

MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PUBLIC AFFAIRS AND LEGISLATION COMMITTEE
April 15, 2019, 8:30 a.m.
Conference Room 101

Committee:

Director Dick, Chair
Director Thomas
Director Osborne

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. MEMBER AGENCY MEDIA AND TOOL KITS

ACTION ITEMS

3. AUTHORIZATION TO VOTE ON BEHALF OF MWDOC IN THE ACWA JPIA EXECUTIVE COMMITTEE ELECTION
4. AB 217 (E. GARCIA) – SAFE DRINKING WATER FOR ALL ACT
5. AUTHORIZATION TO CONTRACT FOR MWDOC WATER EDUCATION SCHOOL PROGRAMS

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.)

6. 2019 OC WATER SUMMIT (MAY 31, 2019)
7. EDUCATION PROGRAMS UPDATE
8. PUBLIC AFFAIRS ACTIVITIES REPORT

OTHER ITEMS

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

ADJOURNMENT

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

Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

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Nicholas Crockett
Allison Leavitt

Municipal Water District of Orange County, California
Washington Update
April 9, 2019

Appropriations:

The spring appropriations season is in full swing in the halls of Congress. Leaders in the House and the Senate are in the process of reacting to the President's recent Budget Proposal. Part of the proposal dealt with an increase in defense spending and major reductions in domestic spending, including funding for the various federal agencies involved with water issues.

Senate Majority Leader Mitch McConnell said this week that he and the House Speaker Nancy Pelosi have agreed to begin negotiating a two-year deal to raise budget spending caps for fiscal years 2020 and 2021.

The majority leader said there is a "bipartisan desire" to avoid another stopgap spending bill and the \$126 billion in automatic cuts set to go into effect on Oct. 1st if Congress fails to raise the budget caps.

These negotiations are important because their results will lead to the actual "top line numbers" that Appropriations Committee Chairmen will use to write their spending bills. The House intends to start passing its appropriations bills through committee in the month of May.

The Colorado River Drought Contingency Authorization Act

On April 8, 2019, the House passed HR 2030, the Colorado River Drought Contingency Act, a bill sponsored by Congressman Raul Grijalva (D-Az), the Chairman of the House Natural Resources Committee by a "voice vote". Moments after the House bill passed, the Senate also passed its version of the bill, S. 1057, sponsored by Senator McSally (R-AZ). I have attached

the transcript of the Senate debate regarding the passage of the Senate bill which is instructive to read.

At the end of Senator McSally's statement, Senator Cortez Masto (D-Nevada) spoke and asked if Senator McSally would modify her request to add when the Senate received the paperwork on HR 2030—if the text was identical to S. 1057, that the House Bill be the legislation that would be sent to the White House for the President's signature. The motion was approved on the Senate Floor without objection. We expect to see the Drought Bill sent to the White House later this week.

The back story on this development is interesting. Last week Senator Schumer, the Democratic Leader in the Senate, had blocked Senator McSally's bill from being considered on the Senate Floor. The Bill was only considered after the House Bill had passed. Many here speculate that Senator Schumer wanted to make sure it was a Democratic Bill that was to be signed into law.

Senator McSally "gladly" agreed to modify her request because (as the transcript reflects) "this is urgent..so the fastest way we can get this legislation to the President desk is what I support".

It is noteworthy to mention that in the Senate, every basin state Senator was a cosponsor to the McSally Bill. It is also unusual that this piece of legislation could move so swiftly through both the House and the Senate. Neither body had the customary Committee mark-up procedures. Both bills were considered immediately on their respective House and Senate Floors. (*See Congressional Record Transcript*)

The Drought Contingency Plan seeks to reduce the risk that the water levels at the river's two main reservoirs will drop to catastrophically low levels, and it has taken more than three years for the seven Colorado River basin states to come to an agreement on these issues.

Last week Bureau of Reclamation Commissioner Brenda Burman said she would like the water-sharing agreement and statutory language to be in place well ahead of August, when the Bureau will make key decisions about reservoir operations in 2019.

