agreements of Minute 319. Metropolitan opposes conceptually tying funding for Minute 319 implementation to Mexico's agreements on the Rio Grande because that could impact the cooperative relationship Colorado River stakeholders have spent a decade cultivating with Mexico and would have an adverse impact on Metropolitan's interests.

## Metropolitan Water District of Southern California

Federal Legislation Matrix 1/14/2014

113<sup>th</sup> Congress

Bill Author	Amended Date; Location	Title - Summary	MWD Position	Effects on Metropolitan
S. 1175 Feinstein (D-CA)  Companion Measure: H.R. 2280 Calvert (R-CA)	6/18/2013; Referred to the Senate Committee on Environment and Public Works.	<b>Infrastructure Facilitation and Habitat Conservation Act of 2011</b> - creates a source of federal funding to acquire land for conservation plans adopted by local government agencies for purposes of implementing infrastructure development.	<b>SUPPORT</b> , pursuant to board action, October 2011	Often mitigation for project impacts requires advanced investment in habitat acquisition. This program would provide Metropolitan and its member agencies with access to federal loans to assist with those up-front costs.
S. 1219 Boxer (D-CA)  Companion Measure: H.R. 2508 Calvert (R-CA)	9/10/2013; Hearing held before the Select Committee on Indian Affairs.	<b>Pechanga Indians Water Rights Settlement</b> - Authorizes the Pechanga Band of Luiseno Mission Indians Water Rights Settlement	<b>WATCH</b>	The Act seeks to achieve a final settlement of the Pechanga's claims to water rights in the Santa Margarita River Watershed that includes the Pechanga, Rancho California Water District, Eastern Municipal Water District (EMWD), and the United States. Metropolitan staff are currently analyzing the renewed proposal and Act, and working on terms that will be brought to this Board for consideration.

*Metropolitan is actively tracking numerous other federal bills, including, but not limited to, the following: H.R. 135 (Matsui, D-CA), H.R. 399 (Matsui, D-CA), H.R. 867 (Paulson, R-MN), H.R. 935, (Gibbs, R-OH), S. 68 (Lautenberg, D-NJ), S. 306 (Barasso, R-WY)*



**ACTION ITEM**  
January 20, 2014

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Dick, Hinman, Clark)

Robert Hunter  
General Manager

Staff Contact: Darcy M. Burke

**SUBJECT: EXTENSION OF FEDERAL LEGISLATIVE ADVOCACY CONTRACT WITH JAMES C. BARKER, P.C.**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors to consider extending the federal advocacy contract with James C. Barker, P. C.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**DETAILED REPORT**

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James C. Barker has provided federal legislative advocacy services to the Municipal Water District of Orange County since 2003. His primary objectives during this time have been to provide strategic direction for our Washington based activities and secure federal funding assistance for the District's water reliability efforts, ocean water desalination and the Smart Irrigation Controller program.

Additionally, Mr. Barker works closely with staff in developing the District's funding request strategies and also serves as its "on the ground" representation in meetings with committee staff, Members of Congress, Congressional personal staff, administration and department officials, and others. Mr. Barker is also responsible for recommending and scheduling meetings for District directors/staff with Congressional members and these other Representatives throughout the Congressional session.

Budgeted (Y/N): Yes	Budgeted amount: \$90,000; Calendar year expenditure + expenses	Core X__	Choice __
Action item amount: \$90,000; \$42,000 for FY 2013/2014 + expenses and \$48,000 for FY 2014/2015 + expenses		Line item: 31-7040	
Fiscal Impact (explain if unbudgeted):			



Mr. Barker will continue working with MWDOC to identify priorities and opportunities as well as implement strategies for securing funding support in the FY 2015 federal budget, seeking federal grant related opportunities and seek federal authorizations for various MWDOC projects. The priorities outlined below represent the scope of work upon which Mr. Barker's contract with the District would be extended for the 2014 calendar year.

◆ **Seek funding towards the South Orange Coastal Ocean Desalination Project Bill for Federal Funding.**

MWDOC has received \$875,000 in federal funding appropriations to date, plus federal grants from the Bureau of Reclamation and Environmental Protection Agency in excess of \$500,000.

In addition to these appropriated funds, Mr. Barker was instrumental in assisting MWDOC to encourage Senator Boxer and Senator Feinstein to include money for California Water Infrastructure Legislative Authorization in the Water Resources and Development Act (WRDA Bill). One of our continued strategies for 2014 will be to seek funds out of this account.

