

MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PUBLIC AFFAIRS AND LEGISLATION COMMITTEE
September 17, 2018, 8:30 a.m.
Conference Room 101

Committee:

Director Dick, Chair
Director Thomas
Director Tamaribuchi

Staff: R. Hunter, K. Seckel, H. Baez,
D. Micalizzi, T. Dubuque, T. Baca

Ex Officio Member: Director Barbre

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 (BBK)
 - c. County Legislative Report (Lewis)
 - d. Legal and Regulatory Report (Ackerman)
 - e. MWDOC Legislative Matrix
 - f. Metropolitan Legislative Matrix

2. DISCUSSION REGARDING SPECIAL DISTRICT CANDIDATE/ELECTION/BALLOT REQUIREMENTS

3. MWDOC LEGISLATIVE POLICY PRINCIPLES ANNUAL UPDATE

ACTION ITEMS

- 4. AUTHORIZATION TO CONTRACT FOR STRATEGIC DIGITAL COMMUNICATIONS SERVICES

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.)

- 5. SCOUTS PROGRAMS UPDATE
- 6. UPDATE ON 2019 OC WATER SUMMIT
- 7. PUBLIC AFFAIRS ACTIVITIES REPORT

OTHER ITEMS

- 8. 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
Allison Leavitt

Municipal Water District of Orange County, California
Washington Update
September 11, 2018

Congress returned into legislative session last week after its traditional August Recess. The House and the Senate have only been in session together for three days since the publication of our last Washington Report.

There have been some developments since the first part of August that are noteworthy to bring to your attention.

With the passing of Senator John McCain, Jon Kyle of Arizona, a former Congressman and Senator from that State, has been named and sworn into office to replace Senator McCain. Senator Kyle brings with him a keen knowledge of western water law and an understanding of Colorado River issues. At this time, it's unclear what committees he will be sitting on in the Senate at this time and whether or not he will be filling the entire twenty seven month vacancy period of the McCain's seat.

The Water Resources Development Act of 2018 (the WRDA Bill) was unable to pass the Senate Floor during the month of August and we are now advised by senior staff that a newly negotiated WRDA Bill will be introduced in the House later this week and voted on—and then sent over to the Senate where it will need to pass that body. The new bill appears to still face the same problem that kept the upper chamber from considering its previous version of the measure this summer: an objection from Senator Richard Burr (R-N.C.) who has vowed to stall the legislation until a deal can be reached to reauthorize the Land and Water Conservation Fund. No word yet from Burr's office or from Committee Staffers on what Senator Burr might do to block this. The House is expected to take up the bill as soon as this Thursday, but plans in the Senate are unclear.

Update on the Appropriations Process:

On September 10th, Congressional negotiators released the final conference report version of the first three-bill “minibus” package of fiscal year 2019 appropriations bills, including the Energy and Water Appropriations Bill (the other agencies covered under this package include the Department of Veterans Affairs and Legislative Branch Appropriations).

This is the legislation that funds the Bureau of Reclamation and the Army Corps of Engineers. The package appropriates \$7.0 billion for the water resources program of the U.S. Army Corps of Engineers, \$172 million more than last year and \$72 million more than the Senate bill (but still \$279 million less than the House bill).

Regarding the Bureau of Reclamation – The legislation contains \$1.57 billion – \$85 million above the fiscal year 2018 enacted level – for the Bureau of Reclamation “to help manage, develop, and protect the water resources of Western states”. The bill includes \$134 million for water storage projects authorized in the Water Infrastructure Improvements for the Nation (WIIN) Act.

On the issue of “policy riders”, the bill restricts the application of the Clean Water Act in certain agricultural areas, including farm ponds and irrigation ditches. The conference report includes language expressing Congressional concerns with judicial interference in the operation of the Federal Columbia River Power System hydroelectric dams. The bill does not provide funding for the Yucca Mountain Nuclear Storage facility—something of a crusade for Senator Heller in Nevada.

Of note, this package is NOT the package that includes (or should include) the so-called Calvert Language dealing the WaterFix Project. That issue will be dealt with in the upcoming Interior/EPA Appropriations Bill. The fact that the Energy and Water Appropriations Bill does contain some policy riders gives credibility to the notion that the Interior / EPA Bill may have riders in it as well. It is also important to note that many “riders” were also knocked out of the bill. We don’t know at this time whether the Calvert language will be included in the Interior Appropriations bill or not. We have been told by key staff that it is a top priority of the House Majority Leader, Kevin McCarthy. And given the prospect that the House may now flip to the Democrats, Congressmen McCarthy and Calvert may be more determined than ever to seek the inclusion of this language into the Interior Bill.

The House and Senate have scheduled their first Conference Meeting on the Interior/ EPA Bill for later this week.

Back to the Energy and Water Bill, at press time the House is trying to schedule the consideration of the Energy and Water Appropriations Committee Conference Report for floor consideration this week. The Senate would likely consider the bill either late this week or early next week. Assuming the bill passes the full Congress shortly, this will be the first time since 2009 that the House and the Senate have passed an appropriations bill in regular order before October 1st.

Other Issues in the Appropriations Bill of Note:

On the matter of the Reorganization of the Army Corps, the E&W Conferees firmly rejected the element of the Trump Administration's proposed government reorganization plan for the Army Corps that would have moved some of the civil works functions to other water development activities into other agencies. The conference agreement has this to say on the issue:

The conferees are opposed to the proposed reorganization as it could ultimately have detrimental impacts for implementation of the Civil Works program and for the numerous non-federal entities that rely on the Corps' technical expertise, including in response to natural disasters.

The conferees are extremely concerned that an action of this magnitude, which crosses multiple jurisdictional lines and has far-reaching consequences, was not properly brought to Congress as a proposal, allowing for oversight and hearings as to its effects. Notification and discussion with Members of Congress and Committee staffs was nonexistent. Further, this type of proposal, as the Department of Defense and the Corps are well aware, will require enactment of legislation, which has neither been proposed nor requested to date. Therefore, no funds provided in this Act or any previous Act to any agency shall be used to implement this proposal.

Of note, the \$7.0 billion total appropriation for the Corps in this package is an all-time high (excluding emergency funding, which comes along every few years and can more than double the regular Corps budget (Katrina, Sandy, Harvey-Maria). As a comparison to previous bills, this total is \$2.25 billion (47 percent) more than the final \$4.75 billion Corps funding total in the sequestration year of FY 2013.

On the issue of chronic OMB underfunding of water programs, the ongoing mismatch between what the White House Office of Management and Budget requests for new projects (the Construction account) and the studies that will eventually lead to new projects (the

Investigations account) is getting more troublesome. Every year, OMB requests total funding for these accounts that is far too low – but OMB is secure in the knowledge that Congress will always, always, restore this funding. So it is the equivalent of OMB “padding” the budget request to make it look a billion dollars or so lower than it realistically is.

In the FY 2019 cycle, OMB requested a total of \$992 million for these accounts, which was \$1.2 billion below the total that Congress was in the process of appropriating for 2018 when the 2019 budget was submitted. The total for these accounts in the new 2019 conference agreement is \$2.308 billion, which is \$1.3 billion more than the request.

This underfunding of the Army Corps program is happening every year and every year the Congress appropriates more funding than was submitted in the annual budget.

Wildfire Management Funding Update:

Congress’s long-term fix to the U.S. Forest Service’s “fire borrowing” problem does not go into effect until FY 2020. Consequently, having returned from August Recess and ahead of the impending midterm elections, lawmakers are weighing the possibility of an emergency supplemental appropriation measure in response to California’s devastating fires.

As of early August, the Forest Service had approximately \$196 million in fire suppression funds remaining. Given the rate of spending at that time, Agriculture Secretary Sonny Perdue notified Congress that the agency is preparing a \$555 million transfer from other accounts to ensure it can keep fighting the fires depending on the severity of future fires.

A similar funding problem occurred last year. In response to last year’s fire crisis, Congress intervened with a supplemental appropriation of \$526.5 million to prevent the Forest Service from draining other accounts, including funds set aside for preventive actions.

It’s not yet clear whether Congress will again pass an emergency appropriations bill to prevent the Forest Service from “borrowing” against other accounts earmarked for recovery or fire suppression efforts. However, any action Congress will take should come into focus over the next couple weeks. We are monitoring this issue very closely.

JCB 9-11-18

**Energy & Water Conference Report funding breakout for FY2019
September 12, 2018**

Bureau of Reclamation Funding Level of \$1.57 Billion

	FY19 Conference	FY 19 Request	FY 18 Omnibus
Water & Related Resources	\$1.39 B	\$891 M	\$1.09 B
Rural Water	\$98.7 M	-	\$43.8 M
Water Conservation & Delivery	\$224 M	-	\$92.8 M
Environmental Restoration or Compliance	\$40 M	-	\$5 M
Facilities OM&R	\$4 M	-	\$4 M
Desalination and Water Purification Program	\$19.8 M	\$2.9 M	\$17.8 M
WaterSMART Grants	\$34 M	\$10 M	\$34 M
Cooperative Watershed Management Program	\$2.25 M	\$250 K	\$4.2 M
Basin Studies	\$5.2 M	\$2 M	\$5.2 M
Drought Response	\$4 M	\$2.9 M	\$4 M
Resilient Infrastructure	-	-	-
Water Conservation Field Services Program	\$4.18 M	\$1.75 M	\$4.2 M
Title XVI Water Reclamation & Reuse Program	\$58.61 M	\$3 M	\$54.4 M

Funding under "Water Conservation and Delivery" (\$224 Million)

- \$134,000,000 for water storage projects as authorized in section 4007 of Public Law 114-322 (WIIN Act).
- \$15,000,000 for water conservation activities in areas experiencing extreme, exceptional, or extended drought conditions.

Funding under "Environmental Restoration or Compliance" (\$40 Million)

- \$30,000,000 for activities authorized under sections 4001 and 4010 of Public Law 114-322 (WIIN Act) or as set forth in federal-state plans for restoring threatened and endangered fish species affected by the operation of the Bureau of Reclamation's water projects.

Funding under "Desalination and Water Purification Program" (\$19.8 M)

- \$12,000,000 for desalination projects as authorized in section 4009(a) of Public Law 114-322 (WIIN Act).

Funding under "Title XVI Water Reclamation & Reuse Program" (\$58.61 M)

- \$20,000,000 for water recycling and reuse projects as authorized in section 4009(c) of Public Law 114-322 (WIIN Act).

Army Corps Funding Level \$7 Billion

	FY19 Conference	FY19 Request	FY18 Omnibus
Operations and Maintenance	\$3.71 B	\$2.07 B	\$3.63 B
Construction	\$2.18 B	\$1.02 B	\$2.09 B
General Investigations	\$125 M	\$82.6 M	\$123 M
Corps Regulatory Program	\$200 M	\$200 M	\$200 M

New Starts. The agreement includes six new starts in the Investigations account and five new starts in the Construction account.

Note from Conference Report:

The conferees are concerned with delays in executing funds that have been appropriated in regular and supplemental appropriations bills. While the Office of Management and Budget (OMB) has a responsibility to oversee execution of the funds, the conferees are concerned that OMB is adding additional burdens to the Corps' processes that may result in unnecessary delays and potentially overriding technical and expert judgments by the Corps. The conferees expect funds appropriated in this Act to be quickly and efficiently executed, consistent with the terms and conditions in this conference report.



Memorandum

To: Municipal Water District of Orange County
From: Syrus Devers, Best Best & Krieger
Date: September 17, 2018
Re: Monthly State Political Report

End of Session Report

There are two bills on the Governor's desk that MWDOC has a position on, SB 998 (Opposed: Dodd – prohibitions on disconnection of water service) and AB 2050 (Support: Caballero – small water system consolidation) but there was no new information on either bill at the time this report was prepared. The Governor has until September 30th to act on any bill that arrived on his desk in the last two weeks of session. BB&K will provide an update at the hearing.

End of Session Games:

The last two weeks of session proved to be unusually active for water industry lobbyists. The administration attempted a last-minute play on reviving the SB 623/Trailer Bill program to fund disadvantaged water districts, with the twist that the program would be funded by a “voluntary remittance” and SB 844 and SB 845 (Monning) were amended to carry the program forward. BB&K was actively involved in the opposition and the letter submitted by MWDOC was circulated within the leadership of the Assembly. The bills were held and Assembly Speaker Rendon formed a working group chaired by Assembly Member Heath Flora (R-Modesto) and Assembly Member Eduardo Garcia (D-Coachella) to work on a compromise over the Interim break. BB&K's lobbyist (yours truly) was invited to be a part of the working group.

As if that wasn't enough to deal with in the last few hours of session, opponents of the Cadiz project in the Mojave did a gut-and-amend on SB 120 (Roth) to revive AB 1000 (Friedman) from last year. The bill would have subjected the Cadiz project to two new reviews by state agencies. BB&K appeared on behalf of MWDOC to oppose, based on the prior opposition to AB 1000, but the bill was eventually held in Sen. Appropriations in a rare display of respect for the legislative process. The new Chair of Sen. Appropriations, Senator Anthony Portantino, stated during the hearing that he supported the goal of the bill, but insisted that the bill be held anyway. And to be clear, he did not entertain any second guessing of his decision. The unspoken reason was likely due to the fact that AB 1000 was held on the Assembly Appropriations suspense file last year. Taking over a bill in the opposite house for the same purpose is called a “jail break.” If this is allowed, it



would act to undermine the authority of both fiscal committees. Although Senator Portantino did not mention the Assembly action, he made a brief but eloquent statement about upholding the integrity of the Legislature and held the bill.

Please note that these bills never had a chance to get on the Bill Matrix.

Bill Matrix: The format of the attached Bill Matrix is only for this report. BB&K provides this list at the end of every session to give the PAL Committee an opportunity to look over the entire bill list and determine if there were any bills that were not brought to the attention of the PAL Committee that should have been. Any bill with a listed position appeared on the Bill Matrix for the PAL Committee's review at some point throughout the year. Calling attention to bills that should have been reported on but weren't helps us improve our vetting process.

The County of Orange Report

September 11, 2018
by Lewis Consulting Group



The September 12th LAFCO meeting was held after our print deadline, so matters of interest will be reported verbally at the PAL meeting on September 17, 2018.

Other than a legislative report appearing on the consent calendar, the entirety of the meeting will be spent reviewing the Focused Municipal Service Review for the City of San Juan Capistrano Water and Wastewater Utility.

As a reminder, a study session was held previously on July 11th. At that meeting, several commissioners commented that certain key information appeared to be missing. As a result, the study was updated to include additional information related to the San Juan Basin Authority, the San Juan Watershed Project, along with other water reliability projects.

Currently the City of San Juan Capistrano has begun meeting with its three potential suitors: the South Coast Water District, Moulton Niguel Water District and the Santa Margarita Water District. LAFCO anticipates that before the end of the year, the city will file an application to transfer assets to one or more districts.

Ultimately an annexation to the district will be required along with an updated sphere of influence.

In the study submitted to LAFCO, it was clear the authors were comfortable in recommending either the Moulton Niguel or Santa Margarita Water Districts, but felt that South Coast's smaller size made their selection problematic.