The Doheny Beach Desal Project

We have been active in supporting the South Coast Water District in receiving an \$8.3 Million Federal Bureau of Reclamation Grant for its Doheny Beach Desal Project. Under the terms of the 2016 WIIN Act, projects which are slated to receive federal grants must be listed in the Energy and Water Appropriations Bills. To that end, we have worked closely with the office of Congressman Levin and he and five other Members of Congress sent a letter to the House Energy and Water Appropriations Committee asking them to list projects expecting Bureau of Reclamation Grants. See attached letter.

Infrastructure Bill Update:

Things are not looking very positive for Congress passing a large infrastructure bill this session. One of the major components of such would a bill would be transportation projects.

On March 27th, Transportation Secretary Chao conceded that Congress may not be able to pass the broad infrastructure package sought by President Trump and leaders of both parties.

Chao told Senate appropriators that lawmakers face a "compressed time frame" for moving the infrastructure package before the August recess. Water infrastructure has been one of the types of infrastructure which might be included in an ultimate bill.

The secretary also noted Congress must soon pass a five-year reauthorization of the Fixing America's Surface Transportation Act, which is set to expire in 2020.

"I think it's an issue that we all need to discuss because we have surface reauthorization coming up," Chao said during a hearing held by the Senate Transportation, Housing and Urban Development Appropriations Subcommittee.

"So does it make sense to have two vehicles — an infrastructure bill and a surface reauthorization?" she continued. "Given the compressed time frame, it may very well be that it's easier for everyone — ourselves as well as the Congress — to have one vehicle, and that should be the surface reauthorization bill."

JCB 4/9/19

Congress of the United States
Washington, DC 20515

April 1, 2018

The Honorable Marcy Kaptur
Chairwoman
House Appropriations Subcommittee on
Energy and Water Development
2362-B Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mike Simpson
Ranking Member
House Appropriations Subcommittee on
Energy and Water Development
2362-B Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Kaptur and Ranking Member Simpson:

We write you today to encourage your subcommittee to include in the Energy and Water Appropriations bill the Water Infrastructure Improvements for the Nation (WIIN) Act Desalination Construction Projects that the Bureau of Reclamation has recommended to the Appropriations Committee in a letter dated February 13, 2019. The funding for these projects was authorized under section 4009(a) of the WIIN Act.

The proposed desalination grants have already received funding under appropriations bills from prior years, so this is not a request for new funding. The WIIN Act required that the Bureau of Reclamation notify your subcommittee of its funding decisions. Subsequently, for the projects to receive funding, they must be listed in appropriations legislation.

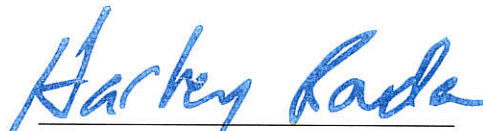
Desalination projects like those recommended by the Bureau help communities become less reliant on imported water. Ultimately, the projects make these communities more resilient to drought. Federal participation is vital to making the projects possible.

Again, we respectfully urge you to include Desalination Construction Projects, as recommended by the Bureau of Reclamation, in your Fiscal Year 2020 Energy and Water Appropriations bill. We very much appreciate your consideration of this matter.

Sincerely,



MIKE LEVIN
Member of Congress



HARLEY ROUDA
Member of Congress



KATIE PORTER
Member of Congress



GILBERT R. CISNEROS, JR.
Member of Congress



ALAN LOWENTHAL
Member of Congress



VERONICA ESCOBAR
Member of Congress

Memorandum

To: Municipal Water District of Orange County
From: Syrus Devers, Best Best & Krieger
Date: April 15, 2019
Re: Monthly State Political Report

Legislative Report

In General

The committee agendas peak this week and the last week of April following the recess from the 15th to the 19th. The next stop for the overwhelming majority of bill are the Appropriations Committees, which are already holding all-day hearings.

SB 134 (Hertzberg), which would prevent double jeopardy for failing to meet water conservation standards, was heard on the 9th in the Senate Natural Resources and Water Committee. The purpose of the bill is to uphold the compromises made last year in the “Conservation As A Way of Life” legislative package (SB 606 and AB 1668), and not allow separate fines for failing to meet water loss standards from prior legislation. Since MWDOC was an important part of the negotiations SB 606 and AB 1668, BB&K staff was able to testify in support of Hertzberg from personal knowledge of the negotiations. The bill passed unanimously without requiring Hertzberg to commit to any specific amendment.