Another strategy for 2014 (FY 2015) will be to seek a specific legislative authorization for the WIFIA Financing Program. Such a loan program offers savings of some \$20-\$50 Million in "interest savings" over the life of the federal loan. As we work with the Congress, we will emphasize the critical nature of California's Water Supply situation and how this project provides a NEW source of water in an environmentally sensitive manner and it could have technology applications in many coastal areas of the United States. There will be coordination between the District and members of the Orange County Congressional Delegation and Senators Boxer and Feinstein to ensure support for the request.

Among the critical strategies to be advanced by Mr. Barker will be to continue to advance the implementation of a competitive grant system by the Army Corps of Engineers, the EPA and the Bureau of Reclamation.

***Army Corps Specific:***

Importantly, Senator Boxer, the Chairman of the Senate Environment and Public Works Committee, has been working on moving a Water Resources Development Act (WRDA Bill) this year. Mr. Barker, along with Director Barbre, have been instrumental in working with the Senator's staff and the Committee and advancing the inclusion of WIFIA legislative language into the current WRDA Draft Bill.

***Bureau of Reclamation Specific:***

The Bureau of Reclamation has developed a "Water SMART" Water and Energy Efficiency Grant program and opportunities for funding opportunity are now available. The Bureau of Reclamation is seeking proposals from states, Indian tribes, irrigation districts, water districts and other organizations with water or power delivery authority to partner with Reclamation on projects that increase water conservation or result in other improvements that address water supply sustainability in the West. MWDOC and the South Orange Coastal Ocean Desalination project should qualify.

Mr. Barker will continue to monitor such grant opportunities for which MWDOC may be eligible.

- ◆ **Provide assistance to other Orange County entities in helping their projects to**
  - Poseidon Huntington Beach Ocean Desalination Project
  - Title XVI Projects
  - North Orange County Water Recycling Project
  - Other

- ◆ **Seek Federal Funds for the Smart Irrigation Controller Program.**

Mr. Barker was instrumental in developing a program to receive funds through the U.S. Department of Agriculture's Natural Resources Conservation Service to support this program. To date, MWDOC has received approximately \$650,000 in federal funding with approximately \$4.6 million being spent on this program. Mr. Barker is significantly involved in trying to develop a competitive grant program so that these funds can continue to flow to MWDOC. Additional funding would allow further expansion of the program and cover ongoing program management expenses.



**ACTION ITEM**  
January 20, 2014

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Dick, Hinman, Clark)

Robert Hunter  
General Manager

Staff Contact: Darcy M. Burke

**SUBJECT: EXTENSION OF STATE LEGISLATIVE ADVOCACY CONTRACT WITH TOWNSEND PUBLIC AFFAIRS, INC.**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors to consider extending the advocacy contract with Townsend Public Affairs.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**DETAILED REPORT**

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Townsend Public Affairs, Inc. (TPA) has provided state legislative advocacy services to the Municipal Water District of Orange County since 2001. This has included tracking, analysis and advocacy on legislation, assisting with strategy development on policy issues, helping with the coordination and preparation of directors and staff for high-level meetings, serving as a District liaison to legislators and staff, and state administration representatives, and participating in working groups and coalitions on the District's behalf. A proposed scope of services is attached for you

Please note, Legislative Advocacy contracts are on a calendar year basis so as not to interrupt services during a legislative session.

Budgeted (Y/N): Yes	Budgeted amount: \$90,000; Calendar year expenditure	Core X__	Choice __
Action item amount: \$90,000; \$45,000 for FY 2013/2014 and \$45,000 for FY 2014/2015		Line item: 31-7040	
Fiscal Impact (explain if unbudgeted):			

**MEMO**

**To: Municipal Water District of Orange County**

**From: Townsend Public Affairs, Inc.**

**Date: January 3, 2014**

**Subject: 2014 Scope of Services**

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TPA has enjoyed working with MWDOC at the State level on legislative advocacy and policy issues relevant to the District and its Member Agencies. This scope of work has included tracking, analysis and advocacy on legislation, assisting with strategy development on policy issues, helping with the coordination and preparation of the District's Directors and Staff for high-level meetings, serving as a District liaison to legislators and their staff as well as state and administration representatives, and participating in working groups and coalitions on the District's behalf.

TPA proposes to continue its engagement on behalf of MWDOC with no increase in fees for State advocacy services. The scope of services below serves to provide an outline of areas of interest for MWDOC, however at anytime MWDOC can wish to amend the scope to meet the District's state advocacy needs.

Below is an outline of the scope of services that TPA proposes to work with MWDOC and its Member Agencies.