Update

Court Proceedings Dominate Homeless Update

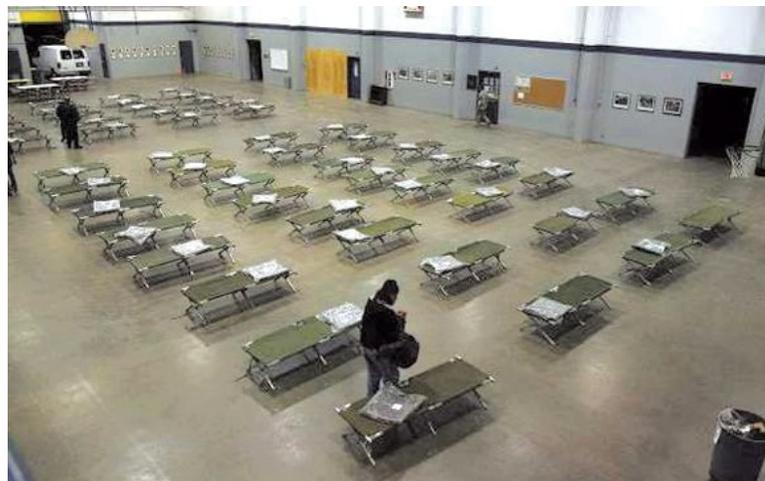
The Federal 9th District Court of Appeals on September 4, 2018 ruled that cities which have less homeless beds than homeless, will no longer be able to prosecute the homeless for camping in public areas including parks and sidewalks.

The ruling has only strengthened Orange County Judge David Carter's hand as he has cajoled local cities to build more shelters for the homeless. Three days after the federal ruling, Judge Carter convened a long scheduled hearing attempting to negotiate a settlement to a lawsuit brought by homeless advocates. Judge Carter has expressed frustration with the pace that many cities have exhibited despite the Judge's warnings.

At the Friday, September 7th hearing, Judge Carter stated time was up and he would no longer grant any more continuations, instead urging either a quick settlement or litigation.

Some cities have heeded Judge Carter's warnings and have worked hard to respond to the challenge collectively - Santa Ana, Anaheim, Costa Mesa and Orange have proposed new facilities with hundreds of new beds.

In contrast, at the hearing, other than some legal representation, there was no presence from any South Orange County cities. The judge expressed concern about approaching winter season and he appears to be forcing resolution prior to the cold weather.



Key Orange County November Races

JRL PREDICTIONS RANKED BY COMPETITIVENESS



48 th C.D.	▲Rohrabacher vs. Rouda	photo finish	New York Times Poll/45% - 45% Rouda research reveals flaws recent polling
4 th Supervisorial District Attorney	▼ Shaw vs. Chaffee	Shaw by a head	
	-- Rackauckas vs. Spitzer	Spitzer by a head	
72 nd A.D.	NEW Diep vs. Lowenthal	Lowenthal by a head	
45 th C.D.	-- Walters vs. Porter	Porter by a head	Blue Wave momentum?
74 th A.D.	-- Harper vs. Petrie-Norris	Harper by a length	potential Blue Wave upset?
39 th C.D.	-- Kim vs. Cisneros	Kim by 1 length	
49 th C.D.	-- Harkey vs. Levin	Levin by 2 lengths	
65 th A.D.	-- Quirk-Silva vs. Coronado	Quirk-Silva by 4 lengths	
Sheriff	-- Barnes vs. Nguyen	Barnes by 4 lengths	quirky & unpredictable election, look for surprises

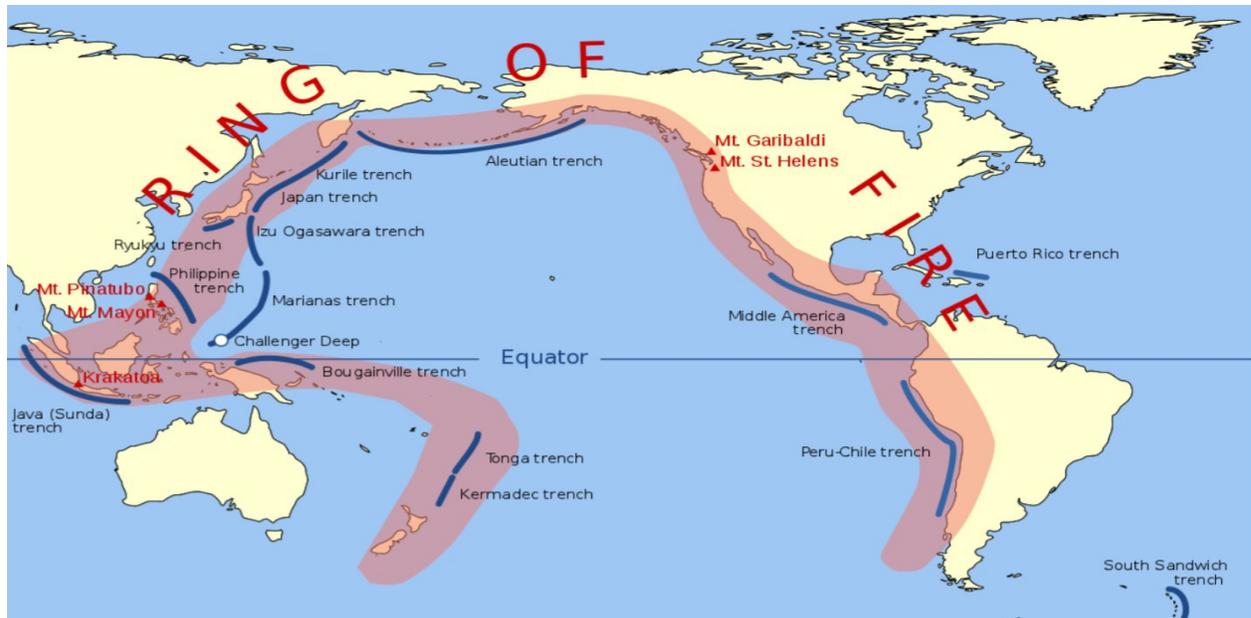
A Look Back from June's PAL Report:

Earthquake & Volcanos - OH MY!

Solar Cycle 24 shows a dramatic weakening of solar activity. Solar Cycle 25 might be even weaker. Why should we care? Weak solar activity by itself seems to create between 1-3 tenths of a degree of global cooling. This might help counter part of the overall warming trend. However, there might be a greater danger lurking. Several studies have shown strong correlation between long periods of solar quietude and an increasing number of major earthquakes and volcanos.

UPDATED

The theory that somehow solar activity (or in this case - a lack of activity) might be influencing a huge up tick in volcanic and earthquake activity is gaining more traction. The Ring of Fire is exploding with activity. Are we headed towards a California BIG one?



On August 28th, the U.S. geological survey recorded 30 earthquakes along the Pacific Ring of Fire. The largest was a 6.4 shaker in Guam. The smallest of the 30 was 3.6 in Alaska.

As we write this report, we have witnessed a 5.9 in Equador on September 3rd, a 5.4 in Japan on September 4th, a 5.5 in Fiji on September 5th, a 7.8 in Fiji and a 6.7 in Japan on September 6th. Stay Tuned!!

ACKERMAN CONSULTING

Legal and Regulatory

September 17, 2018

1. **Tahoe Less Blue:** Lake Tahoe may be losing some of its “blueness”. UC Davis scientists are blaming climate change for the Lake losing some its clarity and legendary blueness. Water temperature has been rising in the past few years and the natural turnover of water in the Lake is slower. Historically, Tahoe churns its water every three to four years. Its current cycle appears to be on a seven year tract. This puts less oxygen at the lower levels and causes phosphorus and nitrogen build up. This in turn produces more algae and less clarity. However, the scientists acknowledge that last year’s heavy rainfall created significant additional runoff putting more sediment in the Lake. In any case, it appears the Lake is currently in a normal phase but that can change quickly.
2. **Breathing Water:** Caltech is completing its study of groundwater conditions in Southern California. They are confirming prior reports of the earth expanding and contracting when water is pumped in and out of groundwater basins. They have been using radar data from 1992 furnished by European Space Agency satellites. JPL is currently working on launching their own satellite by 2022 to record the same data. These images allow detection of motion of one millimeter (that is very small). They also discovered a new fault in OC near the Santa Ana River as it passes from Santa Ana to Garden Grove. This same level of movement is evident when petroleum is removed from the ground and water is pumped in. These measurements are very useful for monitoring and managing groundwater systems.
3. **Pinal County vs Southwest:** As the water shortage problem in the Colorado River Basin continues, most states and jurisdictions impacted are working at a conservation plan for drought management (DCP drought contingency plan). However, one county in Arizona, Pinal County, could upset the whole applecart. Pinal is a large farming county which also has a growing population. They are between Phoenix and Tucson and becoming the bedroom community for both of them. They currently receive their irrigation water from the Central Arizona Project which diverts Colorado River water. The proposed DCP will reduce and could ultimately eliminate this source. As is the norm in water world, Pinal is party to numerous state and federal agreements and does have some senior water rights. These rights may have been negotiated away as a result of these prior agreements. Discussions are underway as to whether they should be compensated for the cutbacks in water. Pinal wants the water. This will be going to court most likely and we will have a result in 5-10 years. Hopefully, the parties will be able to compromise but this could be a messy one.
4. **Monterey Plan:** The beautiful and scenic Monterey Peninsula has had a serious water problem for many years. Because of their geography and history they do not have the water resources that most of the rest of California enjoy. They do not have the natural sources of water or the man made plumbing. California American Water Company who services most of the area was ordered by the State to stop taking water from the Carmel River. The River had been the main source of water for decades. Cal Am filed a application for a desal plant with the CPUC in 2012 which was finally granted this month. This development along with the Monterey Peninsula Water Supply Project should put the Peninsula on the road to water security. This plan includes recycled water from wastewater, storm water, industrial

processing and surface water. Average water bills are expected to increase from \$76 per month to \$120. The desal plant and recycling plant are expected to be online by 2021. The desal plant will produce 6.4 million gallons per day.

5. **Anti-Cadiz Bill Fails:** A last minute effort to subject the Cadiz project in the Mojave Desert to additional review and delay failed to get through the California Legislature last week. Even though Senator Diane Feinstein and Lt Governor Gavin Newsome supported the bill and would like to see the project stopped, it did not have sufficient support to pass. The main discussions revolved around the science of the project. The author of the bill, Senator Richard Roth, indicated he would try the bill again next year.
6. **Trump Wants More Water to Central Valley:** The Trump administration and Secretary Ryan Zinke continue to press for a plan that would deliver more water to Central Valley farmers. However, many experts and the California Natural Resources Agency, believe that it won't happen. Their belief is founded on the requirements of the Endangered Species Act and other state and federal requirements and reviews necessary before such changes can be made. Environmental groups would prefer the State maintain control and are using water quality arguments and the ESA as reasons. This battle will also heat up and is not likely to be settled soon.
7. **El Nino and Starving Birds:** El Nino predictions are already starting. This year's betting line established by NOAA is 60% chance of El Nino in fall and 70% chance in winter. As you may recall, El Nino brings unusually warm ocean temperatures which produce changes to the food chain in the water. The conditions make food production suffer which impacts all the folks along the way. Northern California has already seen some impact this year with an abnormally high number of starving Murres, a fish eating seabird that looks like a small penguin. While this might not be a conclusive indication of El Nino, the last major El Nino did bring many marine life species deaths including the sea lion pups in the Channel Islands. The predictors are also opining a weaker El Nino than 2015.
8. **State v Trump Again:** Trump is redefining many areas in the Clean Water Act. One of those areas is "wetlands". The Obama administration has defined almost any water presence or condition as being subject to the Act. Many water experts and farmers objected to the former's regulations and Trump has been making them less restrictive. Now the State of California is considering making its own regulations to mirror the old ones. Water agencies and agriculture are weighing in to oppose this effort. The State is also attempting to establish a permitting process for wetlands and groundwater that is guaranteed to further insure opposition.
9. **Westlands and San Francisco:** Westlands Water District and the City of San Francisco do not generally agree on many subjects. However, the State Board is proposing allocation plans that will negatively impact both of them. The reduction to both entities would be significant and the power of both to impact public policy should not be underestimated. The Board had put off final action until December. Many legislators have relayed their displeasure with the Board's approach.

MWDOC

PAL Committee

Item 1e

Prepared by Best Best & Krieger
September 17, 2018

End of Session Report

[AB 18](#) ([Garcia, Eduardo D](#)) *Healing arts: Licensed Physicians and Dentists from Mexico Pilot Program. Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. APPR. SUSPENSE FILE on 8/16/2018) Summary: The Licensed Physicians and Dentists from Mexico Pilot Program allows licensed physicians and dentists from Mexico to be issued a license by the Medical Board of California or the Dental Board of California to practice medicine or dentistry in California for a period not to exceed 3 years and establishes requirements for the participants in the program, including that a physician from Mexico, before leaving Mexico, is required to satisfactorily complete a 6 months orientation program that addresses specified topics and is approved by the Medical Board of California. Current law also requires dentists that participate in the program to enroll and complete an orientation program that focuses on specified topics. This bill would remove the requirement that the orientation program for physicians be 6 months in length.*

Position	Priority
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Notes 1: This bill was folded into SB 5 (De Leon)(Water bond)

[AB 52](#) ([Cooper D](#)) *Public employees: orientation and informational programs: exclusive representatives. Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was P.E.,R. & S.S. on 1/19/2017) Summary: Current law, including the Meyers-Miltias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. This bill would require the public employers regulated by the acts described above to provide all employees an orientation. The bill would also require these public employers to permit the exclusive representative, if applicable, to participate.*

Position	Priority
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[AB 77](#) ([Fong R](#)) *Regulations: effective dates and legislative review. Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was APPR. on 5/26/2017) Summary: Would require the Office of Administrative Law to submit to each house of the Legislature for review a copy of each major regulation that it submits to the Secretary of State. The bill would add another exception to those currently provided that specifies that a regulation does not become effective if the Legislature enacts a statute to override the regulation.*

Position	Priority
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[AB 176](#) ([Salas D](#)) *Water project: Friant-Kern Canal. Status: 2/1/2018-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.*

Summary: Current law requires the Department of Water Resources, upon appropriation by the Legislature, to provide funding for a project that substantially conforms to the project description for the Reverse Flow Pump-back Facilities on the Friant-Kern Canal Restoration Project, as specified, provided that certain conditions are met. Current law requires that the appropriation be no more than \$7,000,000. This bill would appropriate \$7,000,000 from the General Fund to the department for this project. This bill contains other related provisions.

Position Priority

[AB 196](#)

(Bigelow R) Greenhouse Gas Reduction Fund: water supply and wastewater systems.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 9/1/2017)

Summary: Current law requires moneys from the Greenhouse Gas Reduction Fund to be allocated for the purpose of reducing greenhouse gas emissions in this state and satisfying other purposes. Current law authorizes specified investments, including water use and supply, if the investment furthers the regulatory purposes of the California Global Warming Solutions Act of 2006 and is consistent with law. This bill would authorize the use of the moneys in the fund for electric pump efficiency, water and wastewater systems, pump and pump motor efficiency improvements, and drinking water transmission and distribution systems' water loss if the investment furthers the regulatory purposes of the act and is consistent with law.

Position Priority
Watch Dead Bill

[AB 272](#)

(Gipson D) Water utility service: sale of water utility property by a city.

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was APPR. SUSPENSE FILE on 1/18/2018)

Summary: Would permit a city that owns and operates a public utility for furnishing water service to sell the public utility for the purpose of consolidating its public water system with another public water system pursuant to the procedures that are generally applicable to the sale of real property by a city, only if the potentially subsumed water system is wholly within the boundaries of the city, if the city determines that it is uneconomical and not in the public interest to own and operate the public utility and if certain requirements are met.

Position Priority
Watch Dead Bill

Notes 1: Addresses water district consolidation in urban areas. Tracked because it may impact SB 623 debate.

[AB 305](#)

(Arambula D) School accountability report card: drinking water access points.

Status: 2/1/2018-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary: Would amend the Classroom Instructional Improvement and Accountability Act to also require the school accountability report card to include an assessment of the drinking water access points at each school site, as specified. The bill would require the State Department of Education to compile the assessments and transmit them to the State Water Resources Control Board. By imposing additional duties on local educational agency officials, the bill would impose a state-mandated local program. The bill would provide that the Legislature finds and declares that the changes made to the act by its provisions further the purposes of the act.