WaterFix

AB 1154 (Frazier), the latest in a long line of bills by this author to stop the tunnels, was in the Assembly Water, Parks & Wildlife Committee on the 9th, and it was easily the highpoint of the week. This bill sought to pack the Delta Stewardship Commission with in-Delta interests. The bill didn’t just fail; it didn’t even get to a vote. It was given a courtesy motion but failed for lack of a second which rendered it ineligible. Kudos go to the Mesa Water District lobbyist who has a 20+ year history with water policy in the Delta and was able to give the committee an important historical perspective on the creation of the Delta Stewardship Commission.



Tax on Water (Safe Drinking Water Fund)

AB 217 (E. Garcia), the main Assembly bill on safe drinking water, advanced out of Assembly Environmental Safety and Toxics Materials Committee on a party-line vote with the tax provisions in the bill. The current language is not specific as to the form of the tax and leaves it up to the SWRCB to implement. Not having an explicit tax on customers does make it more difficult to lobby against the bill, but the opposition remains optimistic that momentum is swinging away from any form of tax. Since the bill was amended the week before the hearing no one had a formal position on the bill, but BB&K on behalf of MWDOC and many others testified in opposition to the tax provisions of the bill on principal. The bill is now in Assembly Appropriations where it will likely receive the most scrutiny it will get in the Assembly. No hearing date had been set as of the day this report was prepared.

SB 669 (Caballero), the ACWA/CMUA sponsored bill on safe drinking water, was set for its first policy committee hearing in Senate Environmental Quality the day after this report was prepared. BB&K will give an update at the PAL Committee hearing. The bill is also referred to Senate Governmental Organizations Committee and it must pass that committee before April 26th.

SB 414 (Caballero) on small systems consolidations is sailing along and passed both of its policy committee hearing with unanimous support.

AB 134 (Bloom) also addresses safe drinking water but does not include a tax. It's focused on the programmatic aspects of a safe drinking water program. BB&K and IRWD staff have participated in a small group organized by the Assembly Speaker's office to discuss what issues need to be addressed. The Speaker's staff got to hear that no matter how complicated it may have appeared to him going into the meeting, the reality is even more complicated. BB&K focused on the lack of a comprehensive needs assessment and discussed MWDOC's efforts to supplement the CMUA study.

Budget Subcommittees: both subcommittees took extensive testimony on the Governor's **Trailer Bill Language** (TBL) to implement the safe drinking water fund, which includes the language placing the tax on customer's bills. The proponents targeted the Assembly committee for testimony from community representatives, which resulted in the hearing extending into the afternoon. The Senate committee, although also lengthy, was more substantive. The Senate staff analysis was excellent and expertly summarized the issues. Both committees held the TBL in committee for further discussion.

The County of Orange Report

April 9, 2019
by Lewis Consulting Group



The April 10th LAFCO meeting was held one day after our PAL Report print deadline. For several months, LAFCO has either postpone meetings or had extremely light agendas. April's meeting represents a return to a semblance of normalcy.

On the agenda:

- ◆ Swearing-in of new LAFCO Commissioner Don Wagner
- ◆ Adopting annual updates for the 2019 CEQA guidelines
- ◆ Receive the 2nd Quarter Comprehensive Quarterly Report
- ◆ Public Hearing on Proposed 2019-2020 LAFCO Budget and Fee Schedule
- ◆ Adoption of the 2019 Strategic Plan

On March 13, 2019 LAFCO held its annual Strategic Planning Workshop. Mostly bed-ridden at the time of the meeting, I was unable to attend. Kudos to both Stacy Taylor and Matt Holder for their attendance and post-meeting insight.

It is apparent that as of now, the newly constituted OC LAFCO is a “kinder & gentler” body. Some of the excesses in the prior MSR process will not be replicated at least in the short term. In the words of Commissioner Davert “LAFCO should stick to the facts and data and not make value statements”. A key goal for LAFCO will be helping facilitate efficient government by collecting and disseminating information with discussions of opportunities and an attempt to bring people together.