**State Scope of Services**

1. TPA will manage Legislative Tracking, Analysis and Advocacy for MWDOC including, but not limited to:
  - a. Monitoring and analyzing state legislation and issues (proactively and as requested)
  - b. Providing strategic guidance and recommendations to assist MWDOC maximize its policy influence and achieve its legislative goals/objectives
  - c. Advocating on legislation and issues in response to formal positions taken by MWDOC
  - d. Assisting with the preparation of written testimony and/or talking points for hearings and other legislative activities involving MWDOC

- e. Preparing monthly written state legislative report and additional items (as requested) for Public Affairs/Legislative (PAL) Committee
  - f. Attending and actively participating in monthly PAL Committee meetings
  - g. Attending and participating in the regular Member Agencies Legislative Coordination meeting hosted by MWDOC
  - h. Attending and actively participating (as requested) as a representative of MWDOC at statewide association meetings/events, state legislative committees meetings, public hearings, legislative working groups, and other groups and submit follow up reports/meeting summaries to MWDOC in a timely manner
  - i. Facilitating and coordinating meetings and events on behalf of MWDOC with members of the Orange County state legislative delegation, administration officials, local governments, and others
2. TPA will identify and provide support to MWDOC and member agencies (as requested by MWDOC) on grant and other state funding opportunities, analysis of funding or legislative criteria, assistance with application preparation, and advocacy.
  3. TPA will provide support to and advocate (as directed) on behalf of MWDOC on regulatory matters of interest to the District.
  4. TPA will continue to provide ongoing communications, education and support related to the Bay Delta Conservation Plan and the Proposed 2014 Water Resources Bond including, but not limited to:
    - a. Advocating and working on potential amendments or changes to the proposed water bond, including but not limited to legislative amendments or amendments to be made through the budget process, which would negatively impact MWDOC and its Member Agencies
    - b. Advocating for State Energy Policies that could be beneficial to MWDOC and its Member Agencies, along with supporting efforts for potential funding opportunities that would assist in helping to offset costs for appropriate MWDOC projects
    - c. Advocating in support of MWDOC in areas such as:
      - i. Ocean Water Desalination;
      - ii. Environmental Permit Streamlining;
      - iii. Water Conservation; and
      - iv. The Bay Delta Conservation Plan.
  5. TPA will continue to support MWDOC on State Legislative Priorities and Issues:
    - a. Regulatory Streamlining;

- b. Local Government Issues, such as finance, governance, and transparency; and
  - c. Other Legislative and/or Administrative efforts
- 6. TPA will provide ongoing support, advocacy and staffing on the Integrated Regional Water Management Program (IRWMP) and other state grant opportunities including, but not limited to:
  - a. Monitoring legislation related to distribution of bond funding, local governance, eligibility/qualifications to receive funding, etc
  - b. Advocating for Orange County projects/plans, facilitate coordination at the local stakeholder level, including scheduling briefings with OWOW Steering Committee Members
- 7. TPA will monitoring and advocate on behalf of MWDOC related to the Bay Delta Conservation Plan and Delta Visioning Process including, but not limited to:
  - a. Monitoring, analyzing and advocating as appropriate on legislation related to the implementation of components of the Bay Delta Conservation Plan and Delta Visioning Council
  - b. Providing updates on the Bay Delta Conservation Plan as directed
  - c. Monitoring, analyzing, and advocating for legislation with a particular focus on bills addressing governance, funding, conveyance, transfers, etc
- 8. TPA will provide ongoing Advocacy for continued support of Ocean Desalination projects including, but not limited to:
  - a. Providing ongoing support to MWDOC and its Member Agencies on legislation that could facilitate or impeded ocean desalination and take position/action as appropriate, including Cal Desal efforts
  - b. Fascillitating tours and briefings of the South Orange Coastal Ocean Desalination Project by key state stakeholders
  - c. Working with MWDOC staff to facilitate meetings and outreach related to the South Orange County Coastal Desalination facility as directed

### **Timeline & Costs**

TPA would propose a total monthly fee of \$7500/month for full service state advocacy focused on capital project funding, legislation, regulatory and policy work. We propose to continue our efforts from January 1, 2014 – December 31, 2014.



**INFORMATION ITEM**

January 20, 2014

**TO: Public Affairs & Legislation Committee**  
(Directors Hinman, Dick, Clark)

**FROM: Robert Hunter, General Manager**

**Staff Contact: Darcy M. Burke**

**SUBJECT: 7th Annual Orange County Water Summit**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs & Legislation Committee receive the 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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Planning for the 7<sup>th</sup> Annual Orange County Water Summit began in August with the initial meeting between the Co-Chairmen, Directors Jeff Thomas and Steve Sheldon, and key staff members. Staff continues to work with Disney to refine the theme of the event and develop collateral materials although the focus is on the Delta.

Staff has been focusing on sponsorship and speaker confirmations. The sponsorship was distributed to past sponsors at the beginning of the month and will be sent out to a greater audience electronically after the New Year. John Lewis & Associates is our first sponsor to date. Staff continues to work with past sponsors, local Chambers of Commerce, the Southern California Building Industry Association, Orange County Business Council and other to promote the event and distribute sponsorship opportunities.