Position Priority

[AB 321](#)

(Mathis R) Groundwater sustainability agencies.

Status: 7/18/2017-Approved by the Governor. Chaptered by Secretary of State - Chapter 67, Statutes of 2017.

Summary: Sustainable Groundwater Management Act requires a groundwater sustainability agency to consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, including, among other interests, holders of overlying groundwater rights, including agricultural users and domestic well owners. This bill would specifically include farmers, ranchers, and dairy professionals in the agricultural users whose interests a groundwater sustainability agency is required to consider.

Position Priority

business to disclose the categories and specific pieces of personal information that it collects about the consumer, the categories of sources from which that information is collected, the business purposes for collecting or selling the information, and the categories of 3rd parties with which the information is shared. The bill would require a business to make disclosures about the information and the purposes for which it is used.

Position Priority

Notes 1: This was a Public Records Act bill. It later became one of the most controversial bills of the year dealing with consumer privacy.

[AB 487](#)

[\(Mathis R\)](#) Sustainable Groundwater Management Act.

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was PRINT on 2/13/2017)

Summary: Would state the intent of the Legislature to enact statutory changes relating to the Sustainable Groundwater Management Act.

Position Priority
Watch C. Spot Bill

[AB 732](#)

[\(Frazier D\)](#) Delta levee maintenance.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 9/11/2017)

Summary: Current law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta. Current law declares legislative intent to reimburse eligible local agencies under this program, until July 1, 2018, in an amount not to exceed 75% of those costs that are incurred in excess of \$1,000 per mile of levee. Current law, until July 1, 2018, authorizes the board to provide funds to an eligible local agency under this program in the form of an advance in an amount that does not exceed 75% of the estimated state share. This bill would extend until July 1, 2020, the operation of that declaration of legislative intent and the authorization to advance funds.

Position Priority
Watch Dead Bill

Notes 1: Oppose to Watch. Amended to extended the sunset consistent with past practice.

[AB 791](#)

[\(Frazier D\)](#) Sacramento-San Joaquin Delta: State Water Project and federal Central Valley Project: new conveyance facility.

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was APPR. SUSPENSE FILE on 5/10/2017)

Summary: The Sacramento-San Joaquin Delta Reform Act of 2009 prohibits construction of a new Delta conveyance facility from being initiated until the persons or entities that contract to receive water from the State Water Project and the federal Central Valley Project or a joint powers authority representing those entities have made arrangements or entered into contracts to pay for certain costs required for the construction, operation, and maintenance of the facility and full mitigation of property tax or assessments levied for land used in the construction, location, mitigation, or operation of the facility. This bill would require, before a water contractor enters into a contract to pay for these costs, that the lead agency provide the breakdown of costs for each water contractor entering into a contract and what benefits each contractor will receive based on the proportion it has financed of the proposed conveyance project.

Position Priority
Opposition Dead Bill

[AB 792](#)

[\(Frazier D\)](#) Sacramento-San Joaquin Delta: Delta Stewardship Council.

Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was W.P. & W. on 4/20/2017)

Summary: The Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council which consists of 7 members, and requires the council to develop, adopt, and commence implementation of a comprehensive management plan for the Delta, known as the Delta Plan. This bill would increase the membership of the council to 13 members, including 11 voting members and 2 nonvoting members, as specified.

Position Priority
Opposition Dead Bill

AB 793

Frazier D) Sacramento-San Joaquin Delta: financing.

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was W.,P. & W. on 3/2/2017)

Summary: Would declare it to be state policy that the existing state of the Sacramento-San Joaquin Delta is recognized and defined as an integral component of California's water infrastructure. The bill would state that the maintenance and repair of the Delta are eligible for the same forms of financing as other water collection and treatment infrastructure and would specify the maintenance and repair activities that are eligible are limited to certain cleanup and abatement-related restoration and conservation activities.

Position
Opposition

Priority
Dead Bill

AB 869

Rubio D) Sustainable water use and demand reduction: recycled water.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 9/1/2017)

Summary: Current law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. This bill would require long-term standards for urban water conservation and water use to include a credit for recycled water, as specified.

Position
Support

Priority
Dead Bill

Notes 1: Although not part of the water efficiency bill package, the debate over recycled water was folded into AB 1668/SB 606.

AB 968

Rubio D) Urban water use: water efficiency.

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was APPR. SUSPENSE FILE on 5/10/2017)

Summary: Would require each urban retail water supplier to develop a water efficiency target, as defined, for 2025 in its 2020 urban water management plan required to be submitted by July 1, 2021, and to achieve that target. The bill would authorize an urban retail water supplier to adjust and update the water efficiency target, as appropriate, when the supplier reports its compliance in achieving the water efficiency targets and its implementation of the identified performance measures in its 2025 urban water management plan required to be submitted by July 1, 2026. The bill would require each urban retail water supplier to meet its adjusted 2025 water efficiency target by December 31, 2025, unless the supplier makes a certain report to the department.

Position
Support

Priority
Dead Bill

Notes 1: See AB 1668/SB 606 bill package.

AB 1000

Friedman D) Water conveyance: use of facility with unused capacity.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 9/1/2017)

Summary: Current law prohibits the state or a regional or local public agency from denying a bona fide transfer of water from using a water conveyance facility that has unused capacity for the period of time for which that capacity is available, if fair compensation is paid for that use and other requirements are met. This bill would, notwithstanding that provision, prohibit a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands, as defined, that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands.

Position
Opposition

Priority
Dead Bill

AB 1050

Allen, Travis R) California Endangered Species Act: Delta smelt.

Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was W.,P. & W. on 3/27/2017)

Summary: The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened

species and requires the commission to add or remove species from either list if it finds, upon the receipt of sufficient scientific information, that the action is warranted. The act prohibits the taking of an endangered or threatened species, except as specified. This bill would require the commission to remove the Delta smelt from the endangered species list.

Position Priority

AB 1323

(Weber D) Sustainable water use and demand reduction: stakeholder workgroup.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 9/1/2017)

Summary: Would, with a specified exception, require the Department of Water Resources to convene a stakeholder workgroup with prescribed representatives invited to participate, including, among others, representatives of the department and the State Water Resources Control Board, no later than February 1, 2019. The bill would require the stakeholder workgroup to develop, evaluate, and recommend proposals for establishing new water use targets for urban water suppliers and to examine and report to the Governor and the Legislature by December 31, 2019, as specified.

Position Priority
Watch Dead Bill

AB 1369

(Gray D) Water quality and storage.

Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was W.,P. & W. on 3/27/2017)

Summary: Current law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund. This bill would require the Department of Water Resources to increase statewide water storage capacity by 25% by January 1, 2025, and 50% by January 1, 2050, as specified.

Position Priority
Watch Dead Bill

AB 1442

(Allen, Travis R) Bonds: transportation: water projects.

Status: 2/1/2018-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary: Would provide that no further bonds shall be sold for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase 1 blended system. The bill, subject to the above exception, would require redirection of the unspent proceeds received from outstanding bonds issued and sold for other high-speed rail purposes prior to the effective date of these provisions, upon appropriation, for use in retiring the debt incurred from the issuance and sale of those outstanding bonds.

Position Priority

AB 1543

(Gloria D) Municipal water districts: bonds.

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was PRINT on 2/17/2017)

Summary: Current law authorizes a municipal water district to issue bonds for the purpose of providing money required to be paid to any district or authority organized under the Metropolitan Water District Act or the County Water Authority Act for a certain purpose, and specifies that the amount of those bonds may include the expenses of all proceedings for the authorization, issuance, and sale of the bonds. This bill would make nonsubstantive changes in that provision.

Position Priority
Watch Dead Bill

AB 1605

(Caballero D) Maximum contaminant level: nitrate: replacement water.

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was JUD, on 5/1/2017)

Summary: The California Safe Drinking Water Act, requires the state board to administer provisions relating to the regulation of drinking water to protect public health and vests with the state board specified responsibilities. This bill would prohibit a person or entity providing replacement water, as defined, to address drinking water that exceeds the maximum contaminant level for nitrate in groundwater from being deemed to have caused pollution or a nuisance, or from being liable for negligence or trespass, if certain conditions are met.

Position
Priority
Dead Bill

AB 1654

(Rubio D) Labor Code Private Attorneys General Act of 2004: construction industry.

Status: 8/31/2018-From committee: That the Senate amendments be concurred in. (Ayes 7. Noes 0.) (August 31). Senate amendments concurred in. To Engrossing and Enrolling.

Summary: The Labor Code Private Attorneys General Act of 2004 authorizes an aggrieved employee to bring a civil action to recover specified civil penalties that would otherwise be assessed and collected by the Labor and Workforce Development Agency, on behalf of the employee and other current or former employees for the violation of certain provisions affecting employees. This bill would except from the act an employee in the construction industry, as defined, with respect to work performed under a valid collective bargaining agreement in effect any time before January 1, 2025, that contains certain provisions, including, among others, a grievance and binding arbitration procedure to redress violations that authorizes the arbitrator to award otherwise available remedies.

Position
Priority

Notes 1: NOTE: This bill was part of the original Conservation as a Way of Life package. Here is the original digest:

Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. Existing law requires agricultural water suppliers to prepare and adopt agricultural water management plans with specified components on or before December 31, 2012, and to update those plans on or before December 31, 2015, and on or before December 31 every 5 years thereafter. Existing law sets forth various findings and declarations related to water conservation.

AB 1667

(Friedman D) Water management planning.

Status: 6/29/2018-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. 2 YEAR on 7/14/2017)

Summary: Would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to adopt long-term standards for urban water conservation and water use on or before May 20, 2021. The bill would also require the board, in consultation with the department, to adopt performance measures for commercial, industrial, and institutional water use on or before that date.

Position
Support
Priority
Dead Bill

Notes 1: Part of the original bill package for Conservation as a Way of Life, which later became SB 606 and AB 1668.

AB 1668

(Friedman D) Water management planning.

Status: 5/31/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 15, Statutes of 2018.

Summary: Would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water, as provided, and performance measures for commercial, industrial, and institutional water use on or before June 30, 2022. The bill would require the department, in coordination with the board, to conduct necessary studies and investigations and make recommendations, no later than October 1, 2021, for purposes of these standards and performance measures.

Position
Support
Priority
A. Priority
Support/Oppose

AB 1669

(Friedman D) Urban water conservation standards and use reporting.
Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was APPR. SUSPENSE FILE on 5/10/2017)
Summary: Would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to adopt long-term standards for urban water conservation and water use by May 20, 2021. The bill would authorize the board, in consultation with the department, to adopt interim standards for urban water conservation and water use by emergency regulation. The bill would require the board, before adopting an emergency regulation, to provide at least 60 days for the public to review and comment on the proposed regulation and would require the board to hold a public hearing.

Position Priority

Notes 1: The relevant language of this bill was incorporated into the AB 1668/SB 606 bill package.

AB 1876

(Frazier D) Sacramento-San Joaquin Delta: Delta Plan: administration.
Status: 4/27/2018-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 1/29/2018)
Summary: The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which consists of 7 members, and requires the council to develop, adopt, and commence implementation of a comprehensive management plan for the Delta, known as the Delta Plan. This bill would make the provisions establishing the Delta Stewardship Council inoperative on July 1, 2020. The bill would provide for the Delta Protection Commission, on that date, to succeed to, and to be vested with, the duties, powers, purposes, responsibilities, and jurisdiction vested in the council as of June 30, 2020.

Position Priority
Opposition Dead Bill

AB 1987

(Mathis R) Water and Wastewater Loan and Grant Program.
Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. APPR. SUSPENSE FILE on 4/18/2018)
Summary: Current law authorizes the State Water Resources Control Board to establish the Water and Wastewater Loan and Grant Program, to the extent funding is made available, to provide funding to eligible applicants for specified purposes relating to drinking water and wastewater treatment. This bill would appropriate \$50,000,000 from the General Fund to the board for the program.

Position Priority

AB 2038

(Gallagher R) Countywide drought and water shortage contingency plans.
Status: 4/27/2018-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 2/16/2018)
Summary: Would require the Department of Water Resources, no later than January 1, 2020, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and would require the department to notify counties and groundwater sustainability agencies of those suppliers or communities.

Position Priority
C. Spot Bill

AB 2042

(Steinorth R) Personal income tax credits: residential graywater reuse systems.
Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. APPR. SUSPENSE FILE on 5/9/2018)
Summary: The Personal Income Tax Law allows various credits against the taxes imposed by that law. Existing law requires any bill authorizing a new tax credit to contain, among other things, specific goals, purposes, and objectives that the tax credit will achieve, detailed performance indicators, and data collection requirements. This bill, for taxable years beginning on or after January 1, 2019, and before January 1, 2024, would allow as a credit against the net tax imposed by that law equal to 25% of the cost of installing a residential graywater reuse system during the taxable year in the taxpayer's residence located in this state.

Position Priority

AB 2050

(Caballero D) Small System Water Authority Act of 2018.

Status: 9/5/2018-Enrolled and presented to the Governor at 3 p.m.
 Summary: Would create the Small System Water Authority Act of 2018 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2019, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for 4 consecutive quarters, with one or more state or federal primary drinking water standard maximum contaminant levels as of December 31, 2018, as specified.

Position
Support

Priority

A. Priority
Support/Oppose

AB 2060

(Garcia, Eduardo D) Water: grants: advanced payments.

Status: 9/6/2018-Enrolled and presented to the Governor at 3 p.m.

Summary: Would require the State Water Resources Control Board, within 60 days of awarding a grant from the grant fund, to provide a project proponent that requests an advanced payment and satisfies certain criteria with the requested advanced payment, up to a maximum of \$500,000 or 50% of the grant award, whichever is less, for projects in which the project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community. The bill would require the advanced funds to be handled as prescribed.

Position
Watch

Priority

B. Watch

AB 2064

(Gloria D) Integrated regional water management plans: grants: advanced payment.

Status: 9/6/2018-Enrolled and presented to the Governor at 3 p.m.

Summary: Current law, until January 1, 2025, requires a regional water management group, within 90 days of notice that a grant has been awarded, to provide the Department of Water Resources with a list of projects to be funded by the grant funds if the project proponent is a nonprofit organization or a disadvantaged community or the project benefits a disadvantaged community. Current law requires the department, within 60 days of receiving this project information, to provide advanced payment of 50% of the grant award for those projects that satisfy specified criteria. The bill, until January 1, 2025, would require the department to provide a project proponent that requests advanced payment and satisfies certain criteria with advanced payment for those projects of \$500,000 or 50% of the grant award, whichever is less.

Position
Watch

Priority

B. Watch

AB 2072

(Quirk D) State Water Resources Control Board: constituents of emerging concern.

Status: 5/25/2018-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/4/2018)

Summary: Would require the State Water Resources Control Board, to the extent that the state board determines funds are available, to establish and maintain a dedicated program to research the potential effects of constituents of emerging concern in water sources on human and ecosystem health, as prescribed.

Position

Priority

Dead Bill

AB 2241

(Rubio D) The Open and Transparent Water Data Act.

Status: 5/25/2018-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/9/2018)

Summary: The Open and Transparent Water Data Act requires the Department of Water Resources, the State Water Resources Control Board, and the

Department of Fish and Wildlife to coordinate and integrate existing water and ecological data from local, state, and federal agencies. This bill would require the Department of Water Resources, the board, and the Department of Fish and Wildlife to work to improve the open and transparent access to data by reducing the fractured or duplicative reporting of the same or similar data to multiple governmental agencies or departments, and by reducing the reporting burden on entities providing data to governmental agencies.