Board at Full Strength

Tuesday's meeting of the Board of Supervisors ushered in a new full team of County Supervisors who will be in place at least through 2020. When Supervisor Wagner was sworn in, recently elected Supervisor Doug Chaffee was no longer “the new kid on the block”. Looking forward, Supervisors Steel, Bartlett and Chaffee terms last through 2022. Supervisors Wagner and Do face re-election in 2020. In Supervisor Do's case, the expectation is for a robust and very competitive election. Supervisor Wagner could face an easy re-election or may be in for a tough fight depending on a tactical decision Democrats make. On the one hand, Democrats may look at the combined votes of Republican candidates in the special election and determine there is no path to victory. On the other hand, Democrats might sense an advantage with a contested Democratic Presidential primary boosting turnout and decide for a re-match. Time will tell.

New Statewide Poll Revealed

California based PPIC - Public policy Institute of California completed a California survey in March. The survey of 1,706 Californians, of which 1,112 were likely voters, was conducted March 10-19 and publicly released on March 27th. Among likely voters, the margin of error is +/- 4.3%

Californians hold similar overall views on Governor Newsom's plans to build a single tunnel rather than two tunnels in the Sacramento-San Joaquin Delta. Fifty-two percent of adults and 47 percent of likely voters think this proposal is a good idea. A majority of Democrats and half of independents think this is a good idea, while Republicans are divided. Positive perceptions are highest in the San Francisco Bay Area (56%) and the Inland Empire (55%), followed by those in the Central Valley (51%), Los Angeles (49%), and Orange/San Diego (44%). About six in ten Latinos (59%) and African Americans (58%) say this is a good idea compared to about half of Asian Americans (50%) and whites (47%).

"Next, as you may know, Governor Brown had plans to build two tunnels in the Sacramento-San Joaquin Delta to move water from northern California for agricultural, environmental, and urban uses in central and southern California. Governor Newsom proposes to scale back the Delta project and build one tunnel. Do you think that Governor Newsom's proposal is a good idea or a bad idea?"

	All adults	Party			Likely voters
		Dem	Rep	Ind	
Good idea	52%	56%	38%	50%	47%
Bad idea	32	25	42	38	34
Don't want/need any tunnels (volunteered)	3	1	6	2	4
Don't know	14	18	15	9	16

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q1. Overall, from what you know so far, do you approve or disapprove of the way that Gavin Newsom is handling his job as governor of California?	approve	45%	49%	43%	45%	Q4. Overall, how fair do you think our present state and local tax system is--would you say it is very fair, moderately fair, not too fair, or not at all fair?	very fair	7%	11%	5%	5%
	disapprove	26%	13%	32%	36%		moderately fair	37%	36%	38%	39%
	[VOL] have not heard enough to have an opinion	16%	16%	16%	14%		not too fair	25%	26%	25%	25%
	[VOL] don't know	13%	23%	9%	6%		not at all fair	27%	24%	29%	28%
	Unweighted n	1699	269	1409	1108		[VOL] don't know	3%	4%	3%	3%
							Unweighted n	1699	270	1408	1109

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q5. When you combine all of the taxes you pay to state and local governments, do you feel that you pay much more than you should, somewhat more than you should, about the right amount, less than you should, or less than you should?	much more	39%	39%	39%	40%	Q6. Where do you think California currently ranks in state and local tax burden per capita? Compared to other states, is California's tax burden per capita near the top, above average, average, below average, or near the bottom?	near the top	48%	41%	52%	55%
	somewhat more	21%	17%	24%	23%		above average	22%	16%	25%	25%
	about the right amount	33%	34%	32%	32%		average	12%	18%	10%	9%
	less than you should	4%	5%	3%	4%		below average	3%	4%	3%	2%
	[VOL] don't know	3%	5%	2%	2%		near the bottom	4%	5%	4%	3%
	Unweighted n	1695	269	1405	1105		[VOL] don't know	10%	16%	7%	6%
						Unweighted n	1702	269	1412	1111	

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q7. At this time, how much of a problem for state and local government budgets is the amount of money that is being spent on their public employee pension or retirement systems? Is this a big/somewhat/not a problem in California today?	big problem	29%	22%	33%	34%	Q9. How much of a problem is poverty in your part of California? Is it a big problem, somewhat of a problem, or not much of a problem?	big problem	51%	50%	52%	50%
	somewhat of a problem	34%	33%	35%	35%		somewhat of a problem	32%	28%	34%	37%
	not a problem	22%	25%	21%	21%		not much of a problem	16%	22%	13%	12%
	[VOL] don't know	14%	19%	11%	10%		[VOL] don't know	1%	0%	1%	1%
	Unweighted n	1696	271	1404	1105		Unweighted n	1705	271	1413	1112