Staff is working with Co-Chairmen Jeff Thomas (MWDOC) and Steve Sheldon (OCWD) to schedule a full planning committee in the next few weeks. The date has not yet been selected.

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

The working draft of the program follows:



**The 2014 OC WATER SUMMIT**  
***Final Theme Name in Process***  
***Working Draft: Bond - Water Bond***  
**Friday, May 16, 2014**

7:30 a.m. – 1:30 p.m.  
Grand Californian Hotel, Disneyland Resort  
Anaheim, California

**DRAFT PROGRAM\***

**7:30 a.m. – 8:00 a.m.**

**Registration & Continental Breakfast**

**8:00 a.m. – 8:10 a.m.**

**Welcome & Pledge of Allegiance**

Emcee: TBD

**8:10 a.m. – 9:35 a.m.**

**Session 1: Live and Let Die with an appearance by Dr. No**

-Delta update

Curt Schmutte - CONFIRMED –

Where the Delta it is, what it is and why it is important as well as an update on the future of the Delta.

Dr. Lucy Jones (United States Geological Services) (Invited) returning as (Dr. No) –

“What have you done since I warned you two years ago about the potential for earthquake faults?”

**9:40 a.m. – 10:45 a.m.**

**-Session 2: From California with Love –  
Session on Ag**

Moderator:

Mike Wade, Exec Dir of the California Farm Water Alliance – Possible



Karen Ross, California State Secretary of Food and Agriculture - Possible

Speakers:

Delta Farmer – TBD

CV Farmer, Shawn Coburn, Confirmed

So Cal Farmer; Charles Wolk, California Avocado Association Confirmed

**10:45 a.m. – 11:00 a.m. BREAK**

**11:00 a.m. – 12:00 p.m.**

**Session 3: Moneyraker –**

**Moderator – Bob Simons - CONFIRMED**

Northern CA businesses leader,

Rob Sands, CEO & President, Constellation Brands - Invited

Silicon Valley business leader –

Robert Brock, Vice President, Intel - Invited

So Cal business leader; Sony Pictures or Disneyland – Proposed

Discuss water nexus of BDCP and new conveyance to So. Cal and economy

**12:00 p.m. 12:15 p.m.**

**BREAK**

**12:15 – 1:25 p.m.**

Lunch and Session 4

Session 4 Thunderball; The politics of water and the water bond

No Cal legislator – Gavin Newsome/John Garamendi

Central Valley legislator – Senator Jean Fuller

So Cal legislator –

**1:25 p.m.**

*\*(Subject to Change)*

**Closing Remarks**



**INFORMATION ITEM**

January 20, 2014

**TO:** **Public Affairs & Legislation Committee**  
(Directors Dick, Clark, & Hinman)

**FROM:** Robert Hunter **Staff Contact:** Darcy Burke  
General Manager

**SUBJECT:** **Association California Water Agencies (ACWA) Washington D.C.  
Luncheon and Sacramento Reception**

**STAFF RECOMMENDATION**

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

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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Staff has been working with Eastern Municipal Water District (EMWD), Western Municipal Water District (WMWD) and Inland Empire Utilities Agency (IEUA) to coordinate both the co-hosted luncheon event in Washington D.C. on February 26, 2014 and the Sacramento reception the evening of March 5, 2014.

With the assistance of Director Barbre, Jim Barker and Congressman Issa's office, we have secured the Gold Room in the Rayburn building for the luncheon. An electronic save-the-date is scheduled to be sent out the week of January 20<sup>th</sup>. Director Barbre and Mr. Barker have hand delivered formal invitations. Copies of both items are attached for review. Other visual aids and the briefing book are currently being developed. The luncheon is focusing on water reliability investments and will include information on local projects as well as the Bay Delta.

IEUA and their member agency Cucamonga Valley Water District take the lead on the Sacramento reception. They are currently exploring a larger location for the event and will have some options for the planning group to consider by the end of the month.

Budgeted (Y/N): Y	Budgeted amount: \$7,000	Core _X_	Choice __
Action item amount:		Line item:	
Fiscal Impact (explain if unbudgeted):			



## • WASHINGTON D.C. BRIEFING & LUNCHEON •

YOU ARE CORDIALLY INVITED

**FEBRUARY 26, 2014**

12:00 p.m. to 1:30 p.m.