Position
Watch

Priority
Dead Bill

[AB 2242](#)

[\(Rubio D\)](#) Urban water management planning.

Status: 6/1/2018-Failed Deadline pursuant to Rule 61(b)(11). (Last location was A. INACTIVE FILE on 6/4/2018)

Summary: Would require an urban water supplier to include in its urban water management plan an assessment of the reliability of its water service, as specified, to its customers during normal, dry, and multiple dry years, including a repeat of the 5 consecutive historic driest years the urban water supplier has experienced.

Position

Priority
C. Spot Bill

[AB 2258](#)

[\(Caballero D\)](#) Local agency formation commissions: grant program.

Status: 9/10/2018-Enrolled and presented to the Governor at 3:30 p.m.

Summary: Would require the Strategic Growth Council, until July 31, 2024, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission.

Position
Watch

Priority
B. Watch

[AB 2266](#)

[\(Bigelow R\)](#) Urban water management plans: adoption.

Status: 4/27/2018-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 3/15/2018)

Summary: The Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan within one year after it becomes an urban water supplier. Currentlaw declares that the act is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies meet existing and future demands for water. This bill would instead require those urban water suppliers to prepare and adopt urban water management plans within 2 years after becoming urban water suppliers.

Position

Priority
C. Spot Bill

[AB 2283](#)

[\(Holden D\)](#) Income taxes: exclusion: turf removal water conservation program.

Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. APPR. SUSPENSE FILE on 4/4/2018)

Summary: The Personal Income Tax Law and the Corporation Tax Law, for taxable years beginning on or after January 1, 2014, and before January 1, 2019, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf removal water conservation program. This bill would extend the operation of those provisions to January 1, 2024.

Position
Support

Priority
Dead Bill

[AB 2339](#)

[\(Gipson D\)](#) Water utility service: sale of water utility property by a city.

Status: 9/6/2018-Enrolled and presented to the Governor at 3 p.m.

Summary: Would authorize the City of El Monte, the City of Montebello, and the City of Willow, until January 1, 2022, to sell its public utility for furnishing water service for the purpose of consolidating its public water system with another public water system pursuant to the specified procedures, only if the potentially subsumed water system is wholly within the boundaries of the city, if the city determines that it is uneconomical and not in the public interest to own and operate the public utility, and if certain requirements are met. The bill would prohibit the city from selling the public utility for one year if 50% of interested persons, as defined, protest the sale.

Position
Watch

Priority
B. Watch

[AB 2371](#)

([Carrillo D](#)) Water use efficiency: landscape irrigation.

Status: 9/10/2018-Enrolled and presented to the Governor at 3:30 p.m.

Summary: The Contractors' State License Law provides for the licensing by written examination and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Current law requires the Contractors' State License Board to periodically review and, if needed, revise the contents of qualifying examinations to ensure that the examination questions are timely and relevant to the business of contracting. This bill, before revision of the landscaping contractor examination, would require the Contractors' State License Board to confer with specified entities to determine whether any updates or revisions to the examination are needed to reflect new and emerging landscape irrigation efficiency practices, as specified.

Position

Priority

C. Spot Bill

[AB 2501](#)

([Chu D](#)) Drinking water: state administrators: consolidation and extension of service.

Status: 8/31/2018-Re-referred to Com. on E.S. & T.M. pursuant to Assembly Rule 77.2. Joint Rule 62(a), file notice suspended. From committee: That the Senate amendments be concurred in. (Ayes 6. Noes 1.) (August 31). Senate amendments concurred in. To Engrossing and Enrolling.

Summary: The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to fulfill certain requirements, including, among other things, to hold a public meeting, and to establish a reasonable deadline, as prescribed, for a potentially receiving water system and a potentially subsumed water system to negotiate consolidation or another means of providing an adequate supply of affordable, safe drinking water. The act requires the state board to conduct a public hearing at the expiration of the reasonable deadline, as specified. This bill would revise and recast these provisions.

Position

Priority

[AB 2516](#)

([Eggman D](#)) Dams: reservoir restrictions.

Status: 9/6/2018-Enrolled and presented to the Governor at 3 p.m.

Summary: Would require the Department of Water Resources to post, and update annually, on its Internet Web site a report containing the name of each reservoir subject to a restriction and the reservoir's associated downstream hazard potential classification, the effective date of the reservoir restriction, the reason for the restriction, and any actions, planned or completed, that the dam owner reports to address the restriction. The bill, if no reservoir restrictions are in effect, would require the department to post this fact on its Internet Web site.

Position

Priority

[AB 2538](#)

([Rubio D](#)) Municipal separate storm sewer systems: financial capability analysis.

Status: 9/10/2018-Enrolled and presented to the Governor at 3:30 p.m.

Summary: Would require the State Water Resources Control Board, by July 1, 2019, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions.

Position

Priority

C. Spot Bill

[AB 2541](#) ([Salas D](#)) *Safe Drinking Water State Revolving Fund: project financing: severely disadvantaged communities. Status: 8/27/2018--Approved by the Governor. Chaptered by Secretary of State - Chapter 217, Statutes of 2018. Summary: Current law authorizes the State Water Resources Control Board, to the extent permitted by federal law, to provide grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system with a service area that qualifies as a severely disadvantaged community if the water system demonstrates that repaying a Safe Drinking Water State Revolving Fund loan with interest would result in unaffordable water rates, as defined. This bill would instead authorize the board, to the extent permitted by federal law, to provide up to 100% grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system that serves a severely disadvantaged community.*

Position
Priority
C. Spot Bill

[AB 2649](#) ([Bloom D](#)) *State Water Project: water supply contracts. Status: 8/31/2018--Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 8/27/2018) Summary: This bill would require the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors, or that would permanently transfer a contractual water amount between contractors. The bill would require the department, before the execution of a specified proposed amendment to a long-term water supply contract and not later than 60 days before final approval of such a proposed amendment, to submit to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature certain information regarding the terms and conditions of a proposed amendment of a long-term water supply contract and to submit a copy of the long-term contract as it is proposed to be amended.*

Position
Priority
C. Spot Bill

[AB 2692](#) ([Arambula D](#)) *Drinking water: infrastructure funding. Status: 4/27/2018--Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 3/19/2018) Summary: Would require the Treasurer to establish the California Safe Drinking Water Revolving Loan Program to provide loans to public water systems to address critical water infrastructure needs of those systems. The bill would establish the California Safe Drinking Water Revolving Loan Fund in the State Treasury and would require the Treasurer, upon appropriation by the Legislature, to expend moneys in the fund for the above purpose.*

Position
Priority
C. Spot Bill

[AB 2815](#) ([Gray D](#)) *Water rights: appropriations of water. Status: 5/11/2018--Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/16/2018) Summary: Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Current law requires the board to consider and act upon all applications for permits to appropriate water. Existing law provides that in relation to applications, permits, or licenses to appropriate water, the terms stream, lake or other body of water, or water refers only to surface water and to subterranean streams flowing through known and definite channels. This bill would make nonsubstantive changes in the latter provision.*

Position
Priority
C. Spot Bill

[AB 2937](#) ([Nazarian D](#)) *The California Water Plan.*

*Status: 5/11/2018-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/16/2018)
Summary: Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as The California Water Plan. This bill would make nonsubstantive changes to that requirement.*

Position
Priority
C. Spot Bill

[AB 2957](#) ([Gallagher R](#)) *Water: University of California: California Institute for Water Innovation and Technology: corporate income taxes: credit: water technology.*
*Status: 5/25/2018-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/16/2018)
Summary: Would request the Regents of the University of California to establish the California Institute for Water Innovation and Technology in order to achieve specified goals, including developing California's next generation of water professionals and technicians and growing the state's economy by creating new opportunities for jobs in water research, management, and technology. The bill would request the regents to locate the institute at a satellite campus within the City of Oroville, or in the County of Butte downstream of Lake Oroville.*

Position
Priority
C. Spot Bill

[AB 3035](#) ([Rubio D](#)) *Water supply.*
*Status: 5/11/2018-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/16/2018)
Summary: Current law authorizes local and regional public agencies that are authorized by law to serve water to the persons or entities within the service area of the agency to sell, lease, exchange, or otherwise transfer water for use outside the agency, as specified. Current law makes findings and declarations relating to local or regional level water management decisions. This bill would make a nonsubstantive change in the latter provision.*

Position
Priority
C. Spot Bill

[AB 3062](#) ([Harper R](#)) *Recycled water: recycling criteria.*
*Status: 5/11/2018-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/16/2018)
Summary: Current law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board to establish uniform statewide recycling criteria for each varying type of use of recycled water if the use involves the protection of public health. The act defines recycling criteria to mean the levels of constituents of recycled water, and the means for assurance of reliability under the design concept that will result in recycled water that is safe for the uses to be made. This bill would make nonsubstantive changes to that definition.*

Position
Priority
C. Spot Bill

[AB 3170](#) ([Friedman D](#)) *Sales and use taxes: exemptions: water efficiency.*
*Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. APPR. SUSPENSE FILE on 4/25/2018)
Summary: Would, until January 1, 2024, exempt from sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption of, qualified water efficiency products sold or purchased during the 3-day period beginning at 12:01 a.m. on the Saturday preceding the last Monday in March, and ending at 11:59 p.m. on the following Monday in March, or for which a layaway agreement is entered into, a raincheck is issued, or other specified orders are placed, during this period, as specified.*

Position
Priority

[AB 3206](#) ([Friedman D](#)) *Water conservation: water meters: accuracy and performance standards.*

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/6/2018)
Summary: Would require the State Energy Resources Conservation, on or before January 1, 2020, to the extent that funding is available, to adopt regulations setting standards for the accuracy of water meters, as described, that, on or after the effective date of those regulations, are installed by a water purveyor or manufactured and sold or offered for sale in the state. The bill would include an exception for a water meter that, as of the effective date of the regulations, a water purveyor possesses, or has entered into a contract to purchase, and has not yet installed.

Position
Watch

Priority
B. Watch

AB 3214

(Fong R) Water appropriations: permits.
Status: 5/11/2018-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/16/2018)
Summary: Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Current law requires the board to consider and act upon all applications for permits to appropriate water. This bill would make a nonsubstantive change to those provisions.

Position

Priority
C. Spot Bill

ACA 28

(Mathis R) Water: projects: funding.
Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. PRINT on 2/26/2018)
Summary: Would provide that, in addition, from specified state revenues, there shall be set apart, in unspecified percentages, moneys to be applied by the state for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 and of the amount remaining, for specified water projects of the Department of Water Resources and the State Water Resources Control Board, as provided.

Position

Priority

SB 32

(Moorlach R) California Public Employees' Pension Reform Act of 2018.
Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was P.E. & R. on 3/8/2017)
Summary: Would create the Citizens' Pension Oversight Committee to serve in an advisory role to the Teachers' Retirement Board and the Board of Administration of PERS. The bill would require the committee, on or before January 1, 2019, and annually thereafter, to review the actual pension costs and obligations of PERS and STRS and report on these costs and obligations to the public.

Position

Priority

SB 57

(Stern D) Natural gas storage: moratorium.
Status: 2/1/2018-Died on file pursuant to Joint Rule 56.
Summary: The Public Utilities Commission under current law, is authorized to supervise and regulate every public utility in the state. Current law requires the commission, no later than July 1, 2017, to open a proceeding to determine the feasibility of minimizing or eliminating use of the Aliso Canyon natural gas storage facility located in the County of Los Angeles while still maintaining energy and electric reliability for the region, and to consult with specified entities in making its determination. This bill would require the supervisor to continue that prohibition until a specified root cause analysis of the natural gas leak from the facility that started approximately October 23, 2015, has been completed and released in its entirety to the public.

Position

Priority

Notes 1: Original digest:

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to

appropriate water. Existing law requires an application for a permit to appropriate water to include, among other things, sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation. Existing law requires the board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Existing law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Existing law declares that no hearing is necessary to issue a permit in connection with an unprotested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing.

SB 146

(Wilk R) Water resources: permit to appropriate: protected species.

Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was N.R. & W. on 1/26/2017)

Summary: Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Current law prohibits the taking or possession of a fully protected fish, except as provided, and designates the unarmored threespine stickleback as a fully protected fish. This bill would prohibit the board from issuing on or after January 1, 2018, a new permit to appropriate water from any river or stream that has, or is reasonably expected to have, a population of unarmored threespine stickleback.

Position	Priority
	Dead Bill

Notes 1: ACWA opposed

SB 606

(Hertzberg D) Water management planning.

Status: 5/31/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 14, Statutes of 2018.

Summary: Would require an urban retail water supplier to calculate an urban water use objective no later than November 1, 2023, and by November 1 every year thereafter, and its actual urban water use by those same dates. The bill would require an urban retail water supplier to submit a report to the department for these purposes by those dates. The bill would authorize the State Water Resources Control Board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, as specified. The bill would authorize the board to waive these requirements for a period of up to 5 years, as specified.

Position	Priority
Support	A. Priority
	Support/Oppose

Notes 1: 2nd bill in Making Conservation a Way of Life bill package.

SB 623

(Monning D) Water quality: Safe and Affordable Drinking Water Fund.

Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. RLS. on 9/1/2017)

Summary: Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the board to administer the fund to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, bequests, and settlements from parties responsible for contamination of drinking water supplies.

Position	Priority
Opposition	Dead Bill

Notes 1: The public goods charge bill.

SB 750

(Hueso D) Vehicles: license plate pilot programs.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 9/1/2017)

Summary: Current law authorizes the Department of Motor Vehicles to conduct a pilot program, to be completed no later than January 1, 2019, to evaluate the use of alternatives to stickers, tabs, license plates, and registration cards, subject to certain requirements, and to report the results of the pilot program, as

specified, to the Legislature no later than July 1, 2020. Current law also authorizes the department to enter into contracts with qualified private industry partners to provide specified service relating to the registration of vehicles. This bill would specify that the authorization to establish the above-mentioned pilot program includes the authority to establish a pilot program to evaluate alternative methods of collecting fees related to the registration of a motor vehicle or the purchase, renewal, or transfer of license plates.

Position Priority

[SB 778](#)

([Hertzberg D](#)) Water systems: consolidations: administrative and managerial services.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 9/1/2017)

Summary: Would require, on or before March 1, 2018, and regularly thereafter, as specified, the State Water Resources Control Board to track and publish on its Internet Web site an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after July 1, 2014. The bill would require the published information to include the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate supply of safe drinking water to the communities served by the consolidated water systems.

Position Priority
Watch Dead Bill

[SB 919](#)

([Dodd D](#)) Water resources: stream gages.

Status: 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/8/2018)

Summary: Would require the Department of Water Resources and the State Water Resources Control Board, upon appropriation by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages, as specified. The bill would require the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species.

Position Priority

[SB 952](#)

([Anderson R](#)) Water conservation: local water supplies.

Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 1/30/2018)

Summary: Would state the intent of the Legislature to enact legislation that would require the State Water Resources Control Board to recognize local water agency investment in water supply and will ensure that local agencies receive sufficient credit for these investments in meeting any water conservation or efficiency mandates.

Position Priority
Watch C. Spot Bill

[SB 966](#)

([Wiener D](#)) Onsite treated nonpotable water systems.

Status: 9/10/2018-Enrolled and presented to the Governor at 4 p.m.

Summary: Would, on or before December 1, 2022, require the State Water Resources Control Board, in consultation with the California Building Standards Commission and the Department of Housing and Community Development, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water, as provided. The bill would authorize the state board to contract with public or private entities regarding the content of the standards.

Position Priority
Watch B. Watch

[SB 979](#)

([Cannella R](#)) Water Quality, Supply, and Infrastructure Improvement Act of 2014.

*Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/1/2018)
Summary: The Water Quality, Supply, and Infrastructure Improvement Act of 2014 provides that the sum of \$810,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. The bond act requires \$200,000,000 of that amount to be available for grants for multibenefit stormwater management projects. This bill would make a nonsubstantive change in those grant provisions.*

Position
Watch
Priority
C. Spot Bill

[SB 998](#)

*(Dodd D) Discontinuation of residential water service: urban and community water systems.
Status: 9/6/2018-Enrolled and presented to the Governor at 4 p.m.*

Summary: Would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in prescribed languages. The bill would require the policy to include certain components, be available on the system's Internet Web site, and be provided to customers in writing, upon request.

Position
Oppose unless amended
Priority
A. Priority
Support/Oppose

[SB 1301](#)

(Beall D) State permitting: environment: processing procedures: dam safety or flood risk reduction project.

Status: 9/10/2018-Enrolled and presented to the Governor at 4 p.m.

Summary: Would require the Office of Planning and Research to develop a joint multiagency preapplication for supplemental consultation and a model fee-for-service agreement, in consultation with a state agency with the power to issue a permit that would authorize a dam safety project or authorize a flood risk reduction project and any interested potential project applicants. The bill would authorize a project applicant to complete a joint multiagency preapplication and submit the preapplication to each state agency named in the preapplication at any time.

Position
Priority

[SB 1461](#)

(Wilk R) Water corporations: rates: rate of return.

Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/16/2018)

Summary: Under current law, the Public Utilities Commission has regulatory authority over public utilities, including water corporations. Current law authorizes the commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. This bill would state the intent of the Legislature to enact legislation reforming the rate of return earned by water corporations.

Position
Priority
C. Spot Bill

[SCA 4](#)

(Hertzberg D) Water conservation.

Status: 8/31/2018-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/2/2017)

Summary: The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. This measure would declare the intent of the Legislature to amend the California Constitution to provide a program that would ensure that affordable water is available to all Californians and to ensure that water conservation is given a permanent role in California's future.

Position
Watch
Priority
Dead Bill

Notes 1: Possible future action item depending on amendments.

Total Measures: 75

Total Tracking Forms: 75

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Item 1f

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 732 Frazier (D)</p> <p>Sponsor: Author</p>	<p>Amended 5/30/17</p> <p>Held in Senate Appropriations Committee</p>	<p>Delta Levee Maintenance: Delta levee maintenance program was established for reimbursement of costs incurred in connection with maintenance or improvement of projects or non-project levees in the Sacramento-San Joaquin Delta. AB 732 extends the current 75% state reimbursement rate for Delta levee maintenance costs in excess of \$1,000 per mile, until July 1, 2020.</p>	<p>WATCH</p> <p>based upon prior position on SB 554 (Wolk) from 2016</p>	<p>Metropolitan dropped its opposition to AB 732 after the Delta Stewardship Council directed staff to enter into a Memorandum of Understanding with the Central Valley Flood Protection Board (CVFPB) and DWR to develop and recommend a new set of guidelines, including a methodology and local agency requirements for evaluating a local agency's ability to pay for cost of levee maintenance or improvements under the Delta Levee Subventions Program.</p> <p>SB 854, the Public Resources budget trailer bill, ultimately became the legislative vehicle to make permanent changes to the Delta Levee Subventions Program (Chapter 51, Statues of 2018).</p>
<p>AB 747 Caballero (D)</p> <p>Sponsor: Author</p>	<p>Amended 8/28/18</p> <p>Governor's Desk</p>	<p>State Water Resources Control Board (SWRCB) - Administrative Hearing Office: Creates, within the SWRCB, an Administrative Hearings Office, effective July 1, 2019, to ensure that water rights matters are resolved in timely manner.</p>	<p>SUPPORT</p> <p>based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>AB 747 would allow the SWRCB to designate impartial hearing officers to conduct hearings on certain water rights matters. This structure could allow for more efficient resolution of certain enforcement actions and other matters before the SWRCB.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 869 Rubio (D) Sponsor: Author</p>	<p>Amended 8/24/17 Held in Senate Natural Resources and Water Committee</p>	<p>Recycled Water: Required long-term standards for urban water use conservation and water use to include credit for recycled water, as specified. Provided that water conservation does not include curtailment of use of recycled water. Prohibited urban retail water supplier from being required to reduce amount of recycled water it produces, sells or distributes for beneficial potable or nonpotable uses during period when water conservation measures are in effect.</p>	<p>SUPPORT IF AMENDED based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>AB 869 was consistent with provisions found in SB 606 (Skinner/Hertzberg) and AB 1668 (Friedman), with a few distinctions. Recognizes that recycled water is an efficient use and should be treated as such in any new water use efficiency targets, although expands credit specified in SB 606 and AB 1668 to include nonpotable recycled water. Attempted to override authority extended to Governor under Emergency Services Act regarding curtailment of potable and nonpotable recycled water.</p>
<p>AB 1270 Gallagher (R) Sponsor: Author</p>	<p>Amended 1/22/18 Signed by Governor on 2/26/18 Chapter 3, Statutes of 2018</p>	<p>Dams and Reservoirs – Inspections and Reporting: Requires DWR to inspect dams, reservoirs, and critical appurtenant structures within its jurisdiction once per fiscal year, with the exception of low hazard potential dams which shall receive inspections, at a minimum, every two fiscal years. Also requires owners to disclose information sufficient to enable DWR to determine conditions of dams, reservoirs, and critical appurtenant structures regarding their safety and to perform, at the owner’s expense, other work necessary to secure maintenance and operation that will safeguard life and property.</p>	<p>WATCH (1/22/18)</p>	<p>Based upon Metropolitan’s decades of experience in building, monitoring, maintaining and operating more than 20 dams within the district’s regional water distribution system, the bill addresses security and inspection concerns previously identified.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 1323 Weber (D) Sponsor: San Diego County Water Authority</p>	<p>Amended 5/30/17 Held in Senate Appropriations Committee</p>	<p>Water Efficiency Targets: Provided that if a statute is not chaptered during 2017-18 legislative session to establish water conservation targets and long-term drought contingency planning, DWR would convene stakeholder workgroup by February 1, 2019, to develop, evaluate and recommend proposals for establishing new water use targets for urban retail water suppliers.</p>	<p>SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>Metropolitan supports state agency implementation of a framework consistent with the water use efficiency goals set by the Legislature by working through a stakeholder process to ensure the goals are met in a way that recognizes the unique challenges of agencies throughout California.</p>
<p>AB 1667 Friedman (D) Sponsor: Author</p>	<p>Amended 7/3/17 Held in Senate Natural Resources and Water Committee</p>	<p>Water Management Planning: Reflected the Brown Administration's June 2017 proposal to implement Executive Order B-37-16 and the framework contained in the report Making Water Conservation a California Way of Life for urban and agricultural water usage and drought planning.</p>	<p>SUPPORT IF AMENDED based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>AB 1667 was consistent, in part, with the policy priorities adopted by Metropolitan's board. There were specific provisions, however, that required revisions to merit full support.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 1668 Friedman (D) Sponsor: Author</p>	<p>Amended 5/3/18 Signed by Governor on 5/31/18 Chapter 15, Statutes of 2018</p>	<p>Water Management Planning: Sets targets for indoor residential water use and performance measures for CII water. References the Model Water Efficient Landscape Ordinance (MWLEO) for outdoor water use. Also clarifies SWRCB enforcement authority for non-compliance; updates agricultural water use efficient requirements; and provides for countywide and small system drought planning.</p>	<p>SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>AB 1668 recognizes the Legislature's critical role in providing appropriate oversight to implementation of water conservation efforts by the Department of Water Resources and the State Water Resources Control Board, while preserving local decision making.</p> <p>AB 1668 includes a water-budget based target-setting approach that could be customized to unique location conditions and could be equally effective in reducing water use. Final amendments to bill ensure CII performance measures are cost effective and technically feasible; clarify application of enforcement provisions and MWELO requirements; and authorizes a 15% bonus incentive for existing potable reuse projects, as defined.</p>
<p>AB 1876 Frazier (D) Sponsor: Author</p>	<p>Amended 4/3/18 Assembly Water, Parks and Wildlife Committee; failed passage on 4/24/18</p>	<p>Delta Plan: Sought to abolish the Delta Stewardship Council and proposed to transfer its duties on July 1, 2020, to the Delta Protection Commission, a body that is dominated by in-Delta interests.</p>	<p>OPPOSE based upon June 2007 Board-adopted Delta Action Plan</p>	<p>The Delta is the largest estuary in the western hemisphere and the location of the largest water delivery systems in the nation. Comprehensive and balanced Delta planning and oversight cannot be accomplished by one region seeking to eliminate the voices of all others. AB 1876 represented a giant step backwards in a statewide approach to resolving and balancing statewide interests.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 2050 Caballero (D) Sponsors: Eastern MWD and CA Municipal Utilities Association	Amended 8/22/18 Governor's Desk	Small System Water Authority Act of 2018: Would enact the Small System Water Authority Act of 2018, which authorizes the creation of a small system water authority and requires consolidation of failing water systems into an authority.	SUPPORT as adopted by Board on 3/13/18	While laws have been enacted over the past several years to address access to safe drinking water, immediate and lasting changes to the governance structure of chronically noncompliant small systems are still necessary to protect public health and safety. AB 2050 provides another tool which could lead to more sustainable water systems that can effectively deliver safe and affordable drinking water to its residents.
AB 2062 Maisenschein (R) Sponsor: Author	Amended 4/30/18 Signed by Governor on 8/20/18 Chapter 165, Statutes of 2018	State Highways - Landscaping: Requires the Department of Transportation (CalTrans) to include California native wildflowers and climate-appropriate vegetation in planning projects, as specified.	SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17	Landscape water use on state highways should diminish with the installation of native plants and climate-appropriate vegetation. Leading by example, state highways could become a showcase to the public on the application of native plants in outdoor landscapes.