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q10. Do you think the gap between the rich and the poor in your part of California is getting larger, getting smaller, stayed the same, getting larger, getting smaller, or has it stayed the same?	getting larger	67%	57%	72%	72%	Q12. How much of a problem is housing affordability in your part of California? Is it a big problem, somewhat of a problem, or not a problem?	big problem	68%	61%	72%	72%
	getting smaller	5%	8%	3%	3%		somewhat of a problem	21%	22%	21%	21%
	stayed the same	26%	32%	22%	23%		not a problem	10%	16%	7%	6%
	[VOL] don't know	3%	3%	3%	2%		[VOL] don't know	1%	1%	1%	1%
	Unweighted n	1702	270	1411	1111		Unweighted n	1704	271	1412	1111

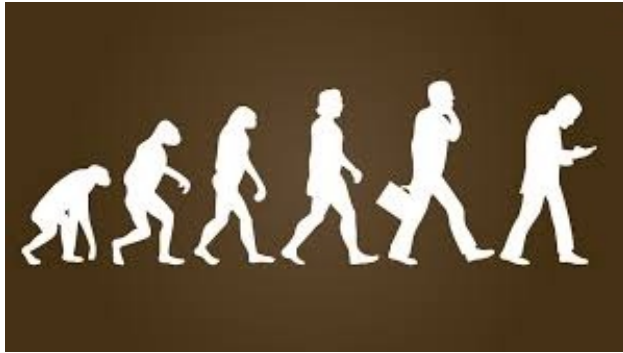
		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q13. Does the cost of your housing make you and your family seriously consider moving away from the part of California you live now?	Yes, elsewhere in California	9%	12%	8%	8%	Q14. Governor Newsom's budget proposal allocates \$1.8 billion dollars in one-time spending to increase housing production, including an expansion of state tax credits to develop low- and moderate-income housing. Do you favor or oppose?	favor	72%	83%	68%	65%
	Yes, outside of the state	35%	31%	38%	36%		oppose	24%	14%	28%	30%
	Yes, other	3%	3%	2%	2%		[VOL] don't know	4%	3%	5%	4%
	No	52%	53%	52%	54%		Unweighted n	1702	271	1410	1108
	Don't know	0%	0%	0%	0%						
	Unweighted n	1699	269	1409	1108						

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q15. How much of a problem is the threat of wildfires in your part of California? Is it a big problem, somewhat of a problem, or not a problem?	big problem	40%	34%	44%	46%	Q19. Overall, do you approve or disapprove of the way that Donald Trump is handling his job as president?	approve	29%	26%	31%	34%
	somewhat of a problem	30%	33%	29%	29%		disapprove	67%	69%	66%	64%
	not a problem	29%	33%	27%	25%		[VOL] don't know	4%	5%	3%	2%
	[VOL] don't know	0%	0%	1%	1%		Unweighted n	1691	270	1400	1104
	Unweighted n	1705	270	1414	1112						

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q20. Overall, do you approve or disapprove of the way that Dianne Feinstein is handling her job as U.S. senator?	approve	47%	47%	47%	48%	Q21. Overall, do you approve or disapprove of the way that Kamala Harris is handling her job as U.S. senator?	approve	45%	42%	46%	48%
	disapprove	36%	25%	42%	45%		disapprove	32%	25%	36%	38%
	[VOL] don't know	17%	29%	11%	7%		[VOL] don't know	23%	33%	18%	14%
	Unweighted n	1696	271	1404	1107		Unweighted n	1693	270	1402	1103

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q27. Do you think that Donald Trump should or should not have declared a national emergency in order to build a wall along the border with Mexico?	should	21%	11%	26%	28%	Q28. Do you think the dederal crackdown on undocumented migrants is a good thing for the country or a bad thing for the country?	good thing	41%	37%	43%	46%
	should not	77%	86%	72%	70%		bad thing	48%	49%	47%	46%
	[VOL] don't know	2%	3%	2%	2%		mixed	4%	4%	5%	4%
	Unweighted n	1699	269	1409	1108		neither	0%	1%	0%	0%
							[VOL] don't know	6%	9%	5%	4%
							Unweighted n	1690	268	1401	1104