THE GOLD ROOM

2168 Rayburn HOB

## WATER RELIABILITY INVESTMENTS

### INVITED GUESTS

United States Representatives

CD 42 - *Ken Calvert*

CD 45 - *John Campbell*

CD 50 - *Duncan Hunter*

CD 49 - *Darrel Issa*

CD 47 - *Alan Lowenthal*

CD 35 - *Gloria Negrete McLeod*

CD 37 - *Gary Miller*

CD 48 - *Dana Rohrabacher*

CD 39 - *Ed Royce*

CD 36 - *Raul Ruiz*

CD 46 - *Loretta Sanchez*

CD 41 - *Mark Takano*

Please contact Darcy Burke by **February 21, 2014** to confirm your attendance.  
[dburke@mwdoc.com](mailto:dburke@mwdoc.com), or (714) 593-5014

*Presented by:*





# • WASHINGTON D.C. BRIEFING & LUNCHEON •

SAVE THE DATE

**FEBRUARY 26, 2014**  
12:00 p.m. to 1:30 p.m.

**RAYBURN BUILDING, THE GOLD ROOM**  
2168 Rayburn HOB

For more information or to confirm your attendance,  
contact Darcy Burke at [dburke@mudoc.com](mailto:dburke@mudoc.com) or (714) 593-5014



Presented by:

# WATER RELIABILITY INVESTMENTS

**Public Affairs Activities Report**  
**December 16, 2013 – January 19, 2014**

<b>Member Agency Relations</b>	<p>Darcy and Tiffany are working with Director Dick in regards to his next State Water Project Inspection trip with Assemblyman Allen. The trip is scheduled for January 17<sup>th</sup> and 18<sup>th</sup>. Darcy is also working with Director Barbre and the OC Grand Jury for their Colorado River Aqueduct (CRA) trip on January 31<sup>st</sup> and February 1<sup>st</sup>.</p> <p>Director Barbre and Darcy had a planning meeting with Albert Mendez, the new, temporary Inspection Trip Coordinator at Metropolitan for the upcoming CRA trip. Another planning meeting was held for Director Barbre's upcoming State Water Project Trip with Director Steiner of San Diego County Water Authority.</p> <p>Tiffany redesigned the Inspection trip webpage to reflect most current information, updated briefing papers &amp; new program video presentation.</p> <p>Darcy and Jessica are working with Metropolitan staff and our Member Agencies to coordinate outreach efforts for the upcoming Shutdown. Finalized information will be provided to the Board and Member Agencies upon receipt.</p> <p>Darcy presented an update on the Bay Delta Conservation Plan to the East Orange County Water District's Board of Directors on December 19<sup>th</sup>.</p> <p>Darcy has been asked to participate in the City of San Juan Capistrano's Second Water Forum on February 11, 2014. The event is planned as a duplicate of the last event held in early December.</p> <p>Jessica worked with the management team to develop drought message points in response to a request from the Governor's Office of Emergency Services. The talking points describe our water supply situation (it's dry but we are in no immediate danger) as well as things we can all do to be more water efficient.</p> <p>The next Public Affairs Workgroup meeting is scheduled for Tuesday, January 21. Discussion topics will include drought messaging, the Regional Communications Plan, and other topics.</p> <p>Jessica will be providing 1,200 native plant brochures to East Orange County Water District for distribution to their customers.</p> <p>Jessica compiled historic water education and public affairs program data for the City of San Clemente for use in their BMP</p>
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	<p>reporting efforts.</p> <p>Darcy, Jessica and Melissa attended a joint PIO-WUE Coordinators meeting at Metropolitan on January 16<sup>th</sup>. This is the first joint meeting the groups have hosted.</p> <p>Darcy is beginning to plan the Consumer Confidence Report process with Stetson Engineering and the member agencies.</p>
<b>Community Relations</b>	<p>Darcy, Jessica and Tiffany continue to work on the 2013 Annual Report, which will be available on the MWDOC website in both electronic and printable versions.</p> <p>Tiffany, Jessica, Vivian, and Sarah implemented MWDOC's social media activities through Facebook, Twitter, and Pinterest during this period.</p> <p>Jessica participated in the January 7 ISDOC Executive Committee meeting. She also worked to plan and promote the January 30 ISDOC Luncheon, and secured guest speaker Aaron Kushner, Publisher of the OC Register, as the guest speaker. Jessica is currently working to distribute the 2014 membership dues to the regular and associate members.</p> <p>Tiffany and Public Affairs Interns Sarah Franks and Vivian Lam are contacting all MWDOC member agencies and OC special districts to update the 2014 MWDOC and ISDOC Directories.</p> <p>Jessica staffed the WACO meeting on January 10. The guest speakers were James Famiglietti of UC Center for Hydrologic Modeling and Kurt Berchtold of the Santa Ana Regional Water Quality Control Board.</p> <p>The next Water Policy Forum &amp; Dinner is scheduled for Thursday, February 6, 2014. The guest speaker will be Dr. Christopher Thornberg, esteemed economist and Founding Partner of Beacon Economics, LLC. Jessica is currently working to promote the event to participants while planning the event logistics. A save the date and invitation were distributed, and approximately 50 guests are currently registered.</p> <p>Jessica participated in a conference call with staff of Inside the Outdoors regarding the EPA's Environmental Education grant program. Last year Jessica submitted a proposal for a collaborative water education with several education institutions, non-profits, and water districts. The proposal was rated very highly but was not ultimately selected to receive funding. This year Inside the Outdoors will be taking the lead on a proposal for a similar program.</p> <p>Jessica and Darcy are working on the January issue of eCurrents, which will feature articles on the Bay Delta Conservation Plan, Joe</p>