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p align="center">AB 2283 Holden (D)</p> <p>Sponsor: Author</p>	<p>Introduced 2/13/18</p> <p>Held in Assembly Appropriations Committee</p>	<p>Income Tax Exclusions – Turf Removal Water Conservation Programs: Would have extended, until December 1, 2024, the exclusion from gross income of any amount received as a rebate, voucher or other financial incentive issued by a local water agency or supplier for expenses incurred for participation in a turf removal water conservation program.</p>	<p>SUPPORT based upon past support of AB 2434 (Gomez), Chapter 738, Statutes of 2014</p>	<p>Extending the existing tax exclusion by five years would have provided relief to state taxpayers and could have encouraged participation in turf removal programs. In January 2014, Metropolitan added turf removal to the SoCal WaterSmart Regional Program, making it available to customers throughout the service area.</p>
<p align="center">AB 2543 Eggman (D)</p> <p>Sponsor: Author</p>	<p>Amended 3/13/18</p> <p>Governor's Desk</p>	<p>State Agencies - Infrastructure Project Budget and Schedule: Would require state agencies to publicly report significant changes in the cost or schedule of large and complex infrastructure projects. The bill seeks to incorporate a recommendation from the October 2017 report on CA WaterFix by the State Auditor General.</p>	<p>OPPOSE based upon June 2007 Board-adopted Delta Action Plan</p>	<p>While an open and transparent project delivery process is important to public agencies and their customers, the bill is vague in its terminology and application to state infrastructure projects. Project opponents could use an alleged violation of the reporting requirement to bring any action to halt, delay or modify a project.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p align="center">AB 2545 Gallagher (R)</p> <p>Sponsor: California Farm Bureau Federation</p>	<p align="center">Amended 5/25/18</p> <p align="center">Held in Senate Natural Resources and Water Committee</p>	<p align="center">Lake or Streambed Alteration Agreements (LSAA): Complete rewrite. South to direct the CA Department of Fish and Wildlife (CDFW) to develop a general agreement alternative to a project-specific LSAA.</p>	<p align="center">SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>The process to obtain a LSAA, under the existing regulatory framework, can take upwards of nine months, and CDFW has often required a number of seasonal constraints, conditions and mitigation requirements for perceived impacts to fish and wildlife resources. LSAA's typically do not allow for flexibility in project scheduling without going through another regulatory process to amend the LSAA which can interfere with Metropolitan's ability to safely and efficiently maintain its facilities.</p> <p>AB 2545 provided an alternative to a project-specific LSAA by directing CDFW to develop a general agreement.</p>
<p align="center">AB 2649 Arambula (D)</p> <p>Sponsor: Author</p>	<p align="center">Amended 8/28/18</p> <p align="center">Senate Rules Committee</p>	<p>State Water Project: Water Supply Contracts: Complete rewrite of bill. Existing law requires that at least 60 days prior to the final approval of the renewal or extension of a long-term water supply contract between Department of Water Resources (DWR) and any State Water Project (SWP) contractor, DWR is required to present the contract terms, conditions and details to the Joint Legislative Budget Committee (JLBC) during an informational hearing. AB 2649 would have expanded the transparency requirements for DWR on significant amendments to the SWP contract going forward.</p>	<p align="center">SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>AB 2649 was completely rewritten to reflect a compromise between the Joint Legislative Budget Committee chair and DWR. The bill would have eliminated any hearing requirement for SWP contract extensions in the future. The bill also required that DWR notify the JLBC and policy committees of jurisdiction on any significant amendments to the SWP contract as defined by the Monterey Agreement, such as CA WaterFix.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 2697 Gallagher (R)</p> <p>Sponsor: California Waterfowl and Pheasants Forever</p>	<p>Amended 8/21/18</p> <p>Governor's Desk</p>	<p>Water Transfers – Idled Agricultural Lands: Requires the Wildlife Conservation Board to establish an incentive program to encourage landowners to voluntarily cultivate or retain cover crops or other upland vegetation on idled lands to provide wildlife habitat for waterfowl and other game birds, provided the voters approve Proposition 3, on the November 2018 general election ballot, or should federal funding be secured for the purposes of the bill.</p>	<p>WATCH based upon past opposition to AB 472 (Frazier) in 2017</p>	<p>The bill leaves DWR's current water transfer program and guidelines intact. The existing program strikes a balance between encouraging cover crops and protecting water transfers.</p>
<p>AB 3045 Gallagher (R)</p> <p>Sponsor: Author</p>	<p>Amended 4/25/18</p> <p>Held in Assembly Appropriations Committee</p>	<p>Natural Resources Agency: State Water Project Commission: Proposed to transfer control of the SWP from the California Department of Resources to a newly formed State Water Project Commission, which would consist of Governor appointees.</p>	<p>OPPOSE based upon June 2007 Board-adopted Delta Action Plan</p>	<p>AB 3045 proposed sweeping changes in SWP governance, but without addressing the multitude of complex policy, legal and operational issues that the bill is intended to address. As the bill was written, it could have resulted in delays or disruptions of needed improvements to ensure the sustainability of the SWP.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p align="center">AB 3170 Friedman (D)</p> <p>Sponsor: Author</p>	<p align="center">Amended 4/16/18</p> <p align="center">Held in Assembly Appropriations Committee</p>	<p>Sales Tax Exemption: Authorized, until January 1, 2024, an annual three-day exemption from state sales tax for the purchase of qualified water efficiency products, including: rain barrels with a capacity of 100 gallons or more; soaker or drip-irrigation hoses; weather-based irrigation controllers; soil moisture-based control technologies; mulch and compost; WaterSense products; low-water use plants; and a permeable ground cover surface, other than living turf grass, that allows water to reach underground basins, aquifers, or water collection points.</p> <p>California Endangered Species Act (CESA): Makes numerous modifications to CESA, including, but not limited to, clarification that public agencies are covered under CESA; repealing the local voluntary agricultural program for routine and ongoing maintenance, except in one existing instance; requires the listing of endangered or threatened species by the Fish and Game Commission based solely upon best available scientific information; and proposes numerous other modifications to existing law.</p>	<p align="center">SUPPORT</p> <p>based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>Metropolitan and its member agencies will continue to strengthen their conservation outreach and rebate programs, focusing on new ways to help homeowners, businesses and communities change outdoor landscapes and gardens, where most water typically is used. AB 3170 sought to provide further financial incentives to make this transformation a reality and would have facilitated an aggressive approach to lowering water use.</p>
<p align="center">SB 473 Hertzberg (D)</p> <p>Sponsor: Author</p>	<p align="center">Amended 8/16/18</p> <p align="center">Governor's Desk</p>	<p>California Endangered Species Act (CESA): Makes numerous modifications to CESA, including, but not limited to, clarification that public agencies are covered under CESA; repealing the local voluntary agricultural program for routine and ongoing maintenance, except in one existing instance; requires the listing of endangered or threatened species by the Fish and Game Commission based solely upon best available scientific information; and proposes numerous other modifications to existing law.</p>	<p align="center">SUPPORT</p> <p>based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>SB 473 provides regulatory compliance flexibility, promotes consistent implementation of CESA and reduces regulatory duplication.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 532 Dodd (D) Sponsor: Author</p>	<p>Amended 8/23/18 Governor's Desk</p>	<p>Emergency Services - Cyberterrorism: Adds “cyberterrorism” to the list of conditions that are named in the Emergency Services Act that may be cited to support the proclamation of a state or local emergency.</p>	<p>SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>SB 532 would allow cities, counties and other public agencies to be eligible for emergency funding and assistance if cyberterrorism was deemed the cause of a state or locally-declared emergency.</p>
<p>SB 579 Galgiani (D) Sponsor: Author</p>	<p>Amended 8/24/18 Held in Assembly Rules Committee</p>	<p>Water Quality Control Plans - Alternative Measures: Would have amended the Water Code to ensure that the State Water Resources Control Board (SWRCB), in consultation with other appropriate agencies like the California Department of Fish and Wildlife and the California Natural Resources Agency, take into account the benefits to designated beneficial uses from both state-led and stakeholder-driven habitat restoration and adaptive management measures when it updates the Water Quality Control Plan for the Sacramento-San Joaquin Bay-Delta (Bay-Delta WQCP).</p>	<p>SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>SB 579 did not expand the SWRCB’s authority, but rather ensured that non-stream-flow measures like habitat restoration and adaptive management that are anticipated to result from voluntary, stakeholder-based negotiations among water rights holders in the Sacramento and San Joaquin River watersheds, are accounted for before the SWRCB adopts any updates to the Bay-Delta WQCP that affect stream flows.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 606 Hertzberg (D)</p> <p>Sponsor: Author</p>	<p>Amended 5/7/18</p> <p>Signed by Governor on 5/31/18</p> <p>Chapter 14, Statutes of 2018</p>	<p>Water Management Planning: Provides for the calculation of water use objectives by urban retail water supplies. Specifies SWRCB enforcement tools and timelines. Contains revisions to UWMP reporting and filing requirements. Provides for preparation of Water Shortage Contingency Plans and annual water supply and demand assessment by urban wholesaler and retailer water suppliers. Measure also recognizes that recycled water is an efficient use and should be treated as such in the calculation for new water use efficiency targets.</p>	<p>SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>Preserves the legislative process for setting water-use efficiency goals yet recognizes the role of state agencies to implement a detailed framework consistent with those goals. Bill contains numerous opportunities for stakeholder engagement to ensure requirements of the measure are met in a way that recognizes the unique challenges of water agencies throughout California. SB 606 preserves local and regional decision-making and control in determining actions to avoid shortage or mitigate shortage impacts.</p>
<p>SB 623 Monning (D)</p> <p>Sponsor: Community Water Center and Western Growers Association</p>	<p>Amended 8/21/17</p> <p>Held in Assembly Rules Committee</p>	<p>Safe and Affordable Drinking Water Fund: Would have established the Safe and Affordable Drinking Water Fund to assist communities and individual domestic well owners who lack access to safe drinking water, particularly those in small, rural disadvantaged communities. Fund was designed to pay for replacement water; domestic well testing and investigations; planning, construction, operation and maintenance costs for system improvements; and outreach to eligible communities. Revenue for the Fund would come from an agricultural fee on fertilizer sales and dairy operations and a permanent tax on ratepayers of urban retail water systems.</p>	<p>OPPOSE UNLESS AMENDED based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>Generally speaking, the water industry agreed with the intent of SB 623. The lack of access to safe drinking water in certain disadvantaged communities is a public health and social issue that the state must address. Potential revenue sources identified for the Fund, however, should reflect the “beneficiary pays” principle, as opposed to a fee or assessment levied on water agencies for funding the broader public benefits.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p align="center">SB 844 Monning (D)</p> <p>Sponsor: Brown Administration</p>	<p align="center">Amended 8/22/18</p> <p align="center">Held in Assembly Appropriations Committee</p>	<p>Water Quality: Agricultural Safe Drinking Water Fees: Would have imposed fees on fertilizer, dairies and confined animal operations, for deposit into the Safe and Reliable Drinking Water Fund, created by SB 845. Revenues raised were to be continuously appropriated for grants, loans, contracts or services to assist eligible applicants with addressing nitrate contamination in disadvantaged communities. Enforcement relief from certain RWQCB actions was extended to those that pay into the Fund. By January 1, 2028, SWRCB was to undertake a public review of regulatory and basin plan amendment implementation to evaluate progress toward achieving water quality objectives with respect to nitrate in groundwater and to assess compliance by agricultural operations. Passage required a two-thirds vote of the Legislature and was contingent on passage of SB 845 (Monning).</p>	<p align="center">WATCH based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>SB 844 was a more acceptable and equitable approach than that required for agricultural operations in SB 623 and the budget trailer bill advanced in early 2018. The fees imposed on agricultural operations were structured and based upon a periodic needs assessment by the SWRCB. The Secretary of Food and Agriculture was directed to adjust the fees as necessary to meet, but not exceed, 70% of the anticipated funding need for nitrate cleanup after January 1, 2034. The fees did not sunset but decreased, as defined in the bill.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 845 Monning (D)</p> <p>Sponsor: Brown Administration</p>	<p>Amended 8/22/18</p> <p>Held in Assembly Appropriations Committee</p>	<p>Safe and Affordable Drinking Water Fund: Rather than imposing a mandatory charge on urban water retail agencies as proposed in SB 623 (Monning) and the budget trailer bill from early 2018, this bill required that retail water agencies impose a “voluntary remittance” on each customer’s bill beginning July 1, 2019, to raise funds to assist disadvantaged communities to gain access to safe and reliable drinking water. Retail customers could elect to “opt out” by deducting all or a portion of the amount from their water bill, or could pay more than the established minimum amount. The initial minimum amount would be based upon service connection size, as defined. Funds collected were to be remitted by the water provider at least twice a year based upon the funds received.</p>	<p>OPPOSE based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>SB 845 lacked sufficient detail regarding implementation and collection of the “voluntary remittance.” The bill failed to recognize the complexities associated with retail billing systems around the state. Instead, the bill deferred to a collaborative process between the SWRCB and ACWA to develop voluntary best practices associated with bill presentation, accounting and collection. The best practices included special consideration for low-income households, although there was no specific exemption for low-income ratepayers.</p>
<p>SB 919 Dodd (D)</p> <p>Sponsor: The Nature Conservancy</p>	<p>Amended 6/27/18</p> <p>Held in Assembly Appropriations Committee</p>	<p>Water Resources – Stream Gages: Required the Department of Water Resources (DWR) and State Water Resources Control Board to develop a plan to deploy a network of stream gages that included a determination of funding needs and opportunities for reactivating existing gages.</p>	<p>SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17 and June 2007 Board-adopted Delta Action Plan</p>	<p>A robust and accurate data collection system will support informed decision-making regarding water management. Having a more reliable and accurate system of stream gages can also help integrate groundwater recharge during high-flow events. Good information and science leads to sound public policy on water management.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 1301 Beall (D) Sponsor: Santa Clara Valley Water District	Amended 8/6/18 Governor's Desk	State Permitting – Processing Procedures: Authorizes a dam safety project or flood risk reduction project eligible for supplemental consultation, as specified, for the purpose of expediting the permitting of the project. Requires the Office of Planning and Research to develop a joint multi-agency pre-application and model fee-for-service agreement.	SUPPORT based upon Board-adopted legislative policy priorities dated 12/12/17	SB 1301 could establish a more efficient permitting process for dam safety and flood protection projects. This could be a helpful for enhanced early engagement to better inform project design and the environmental review process. Due to understaffing at state permitting agencies, deadlines for permitting are often missed, particularly for large projects that yield the most public safety benefit.

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 1422 Portantino (D)</p> <p>Sponsor: Author</p>	<p>Amended 8/23/18</p> <p>Governor's Desk</p>	<p>California Safe Drinking Water Act – Microplastics: Would require the State Water Resources Control Board (SWRCB) to adopt a definition of microplastics by July 1, 2020, and then adopt rules for the testing of microplastics in drinking water, including a detection methodology and disclosure requirements, on or before July 1, 2021.</p>	<p align="center">OPPOSE</p> <p>based upon Board-adopted legislative policy priorities dated 12/12/17</p>	<p>While studies have identified the presence of microplastics in drinking water, it remains unclear as to what the presence of microplastics means in terms of affecting human health. Further research is necessary and is currently underway. However, the development and validation of testing methods through a peer-review process is still years away. There also is no detection limit nor are there any accredited environmental laboratories in the state that can provide analysis for microplastics in drinking water. The availability of science and research, not an arbitrary deadline, should guide the development of any requirements for an issue as complex as microplastics.</p> <p>SB 1422 would also require public disclosure on testing results without there being information available to put the results in context as to whether the results are significant. Without context, the reporting may detrimentally impact the public's perception of the safety and quality of their drinking water.</p>

**Metropolitan Water District of Southern California
State Legislation Matrix 9/10/2018**

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 1493 Senate Committee on Natural Resources and Water Sponsors: Multiple	Amended 8/21/18 Governor's Desk	State Lands: Represents the Senate Natural Resources and Water Committee omnibus "code clean-up" bill. Sections 29 and 30 would repeal the State Lands Commission's (SLC) Statutory Trust Grant issued to Metropolitan and returns the tide and submerged lands at Bolsa Chica to the State of California. Metropolitan has not, and does not intend to, move forward with projects as defined in the grant.	WATCH based on MWD Real Property and Asset Management Committee discussion on 12/12/17	The tide and submerged lands granted to Metropolitan in 1967 by the State Lands Commission are subject to a reversionary interest. The state is choosing to exercise that interest to focus its resources on other matters rather than annually monitoring and reviewing the inactive status of the grant.



DISCUSSION ITEM
September 17, 2018

TO: Public Affairs & Legislation Committee
(Directors Dick, Tamaribuchi, Thomas)

FROM: Robert Hunter, General Manager

**SUBJECT: DISCUSSION REGARDING SPECIAL DISTRICT
CANDIDATE/ELECTION/BALLOT REQUIREMENTS**

STAFF RECOMMENDATION

Staff recommends the Public Affairs & Legislation Committee: Review, discuss, and provide direction to staff.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

At the August 15th Board meeting, the Board asked staff to place an item on the PAL agenda regarding the legal requirements of becoming a candidate for elective office at MWDOC, and what may be done, if anything, to include a signature gathering component, similar to what is required for candidates for city elected positions. Candidates for elective office in a city must collect and submit a certain number of signatures before they can be placed on the ballot (generally 10-20), while candidates for elective office of MWDOC do not have this same signature requirement. Candidates for the MWDOC Board of Directors only have to provide a Declaration of Candidacy signed by the candidate. Prior to 1987, candidates for special districts, including MWDOC, were required to submit nomination petitions that included a certain number of signatures. It is not clear why this requirement was eliminated for districts but still required for cities.

This subject came up because in the past there have been some members of the public who have submitted the required paperwork to be placed on the ballot, but have not conducted a campaign of any kind for the position. The District has nonetheless been

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

required to hold an election and incur significant costs associated with it. The Board asked legal counsel to look at whether the signature requirement applicable to cities could be extended to MWDOC and if so how. A signature requirement, similar to what is required for city office, might help ensure candidates for the MWDOC Board are serious about running for the position and help the District avoid the costs of unnecessary elections.

Legal counsel has looked at the issue and concluded that absent new legislation, no legal authority exists for the District to vary from or add to the declaration of candidacy requirements. Attached is a memo BBK prepared in 2013 regarding this subject; Legal Counsel Byrne will be available for discussion and/or questions (via phone) at the PAL meeting.



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To: Public Affairs & Legislation Committee; Interim General Manager Karl Seckel **File No.:** 55401.00006
From: Best Best & Krieger LLP; Daniel J. Payne
Date: June 17, 2013
Re: MWDOC Director Elections; Declaration of Candidacy

Question Presented: Could the MWDOC Board require the submission of nominating petitions for future Board elections?

Brief Answer: No, not under the current laws governing MWDOC Board elections.

Introduction

A prospective candidate for the MWDOC Board of Directors is required to file a number of documents with the Orange County Registrar of Voters, including a “Declaration of Candidacy” (“Declaration”) signed by the candidate. The MWDOC Public Affairs & Legislation Committee recently inquired about the historical development of the Declaration, which differs from the nominating papers required for municipal and many other elections in that it does not require nominating signatures. It differs also from nomination procedures used in earlier MWDOC elections, as recalled by some Directors and MWDOC staff, which raised the question whether MWDOC could choose to return to election procedures that require nominating signatures. As discussed below, MWDOC is required by its principal act to follow the Uniform District Election Law (“UDEL”; see Cal. Elec. Code, § 10500 et seq.), and the UDEL is the source of the Declaration of Candidacy requirement.

Statutes Governing MWDOC Elections

MWDOC’s principal act is the Municipal Water District Law of 1911 (“MWD Law”), which is set forth in the California Water Code at section 71000 et seq. Water Code section 71505 states that candidates for director of a municipal water district shall declare their candidacy and be nominated “in the same manner” as provided in the UDEL. The UDEL was adopted by the California Legislature in 1965 to “provide a procedure for the election of elective officers of districts.” (Elec. Code, § 10501.) It applies to districts, like MWDOC, whose principal act expressly incorporates it. In addition to this reference to the UDEL in section 71505, Water Code



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section 71451 contains a more general statement that “except as otherwise provided,” applicable provisions of the Elections Code “shall govern all district elections.”

The UDEL contains comprehensive procedures for conducting district elections, though in some particulars it defers back to the principal act of the district. The qualifications of a candidate for office, for example, are determined by each district’s principal act. (Elec. Code, § 10514.) The MWD Law provides no specific qualifications for candidates, but it provides a qualification for directors that would apply to candidates -- a director must be a resident of the division from which he or she is elected. (Wat. Code, §§ 71170, 71250.) A slightly more detailed qualification requirement is found in Elections Code section 201, which provides that no person is eligible to be a candidate for office unless they are a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued.

The UDEL requires candidates for district office to file a “declaration of candidacy” in “substantially the form” provided in Elections Code section 10511. This form is a unilateral declaration submitted under penalty of perjury, and it requires no supporting signatures. Prior to 1987, the UDEL required candidates to submit “nomination petitions” that required between 10 and 20 nominating signatures. The change from nomination petitions was brought about by Assembly Bill 2488 (Chacon) (1987 Cal ALS 993), but unfortunately the reasons are not clear from the legislative history. The bill was sponsored by the Secretary of State and was described by the author as making technical rather than substantive changes. The changes to the UDEL apparently were a late addition to the bill and were not discussed in any analysis of the legislation. The Legislative Digest for AB 2488 stated, in part:

“(9) Existing law specifies the procedures for election of elective officers of districts subject to the Uniform District Elections Law.