## Item 6

	<p>Berg's CUWCC award, 125 years of Tustin water service, and more.</p> <p>Jessica and Vivian Lam are developing flyers to promote the 2014 Water Awareness Poster &amp; Slogan and Photography &amp; Digital Arts Contests.</p>
<b>Education</b>	<p>The current participation target for the 2013-14 Water Education Assembly Program is 78,425 students, and currently 56,907 students have been booked. During the month of December, 3,322 students participated in the Traditional Assembly Program and 425 students participated in the Keypad Program. No students have participated in the Water Quality Program thus far.</p> <p>Director Hinman, Jessica, Sarah Franks, and Sherri Seitz of El Toro observed the Keypad Program at Gates Elementary School in Lake Forest on January 13.</p>
<b>Media Relations</b>	<p>Heddy Chang, a reporter from <u><b>KNBC</b></u>, called Darcy regarding the drought conditions. Ms. Chang had scheduled an interview with Rob Hunter but that interview has been postponed.</p> <p>Pat Brennan, reporter from the <u><b>Orange County Register</b></u>, called Darcy regarding the upcoming Metropolitan Shutdown. Metropolitan and MWDOC issued a joint press release regarding the event.</p> <p>Jessica developed and distributed a press release in conjunction with MWD staff regarding the planned AMP shutdown that began January 13.</p> <p>Jessica is working with the Public Affairs interns to develop a press release regarding Joe Berg's recent award from the California Urban Water Conservation Council (CUWCC).</p>
<b>Special Projects</b>	<p>Darcy finished the Value of Water Communications Plan and is making final edits for Rob Hunter's review. Once finalized, the draft Plan will be provided to the Public Affairs and Legislation Committee and then the Public Affairs Workgroup and Member Agency Managers. Darcy is also working on a Request For Qualifications for the Focus Group and Subject Matter Expert Consultation portions of the plan.</p> <p>Darcy has submitted additional requested information to the OC Grand Jury and Karl is preparing his additional items as well.</p> <p>Director Thomas, Director Sheldon (OCWD), Darcy and Eleanor Torres had a brief OC Water Summit Planning meeting to finalize the Sponsorship materials and review the draft program.</p>

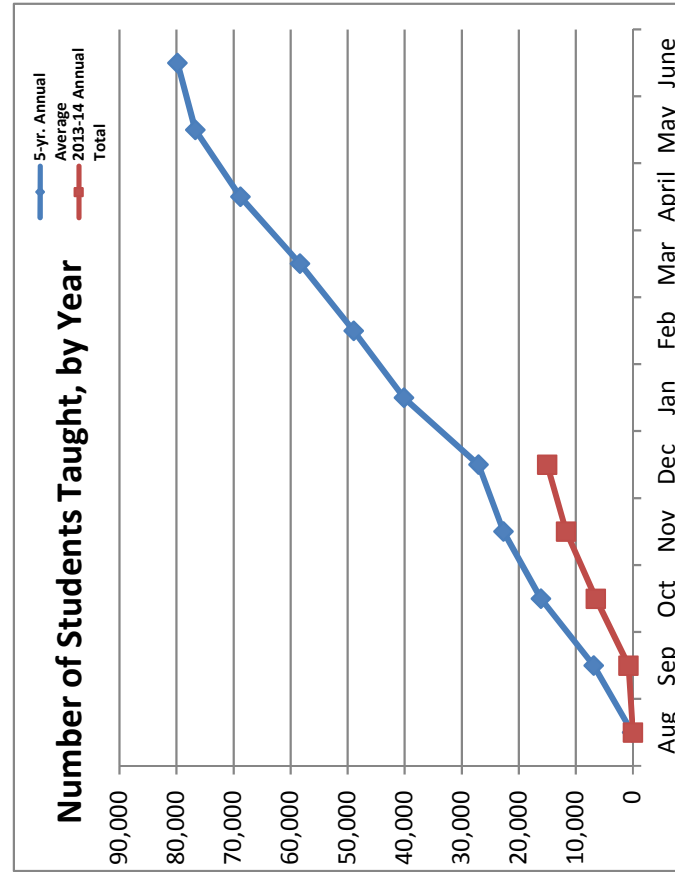
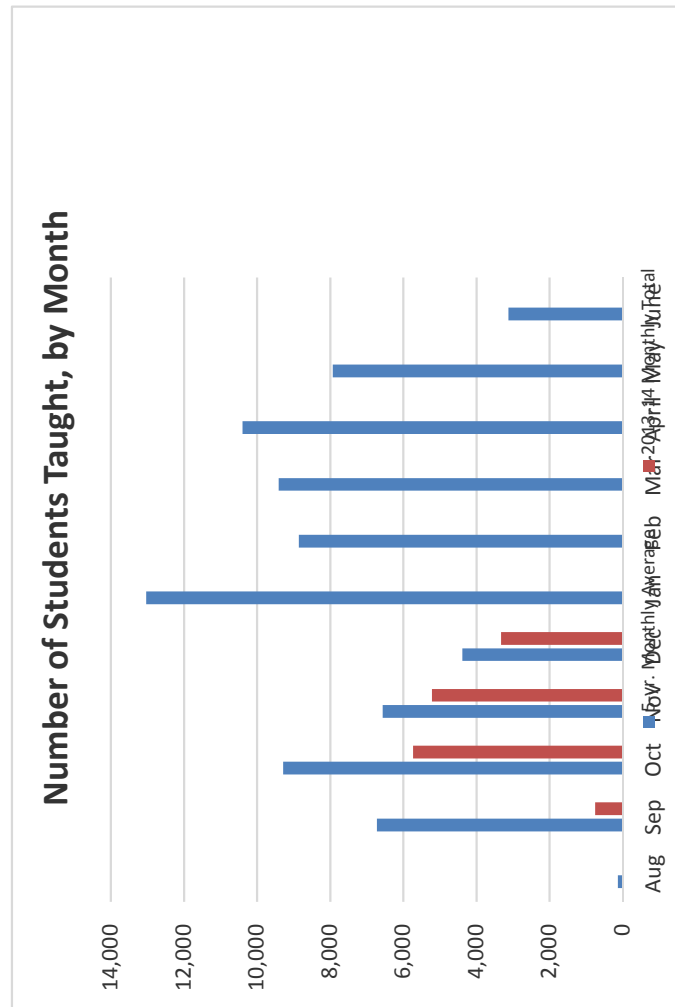
	<p>Darcy began sponsorship outreach for the OC Water Summit. The first outreach effort went out to those that sponsored in the last two years. A larger outreach effort will go out electronically in two weeks. Disney is working on other marketing materials and graphics for distribution in February.</p> <p>Darcy is coordinating with Lewis and Associates on a number of requests for additional Value of Water Survey presentations.</p> <p>Darcy is working on developing the Public Affairs 2014-2015 Budget.</p> <p>Tiffany created a Slant Well Source Water graphic for the Doheny Desal program, illustrating 3 phases of extended pumping test results over a period of time.</p> <p>Tiffany created an electronic save the date and print invitation for the February 26th Washington D.C. briefing and luncheon.</p>
<b>Water-Use Efficiency Marketing</b>	<p>Darcy is working with Joe Berg in finalizing a script for a video series the Orange County Public Works department. The series will focus on nine projects that have received funding including The Reserve Project.</p> <p>Jessica and Melissa met with staff of OC Stormwater Program, IRWD, San Clemente, UC Cooperative Extension, and Communications Lab on January 6 to discuss the pilot OC Garden Friendly program. The committee is currently selecting dates for the pilot events.</p> <p>Jessica is working with a graphic designer and printer to finalize and print more than 300,000 water use efficiency bill inserts, which will be distributed by the retail agencies to Orange County customers. The inserts will go out through the water bills from February to April.</p> <p>Jessica is working with the water use efficiency department to finalize the custom Home Survey Report for participants in the Water Smart Home Program.</p> <p>Tiffany redesigned several Water Use Efficiency webpages to include most current information, featured program callout boxes, and new visually appealing graphics.</p>