This bill would delete the reference in these provisions to nominating petitions, nomination papers, nomination forms, and nomination papers, and would instead refer to declarations of candidacy. It would delete the reference to a nominee and would instead refer to a candidate.

This bill would also delete the requirement for an “official filing petition,” would delete the required nomination form, and would require a specified declaration of candidacy form, would delete the requirement for an affidavit of a circulator, and would delete the prohibition against a voter signing the nominating petition of a person for whom he or she cannot vote.”

The changes to the UDEL made by AB 2488 (1) amended Elections Code section 23512 to establish declaration of candidacy procedures, (2) added section 23512.2 to provide a form for the declaration of candidacy, and (3) amended section 23512.4 to change the “affidavit of nominee” to an “affidavit of candidate.” Following subsequent legislation in 1992 and 1994, section 23512 is now Elections Code section 10510 and sections 23512.2 and 23512.4 have been consolidated into section 10511, which combines the previously separate declaration and affidavit into the “Declaration of



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Candidacy” used today. Nothing in the UDEL allows a district to opt out of using the Declaration of Candidacy or voluntarily impose a nominating signature requirement.

MUNICIPAL ELECTIONS

To compare, municipal elections are covered in a nearby part of the Elections Code and require very different nominating procedures. Elections Code section 10220, “Manner of Nominating Candidates,” provides that in municipal elections:

“[T]he voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, and not less than five nor more than 10 voters in a city of less than 1,000 registered voters, but only one candidate may be named in any one nomination paper.”

The cost to the County election officials of checking a candidate’s signatures on a nomination paper for a municipal election is billed to the city.

CONCLUSION

No legal authority currently exists in the UDEL, the Elections Code or the MWD Law that would allow a district to vary from or add to the UDEL’s declaration of candidacy requirements. If this is an issue the Board would like to pursue, legislation will be required and could either be pursued through a general amendment or a law that applies specifically to MWDOC. The Municipal Water District Act of 1911, the UDEL and general provisions in the Elections Code all play a role in MWDOC board elections, and thus a number of options exist for changing the law. Any of these options would have to be carefully vetted before proceeding. The County is already set up to validate candidate’s nomination petitions, as it already does that for cities and certain other elections.



DISCUSSION ITEM
September 17, 2018

TO: Public Affairs and Legislation Committee
(Directors Dick, Tamaribuchi and Thomas)

FROM: Robert Hunter, General Manager

Staff Contact: Heather Baez

SUBJECT: MWDOC LEGISLATIVE POLICY PRINCIPLES ANNUAL UPDATE

STAFF RECOMMENDATION

Staff recommends the committee discuss the policy principles and provide feedback to staff on any suggested or requested updates.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

MWDOC maintains a set of legislative policy principles that serve as guidelines for staff and our legislative advocates on issues that are of importance to the District. The policy principles here are a culmination of current policies and initial changes recommended by staff from all departments within the agency.

In addition, staff has begun soliciting input from the member agencies through the general managers and their legislative staff. MWDOC staff will coordinate feedback from the Board and any input received from the member agencies, as well as any additional input from MWDOC Department Managers, and bring the proposed Policy Principles to the Board for consideration of approval at the October PAL committee meeting and final adoption at the October Board meeting.

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice ___
Action item amount: None		Line item:	
Fiscal Impact (explain if unbudgeted):			

This is step two of the process and will enable the committee to discuss and update the agency's legislative priorities for 2019 before the end of the calendar year.

The focus of this month's discussion is for staff to receive input from the committee and update the policy principles to advance the Board's objective of establishing legislative and regulatory policy principles to help guide for both our federal and state legislative programs.

Attached: **2019 Draft Legislative Policy Principles**

Municipal Water District of Orange County Legislative and Regulatory Policy Principles

IMPORTED WATER SUPPLY

It is MWDOC's policy to support legislation and regulation that:

- 1) Balances California's competing water needs and results in a reliable supply of high-quality water for Orange County.
- 2) Facilitates the implementation of the California WaterFix and EcoRestore, the co-equal goals of reliable water supply and ecosystem restoration, and related policies that provide long term, comprehensive solutions for the San Francisco Bay/Sacramento-San Joaquin River Delta that:
 - a) Provides reliable water supplies to meet California's short- and long- term needs;
 - b) Improves the ability to transport water through the Delta either for, or supplemental to, State Water Project deliveries;
 - c) Improves the quality of water delivered ~~from~~ *through* the Delta; (Staff)
 - d) Enhances the Bay-Delta's ecological health in a balanced manner;
 - e) Employs sound scientific research and evaluation to advance the co-equal goals of improved water supply and ecosystem sustainability.
 - f) Expedites the California WaterFix and EcoRestore.
- 3) Funds a comprehensive Bay-Delta solution in a manner that equitably apportions costs to all beneficiaries.
- 4) Provides conveyance and storage facilities that are cost-effective for MWDOC and its member agencies, while improving the reliability and quality of the water supply.
- 5) Authorizes and appropriates the federal share of funding for the California WaterFix and EcoRestore.
- 6) Authorizes and appropriates the ongoing state share of funding for the California WaterFix and EcoRestore.
- 7) Provides funding for Colorado River water quality and supply management efforts.

8) Promotes continued federal funding and coordination between states for the Colorado River Basin Salinity Control Program under the departments of Agriculture and Interior.

9) Protects and preserves Metropolitan's interest in binational water conservation programs.

It is MWDOC's policy to oppose legislation or regulation that:

1) Would make urban water supplies less reliable, or would substantially increase the cost of imported water without also improving the reliability and/or quality of such water.

2) Imposes water user fees to fund non-water supply improvements in the Delta region or user fees that are not proportional to the benefits received from a Delta region water supply improvement.

3) Delays or impedes implementation of the California WaterFix and EcoRestore.

LOCAL WATER RESOURCES

It is MWDOC's policy to support legislation and regulation that:

1) Supports the development of, provides funding for, and authorizes and/or facilitates the expanded use of, water recycling, potable reuse, conservation, water use efficiency, groundwater recovery and recharge, storage, brackish and ocean water desalination and surface water development projects where the beneficiaries of the project pay for the portions of the project not funded by state or federal funds.

2) Recognizes that recycled water for both potable and non-potable reuse is a valuable resource that should be promoted and encouraged, while considering total cost elements, and regulated and permitted in a manner which promotes greater reuse throughout the county and state.

3) Reduces and/or streamlines regulatory burdens on augmented or alternative water supply projects, and provides protections for the use of these supplies during water supply shortages, through exemptions or provisions of credit during state mandated reductions.

4) Supports ecosystem restoration, increased stormwater capture and sediment management activities that are cost-effective and enhance the quality or reliability of water supplies.

5) Authorizes, promotes, and/or provides incentives for indirect and direct potable reuse projects and provides protections for the use of local supply projects during water shortages by exempting them from state mandated reductions.

6) Recognizes that the reliability and high quality of supplies to the end user is the primary goal of water suppliers.

7) Keeps decision-making, with regard to stormwater management and recapture, at the local or regional level.

- 8) Recognizes stormwater management and recapture as important tools in a diversified water portfolio that can help to achieve improved water quality in local surface and groundwater supplies, and can augment surface and groundwater supplies.
- 9) Reduces or removes regulatory hurdles that hinder the use of augmented or alternative water supplies.
- 10) Provides incentives for local or regional use of augmented or alternative water supplies.
- 11) Support the evaluation of reservoirs to provide an enhancement in water supplies.
- 12) Support the inclusion of environmental infrastructure projects the Army Corps of Engineers must consider in its Report to Congress.
- 13) Allows Investor Owned Utilities to invest in redundancy and reliability projects.

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Restricts a local governmental agency's ability to develop their local resources in a manner that is cost-effective, environmentally sensitive, and protective of public health.
- 2) Imposes barriers or increases costs to the safe application of recycled water and continues to define recycled water as a waste or resource of lesser value than traditionally defined potable water.
- 3) Would make urban water supplies less reliable, or would substantially increase the cost of imported water without also improving the reliability and/ or quality of such water.
- 4) Restricts or limits a local governmental agency's ability to establish local priorities for water resources planning decisions.
- 5) Reduces a local agency's ability to benefit from local investments in drought-proof or emergency water supplies during water shortages.
- 6) Would impose conservation mandates that do not account for the unique local water-supply circumstances of each water district.

WATER USE EFFICIENCY

It is MWDOC's policy to support legislation and regulation that:

- 1) Furthers the statewide goal of increasing water use efficiency, as opposed to water conservation throughout the state.
- 2) Would allow flexibility and options for compliance in achieving statewide water reduction goals.

- 3) Seeks to cost-effectively improve water efficiency standards and policies for water-using devices.
- 4) Provides loans and grants to fund incentives for water conserving devices or practices.
- 5) Legislatively set water efficiency standards provided the standards are reasonable, cost effective for Orange County agencies, and consider unintended consequences, such as impacts to wastewater systems, reductions in recycled water supplies, demand hardening, and impacts to regional reliability and drought preparedness.
- 6) Reasonably improves landscape water use efficiency and Commercial, Institutional and Industrial (CII) water use efficiency programs while preserving community choice and the local economy.
- 7) Encourages regionally appropriate statewide landscape water efficiency-standards and regulations that consider land use, *plant material*, *irrigation efficiency* and climate factors.
(Staff)
- 8) Provides financially appropriate incentives, funding, and other assistance where needed to facilitate market transformation and gain wider implementation of water-efficient indoor and outdoor technologies and practices.
- 9) Provides incentives, funding, and other assistance where needed to facilitate water use efficiency partnerships with the energy efficiency sector.
- 10) Recognizes past investments in water use efficiency measures, especially from the demand hardening perspective.
- 11) Recognizes community growth and development when developing comparative standards for water use efficiency year-over-year.
- 12) Provides tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, devices, and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.
- 13) *Creates a process for development and implementation of emergency drought declarations and regulations that recognizes variations among communities, regions, and counties with respect to their abilities to withstand the impacts and effects of drought.*
(Staff)

It is MWDOC's policy to oppose legislation or regulations that:

- 1) Fails to ensure balance in the implementation of water efficiency practices *throughout the state* and requirements for both urban and agricultural use. (Staff)
- 2) Would repeal cost-effective efficiency standards for water-using devices.
- 3) Diminishes local agency control or flexibility in implementing water efficiency practices or standards.

- 4) Places unreasonable conservation measures on commercial, industrial and institutional customers that would negatively impact or limit the potential for economic growth.
- 5) Fails to recognize the importance of both water use efficiency and water supply development.
- 6) Fails to recognize augmented or alternative water supplies as an efficient use of water, or that fails to provide an adequate incentive for investments in such water, for potable or non-potable reuse.
- 7) Fails to consider regional and local reliability when establishing any reduction targets during water shortages.
- 8) Requires water efficiency standards or performance measures that are infeasible, not practical or fail to have a positive cost-benefit ratio when comparing the cost of meeting the standard or implementing the performance measure with the value of the volume of water saved.
- 9) *Creates a “one-size-fits-all” approach to emergency drought declarations and regulations that ignores variations among communities, regions, and counties with respect to their ability to withstand the impacts and effects of drought. (Staff)*

WATER QUALITY AND ENVIRONMENTAL IMPACTS

It is MWDOC's policy to support:

- 1) Legislation that protects the quality of surface water and groundwater including the reduction of salt loading to groundwater basins.
- 2) Funding that helps agencies meet state and federal water quality standards.
- 3) The establishment and/ or implementation of standards for water-borne contaminants based on sound science and with consideration for cost-effectiveness.
- 4) Administrative/legislative actions to improve clarity and workability of CEQA, and eliminate other duplicative state processes.
- 5) Streamlining or exempting water, recycled water, wastewater projects, and/or environmental restoration projects, from the California Environmental Quality Act (CEQA). Provides liability protections to public water districts, and related wholesale water providers, seeking to consolidate troubled water systems that cannot consistently demonstrate that they are able to provide safe, clean and reliable water supplies to their customers.

It is MWDOC's policy to oppose:

- 1) Legislation that could compromise the quality of surface water and groundwater supplies.
- 2) Legislation that establishes and/ or implements standards for water-borne contaminants without regard for sound science or consideration for cost effectiveness.

- 3) Projects that negatively impact the water quality of existing local supplies.

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

It is MWDOC's policy to oppose legislation that:

- 1) Compromises the existing governance structure and the representation of member agencies on the Metropolitan Water District Board of Directors.
- 2) Would restrict MET's rate-making ability.

WATER TRANSFERS

It is MWDOC's policy to support legislation and regulation that:

- 1) Encourages and facilitates voluntary water transfers.
- 2) Provides appropriate protection or mitigation for impacts on the environment, aquifers, water-rights holders and third-parties to the transfer including those with interests in the facilities being used.
- 3) Legislation that encourages transfers which augment existing water supplies, especially in dry years.

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Undermines the operations and maintenance of the conveyance system conveying the water.
- 2) Interferes with the financial integrity of a water utility or compromises water quality.
- 3) Increases regulatory or procedural barriers to water transfers at the local or state level.

WATER INFRASTRUCTURE FINANCING AND PROJECT FUNDING

It is MWDOC's policy to support legislation and regulation that:

- 1) Employs a "beneficiary pays" principle that establishes a clear nexus between the cost paid to the direct benefit received. Likewise, those who do not benefit from a particular project or program should not be required to pay for them.
- 2) Establishes grants or other funding opportunities for local and regional water ~~infrastructure~~ projects, *including but not limited to infrastructure projects.* (Staff)
- 3) Considers local investments made in infrastructure, programs, mitigation and restoration

in determining appropriate cost shares for water infrastructure, *and project* investments.
(Staff)

4) Reduces the cost of financing water infrastructure planning and construction, such as tax-credit financing, tax-exempt municipal bonds, Water Resources Development Act (WRDA), Water Infrastructure Finance Innovation Act (WIFIA), the Environmental Infrastructure Accounts and other funding mechanisms.

It is MWDOC's policy to oppose legislation or regulation that:

1) Establishes a fee or tax that does not result in a clear and proportional benefit to the District, its member agencies, and their customers.

2) Would reduce the total available water infrastructure financing measures such as WIFIA, state-revolving funds, and others.

ENERGY

It is MWDOC's policy to support legislation or regulation that:

1) Facilitates the development and expansion of clean, renewable energy in California, including hydropower.

2) Supports water supply reliability as the primary focus of water agencies and energy intensity of water supplies as a secondary factor.

3) Recognizes the role and value of the water industry investment in water use efficiency and therefore recognizes WUE efforts towards greenhouse gas reduction, including funding such activities.

4) Recognizes hydroelectric power as a clean, renewable energy source and that its generation and use meets the greenhouse gas emission reduction compliance requirements called for in the Global Warming Solutions Act of 2006 (AB 32).

5) Facilitates voluntary and cost effective local investments in renewable energy, energy management and storage, and energy efficiency which improve the water-energy nexus and reduce local agency costs.

FISCAL POLICY

It is MWDOC's policy to support legislation or regulation that:

1) Requires the federal and state governments to provide a subvention to reimburse local governments for all mandated costs or regulatory actions.

It is MWDOC's policy to oppose legislation or regulation that:

1) Is inconsistent with the District's current investment policies and practices.