<b>Legislative Affairs</b>	<p>Darcy met with Ed Laird regarding issues with the Air Quality Management District. Mr. Laird provided insight as well as recommendations in moving these issues forward. Currently, staff is pursuing these suggestions.</p> <p>Darcy has been meeting with Townsend Public Affairs (TPA) on a bi-weekly basis. Current efforts underway are to develop specific goals and strategies for the next legislative session for the Public Affairs and Legislation Committee's review and consideration. TPA is also scheduling in-district meetings for Directors and Staff in January and February. In addition, Darcy will be bringing the TPA Contract to the Public Affairs and Legislation Committee for consideration.</p> <p>Darcy is coordinating with staff at Eastern Municipal Water District (EMWD), Western Municipal Water District (WMD) and Inland Empire Utilities Agency (IEUA) on the upcoming February 28<sup>th</sup>, 2014 ACWA DC Luncheon. The room has been secured the save-the-date as well as invitations are being distributed. Staff is now working on leave-behind materials and coordinating messages and the program. In addition, efforts are underway for the shared reception in Sacramento on March 5<sup>th</sup> in conjunction with ACWA's Symposium. IEUA will take the lead for that event.</p> <p>Director Barbre and Darcy met to review legislative affairs efforts and to discuss possible enhancements in the future.</p>
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# Number of Students Reached in the Water Education School Program- Assembly Program

Year	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
5-yr. Monthly Average	127	6,723	9,283	6,565	4,384	13,033	8,851	9,408	10,398	7,928	3,125	79,717
5-yr. Annual Average	127	6,850	16,133	22,698	27,082	40,114	48,965	58,373	68,771	76,699	79,824	79,824
2013-14 Monthly Total	0	750	5,727	5,210	3,322							15,009
2013-14 Annual Total	0	750	6,477	11,687	15,009							15,009





**INFORMATION ITEM**

January 20, 2014

**TO: Public Affairs & Legislation Committee**  
(Directors Dick, Clark & Hinman)

**FROM: Robert Hunter, General Manager**

Staff Contact: Jessica H. Ouwerkerk

**SUBJECT: UPDATE ON UPCOMING WATER POLICY FORUM & DINNER**

**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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On Thursday, February 6, MWDOC will hold its first Water Policy Forum & Dinner of 2014 at the Westin South Coast Plaza Hotel in Costa Mesa. The keynote speaker for the evening will be Dr. Christopher Thornberg, an expert on economic trends within California and the nation. Dr. Thornberg is currently conducting an independent economic analysis of the Bay Delta Conservation Plan.

An event save the date and an invitation have been emailed out to more than 6,000 contacts. As of the time of this report, approximately 50 guests are registered for the event. That number is expected to increase to approximately 165 (or more) by the event date.

The event will begin at 5:30 p.m. with a pre-dinner reception honoring staff of the Metropolitan Water District of Southern California's Robert B. Diemer Water Treatment Plant in Yorba Linda. At 6:30 p.m. dinner and the keynote presentation will begin in the Grand Ballroom.

Budgeted (Y/N): N	Budgeted amount: \$0	Core _X_	Choice __
Action item amount: N/A	Line item:		
Fiscal Impact (explain if unbudgeted):			

The guest registration fee is \$75.00 per person until January 31<sup>st</sup> or \$85.00 per person thereafter. Reserved tables are also available for \$750 for a table of 10 or \$600 for a table of eight.

The event budget is included below.

<b>ESTIMATE - Water Policy Dinner Budget (based on 165 guests)</b>			
<b>Expenditures</b>	<b>Quantity</b>	<b>Price</b>	<b>Total</b>
Meals (order 88%)	145	\$ 59.98	\$ 8,697.10
Parking (66% avg.)	112	\$ 6.00	\$ 672.00
Program Printing	180	\$ -	\$ -
Audio Visual	1	\$ 1,200.00	\$ 1,200.00
Reception Supplies	1	\$ 50.00	\$ 50.00
Video Production	0	\$ 1,000.00	\$ -
Service Staff Gratuity	1	\$ 200.00	\$ 200.00
PayPal Fees	109	\$ 2.48	\$ 270.32
Speaker/Honoree Recognition Item	1	\$ 100.00	\$ 100.00
Speaker Transportation	0	\$ 260.00	\$ -
Speaker Accommodations	0	\$ 200.00	\$ -
	<b>Total Expenditures</b>		<b>\$ 11,189.42</b>
<b>Revenue</b>			
Paid Registrations	142	\$ 75.00	\$ 10,650.00
Paid Registrations	6	\$ 85.00	\$ 510.00
Comp'ed Registrations (Directors, staff, speaker, honorees)	17	\$ -	\$ -
	<b>Total Revenue</b>		<b>\$ 11,160.00</b>
	<b>Net Income</b>		<b>\$ (29.42)</b>

There is currently a small loss of \$29.42 projected. If the district does indeed incur a cost for this event, the revenues from the previous two events (totaling \$1,776.93) will be used to cover the loss. Concurrently, staff is planning to use a portion of this revenue for the following additional expenses:

1. Compensated registrations for up to ten legislative staffers: \$750.00
2. Professional videography services: \$500.00 (Jeff Cole Productions has offered to videotape the event for 50% off his previous rate of \$1,000.)