- 2) Pre-empts the District's ability to impose or change water rates, fees, or assessments.
- 3) Impairs the District's ability to maintain levels of reserve funds that it deems necessary and appropriate.
- 4) Impairs the District's ability to provide services to its member agencies and ensure full cost recovery.
- 5) Makes any unilateral reallocation of District revenues, or those of its member agencies, by the state unless the state takes compensatory measures to restore those funds.
- 6) Would impose mandated costs or regulatory constraints on the District or its member agencies without reimbursement.
- 7) Mandates a specific rate structure for water agencies.
- 8) Imposes a "public goods charge" "*water user fee*", or "water tax" on public water agencies or their ratepayers.(Staff)

GOVERNANCE

It is MWDOC's policy to support legislation or regulation that:

- 1) Advances good government practices and public transparency measures in a manner that does not take a "one-size fits all" approach, respects local government control, and facilitates technological efficiencies to meet state reporting and disclosure requirements.

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Imposes unnecessarily broad burdens upon all local governments.
- 2) Shifts state programs, responsibilities and costs to local governments without first considering funding to support the shift.
- 3) Seeks to limit or rescind local control.
- 4) Reduces or diminishes the authority of the District to govern its affairs.
- 5) Imposes new costs on the District and the ratepayers absent a clear and necessary benefit.
- 6) Resolves state budget shortfalls through shifts in the allocation of property tax revenue or through fees for which there is no direct nexus to benefits received.

PUBLIC EMPLOYEE PENSION REFORM

It is MWDOC's policy to support legislation that:

- 1) Seeks to contain or reform public employee pension and other post-employment benefit (OPEB) cost obligations that are borne by public agencies via taxpayers and ratepayers.

EMERGENCY RESPONSE

It is MWDOC's policy to support legislation that:

- 1) Increases coordination on Homeland Security and emergency response efforts among the federal, state, and local governments with clearly defined roles and responsibilities for each.
- 2) Provides continued funding to enhance and maintain local Homeland Security infrastructure, including physical and cyber protection of critical infrastructure.
- 3) Ensures adequate funding for expenditures related to disaster response and all phases of emergency management; including the earthquake early notification system and efforts to enhance water infrastructure resiliency.
- 4) Strengthens intergovernmental planning and preparation coordination for emergency response and drills.
- 5) *Enhances protection of information and cyber security for critical infrastructure through policy and funding for local efforts. (Staff)*
- 6) *Supports water utility capability to notify customers of emergency protective measures through reverse notification systems. (Staff)*

It is MWDOC's policy to oppose legislation or regulation that:

- 1) *Reduces a water utility's ability represent itself in any component of the disaster preparedness cycle, especially the response and recovery section staff. (Staff)*
- 1) *Negatively impacts water and wastewater utility's ability to prepare, mitigate or respond to emergencies in order to provide fire suppression, drinking water and wastewater services. (Staff)*



ACTION ITEM
September 19, 2018

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Dick, Tamaribuchi, Thomas)

Robert Hunter
General Manager

Staff Contact: Tiffany Baca

SUBJECT: Authorization to Contract for Strategic Digital Communications Services

STAFF RECOMMENDATION

Staff recommends the Board of Directors authorize entering into a contract with Hashtag *Pinpoint* to provide Strategic Digital Communications Services for the Municipal Water District of Orange County's (MWDOC) outreach initiatives.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

On July 6, 2018, MWDOC issued a Request for Proposals (RFP) to find, and contract with, an experienced firm to provide strategic digital communications services for the District. The selected firm will work with MWDOC staff to target, monitor, and engage social audiences, and will develop educational and attention-grabbing content that will highlight MWDOC's programs and services, as well as reflect the District's mission.

The District received proposals from six qualified firms. After careful review, MWDOC staff invited three firms to participate in a formal interview process. On September 4, an interview panel comprised of three MWDOC Public Affairs staff members, the MWDOC General Manager, and the Director of Communications for OC Vector Control, conducted interviews with the top three firms. Based on final scores, and following an in depth discussion with the interview panel, staff recommends that the District retain the services of Hashtag *Pinpoint*.

Budgeted (Y/N): Y	Budgeted amount: \$100,000	Core X	Choice __
Action item amount: 95,000	Line item: 32-7040		
Fiscal Impact (explain if unbudgeted):			

DETAILED REPORT

Why Strategic Digital Communications?

An effective Digital Communications strategy acts as a guide to demonstrate accomplishments, promotes the mission, drives target audiences to engage with the organization, and ultimately, helps achieve defined objectives. Digital communications efforts *enhance* and *support* traditional media outreach. Traditional pathways to news and information are still essential, however, much like a ‘diverse water portfolio,’ digital communications ensures that there are additional tools in the toolbox to reach developing target audiences where they spend time.

Statistics gathered from **Pew Research Center* illuminate how communications channels have evolved, reporting that nearly two-thirds of U.S. adults are getting a good deal of their news from social media, with one-in-four receiving news from multiple social media sites.

**Pew Research Center is a nonpartisan fact tank that informs the public about issues, attitudes and trends shaping the world. It conducts public opinion polling, demographic research, media content analysis and other social science research.*

Benefits of a Robust Social Media Presence

Over the past decade, social media has redefined how we communicate with one another, how we share and consume information, and how we interact with organizations and groups. Social networks provide a two-way channel for building relationships with target audience members who spend a great deal of their time online. Additional benefits include:

- Builds trust and establishes credibility
- Engages target audience members in your narrative
- Opportunities exist in real time to obtain real audience insights
- Promotes your content
- Drives traffic to your website and other digital channels

RFP and Interview Process

On July 6, 2018, MWDOC issued an RFP requesting proposals from experienced firms who have demonstrated proficiency in successful strategic digital communications that include social media marketing and development. Staff posted the RFP online, and invited several respected firms to submit proposals. Using specific criteria, a review panel of MWDOC Public Affairs staff evaluated and graded the six proposals received. Based on this evaluation, MWDOC staff requested the top three consulting firms - Circlepoint/Communications Lab, Fraser Communications, and HashtagPinpoint - participate in a formal interview process. The interview panel was comprised of three MWDOC representatives from Public Affairs, the MWDOC General Manager, and an outside expert whose responsibilities include managing strategic traditional and digital communications for OC Vector Control.

Recommendation

While all three firms were qualified, and each outlined a digital communications strategy for the District's current position, *HashtagPinpoint* proposed a plan that would take the District's digital communications to the next level.

Over the past year, and under the administration of *HashtagPinpoint*, the District's social media following has grown nearly 10 times and engagement is up more than 12 times. Due to a variety of factors, including a social campaign on the California WaterFix, MWDOC has become a recognized and reputable source of information and expertise online. Now that the District has an impressive online following, and a growing audience to communicate with, *HashtagPinpoint* is recommending that we continue to utilize traditional posts but also increase video production. This is a logical next step as statistics show that video engagement is on the rise with video content now earning 12 times more shares than text and images combined.

In addition to the creation and distribution of more original video content being manufactured by the *HashtagPinpoint* team, the firm has also recommended a MWDOC produced IGTV (Instagram TV) channel where the District would conduct interviews with staff as well as other water industry professionals, continue Man-on-the-Street questioning, and introduce water use efficiency tutorials and recommendations. All services proposed, including advertising expenses and the new recommendations for strategic digital communications, would fall under a single service fee that would not increase for three years. *HashtagPinpoint* is also the lowest bidder of the three firms interviewed.

Based on interviews conducted with the top three firms, a thorough comparison of proposal components, and the consultant's previously demonstrated success, staff recommends that the Board of Directors authorize entering into a contract with *HashtagPinpoint* to provide Strategic Digital Communications Services for the District.



INFORMATION ITEM
September 17, 2018

TO: Public Affairs & Legislation Committee
(Directors Dick, Tamaribuchi, Thomas)

FROM: Robert Hunter, General Manager

Staff Contact: Sarah Wilson

SUBJECT: Scout Programs Update

STAFF RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

Through a partnership with the Girl Scouts of Orange County (GSOC), MWDOC Public Affairs Staff has developed the Water Resources and Conservation Patch Program available to all Girl Scout levels in the Orange County region. To earn a Water Resources and Conservation Patch, Girl Scouts must complete a two-hour, STEM-based clinic hosted by MWDOC. Clinic lessons and activities align with the Next Generation Science Standards (NGSS) and meet the GSOC patch program objectives to *Learn, Share, Do*.

The Water Resources and Conservation Patch Program educates Girl Scouts about where their water comes from, the importance of Orange County water resources, and how to be water efficient. Girl Scouts will complete the program equipped with a better understanding of their local water supply sources, and discover the value of protecting our most treasured, natural resource.

Budgeted (Y/N): Y	Budgeted amount: \$5,000	Core X	Choice
Action item amount:	Line item: 32-7670		
Fiscal Impact (explain if unbudgeted):			

MWDOC Staff has received an overwhelming response from Member Agencies and partners to host the STEM-based clinics. For the 2018-19 fiscal year, MWDOC has scheduled five clinics for Orange County Girl Scouts to earn a Water Resource and Conservation Patch. The clinic schedule is as follows:

- **November 3, 2018:** El Toro Water District Water Recycling Plant
- **November 17, 2018:** Laguna Beach County Water District, Nix Nature Center
- **January 26, 2019:** City of San Clemente Water Reclamation Plant
- **April 6, 2019:** Bolsa Chica Conservancy
- **April 13, 2019:** Santa Margarita Water District Chiquita Water Reclamation Plant



INFORMATION ITEM

September 17, 2018

TO: Board of Directors

FROM: **Public Affairs Legislative Committee**
(Directors Dick, Tamaribuchi and Thomas)

Robert Hunter
General Manager

Staff Contact: Damon Micalizzi

SUBJECT: UPDATE ON 2019 OC WATER SUMMIT

STAFF RECOMMENDATION

Staff recommends the Board of Directors receive and file.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

The 12th Annual OC Water Summit will be again held at the Disneyland Grand Californian Hotel on May 31st, 2019.

NBC 4 Weathercaster Fritz Coleman, a popular staple of the last two Summits, has said that he intends to serve as Emcee once again.

Staff from MWDOC and OCWD have met and are bringing potential themes and ideas for sessions and speakers to the next Summit Committee Meeting scheduled for Monday, September 24th.

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice
Action item amount: None		Line item:	
Fiscal Impact (explain if unbudgeted):			

**Public Affairs Activities Report
August 7, 2018 – September 11, 2018**

Member Agency Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none">• Provided City of San Clemente with information and contacts for MET 365 campaign collateral• Facilitated a Ricki Raindrop appearance at Westminster’s <i>Dia de la Familia</i> on September 8• Provided an update of PA programs at the monthly WUE meeting• Working with City of Westminster staff and the Wyland Foundation to host a special event announcing the City as the 2018 National Mayor’s Challenge winner, and winner of the MWDOC/Wyland Pocket Park• Submitted requests to Metropolitan for teams within the MWDOC service area interested in participating in the 2019 Solar Cup• Prepared and distributed a workshop interest survey to the PAW group <p>Heather provided a legislative update to the water use efficiency working group.</p>
Community Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none">• Coordinated speaking engagement at San Juan Capistrano Rotary Club for Director Schneider• Are coordinating a Ricki Raindrop appearance at OC Coastkeeper’s <i>Coastal Cleanup Day</i> on September 15 in Huntington Beach
Education	<p>Public Affairs Staff:</p> <ul style="list-style-type: none">• Met with Inside the Outdoors and #Pinpoint representatives for education program promotion and social media strategy planning• Met with Inside the Outdoors educators to review and update presentation content and resources for upcoming school year• Coordinated logistics with LBCWD and Nix Nature Center to host November Girl Scout Patch clinic

	<ul style="list-style-type: none"> • Worked with Member Agencies to create custom slides for 2018-19 school presentations • Finalized and created promotional materials for 5 Girl Scout Patch program clinics • Submitted school program article for Orange County Department of Education’s STEM newsletter • Provided program details and assistance to Troop leaders and parents registering for Girl Scout clinics • Requested Member Agency materials on local reliability projects and investments for education program resources page • Provided education program information and materials for City of Santa Ana • Coordinated CORE program visit with ITO and City of Brea • Provided information to City of Westminster on school visit scheduling • Provided ETWD with information on November Girl Scout clinic
Media Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Requested a meeting with OC Register Editorial Board • Met with reporters & Board of Radio & TV News Association
Special Projects	<p>Public Affairs Staff</p> <ul style="list-style-type: none"> • Created an overview presentation of MWDOC programs and services which will be used on inspection trips and more • Attended a planning meeting at Metropolitan for Director McKenney and Director Blois’s shared inspection trip • Staffed Director McKenney’s SWP and CV Ag inspection trip • Are currently working on itineraries, trip logistics, guest and Director requirements for the following inspection trips: <ul style="list-style-type: none"> ○ September 14-16, Director Barbre SWP/CV Ag ○ September 28-30, Director Barbre Hoover/CRA ○ October 12, Director Barbre Infrastructure ○ October 19-20, Director McKenney CRA ○ November 9-11, Director McKenney SWP/CV Ag • Prepared the cover and section sheets for the MWDOC Annual Financials booklet • Completed several website page updates • Prepared questions, and conducted panel interviews with three firms for MWDOC RFP No. PA0618-001 - Strategic Digital Communications Services • Completed NIMS/ICS/SEMS training

	<ul style="list-style-type: none"> • Provided a session intro write up and a MWDOC 101 presentation template to Director Schneider in consideration for her presentation at the 2018 WEFTEC Conference • Attended an open house for Westamerica Communications • Updated the District branded PowerPoint template, and added two additional slide options • Developed a working plan for “Imagine a Day Without Water” campaign • Developed water use efficiency tips and headlines for CSANS emails • Created an inventory equipment guide for WUE leak detection kits • Updated the District logo on service area maps in conference rooms 101 and 102 <p>Heather and Christina staffed the ISDOC Executive Committee meeting.</p> <p>Heather and Christina created and sent out the ISDOC Executive Committee call for nominations announcements. Nominations are due on September 18.</p> <p>Heather coordinated with MWDOC’s grant tracking contractor, Joey Soto of Soto Resources to present to the MWDOC Board her comprehensive report that will be used to gather, compile and share available grants information with MWDOC and its member agencies.</p> <p>Heather and Christina staffed the monthly WACO meeting featuring guest speaker OCWD’s John Kennedy.</p>
<p>Legislative Affairs</p>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Created a fact sheet regarding SB 845 <p>Heather participated in the ACWA Region 10 conference call in advance of the ACWA State Legislative Committee meeting.</p> <p>Heather sent out information to MWDOC’s member agencies on the (then) just released SB 845 which amended the water tax to a “voluntary remittance.”</p>

	<p>Heather attended the ACWA State Legislative Committee meeting in Sacramento.</p> <p>Heather prepared an opposition letter to SB 845 and collected signatories from member agencies who wished to be a part of our coalition letter.</p> <p>Heather attended ACWA’s working group on the implementation of the conservation legislation.</p> <p>Heather and Melissa participated in Metropolitan’s legislative coordinators’ meetings.</p> <p>Heather participated in the Southern California Water Coalition Legislative Task Force conference calls on August 17 and August 27.</p> <p>Heather prepared legislative Floor Alerts for:</p> <ul style="list-style-type: none"> • AB 2050 (Caballero) – Support • SB 998 (Dodd) – Oppose <p>Heather participated in ACWA’s SB 998 working group.</p> <p>Heather prepared a letter and Floor Alert for SB 120 (Friedman) – oppose, the “gut and amend” of the old AB 1000.</p> <p>Heather attended a meet and greet with US EPA Region 9 Administrator Mike Stoker in San Francisco.</p> <p>Heather prepared a veto letter to be sent to Governor Brown on SB 998 (Dodd).</p>
<p>Water Summit</p>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Worked with Disney staff to finalize the invoice for 2018 • Participated in a planning meeting for 2019 OC Water Summit topics and themes