		All Adults	Registered Voter		Likely voters			All Adults	Registered Voter		Likely voters
			No	Yes					No	Yes	
Q29. Do you favor or oppose the California state and local governments making their own policies and taking actions, separate from the federal government, to protect the legal rights of undocumented immigrants?	favor	61%	72%	56%	54%	Q32. Governor Newsom's budget proposal allocates \$196 million dollars to expand Medi-Cal coverage to low-income young adults ages 19 through 25 regardless of immigration status. Do you favor or oppose this proposal?	favor	64%	81%	56%	54%
	oppose	34%	22%	40%	43%		oppose	32%	15%	41%	44%
	[VOL] don't know	4%	6%	4%	3%		[VOL] don't know	3%	4%	3%	3%
	Unweighted n	1699	268	1410	1109		Unweighted n	1698	271	1406	1108



Evolution of Orange County

Decades ago the Los Angeles Times described Orange county as a homogenous suburban community overwhelmingly white and Republican.

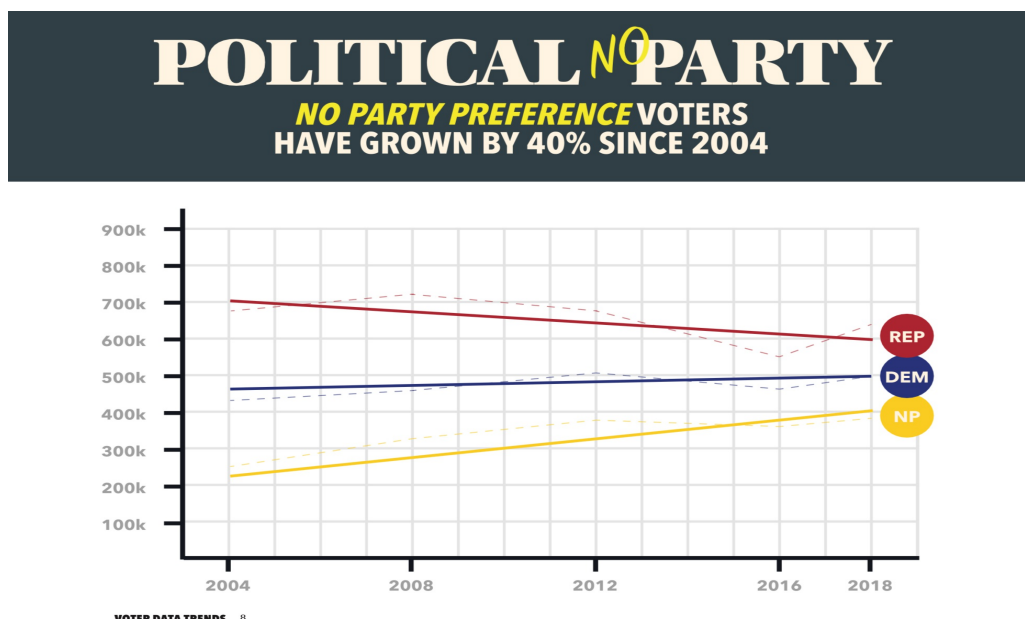
The County which was once recognized as the best of Reagan Country and nationally known as America's MOST Republican County is no more. In fact, sometime prior

to the 2020 Presidential election, Democrats will have a plurality of Orange County voter registrations.

MOST RECENT VOTER REGISTRATION FIGURES

Party Counts	
DEM	533,939
REP	542,433
AI	41,253
GRN	4,870
LIB	14,321
P-F	4,246
MISC	3,959
NPP	449,755

The trend has been in place for decades and this chart shows the change since 2004



The political change in Orange County can be largely explained by the dramatic change in the county's demographics and the increasing diversity in ethnic representation.

The segment of Orange County's population that is non-Latino white dropped from 86% in 1970 to below 50% in July 2003.

2003: 49.5%

2000: 51%

1990: 64%

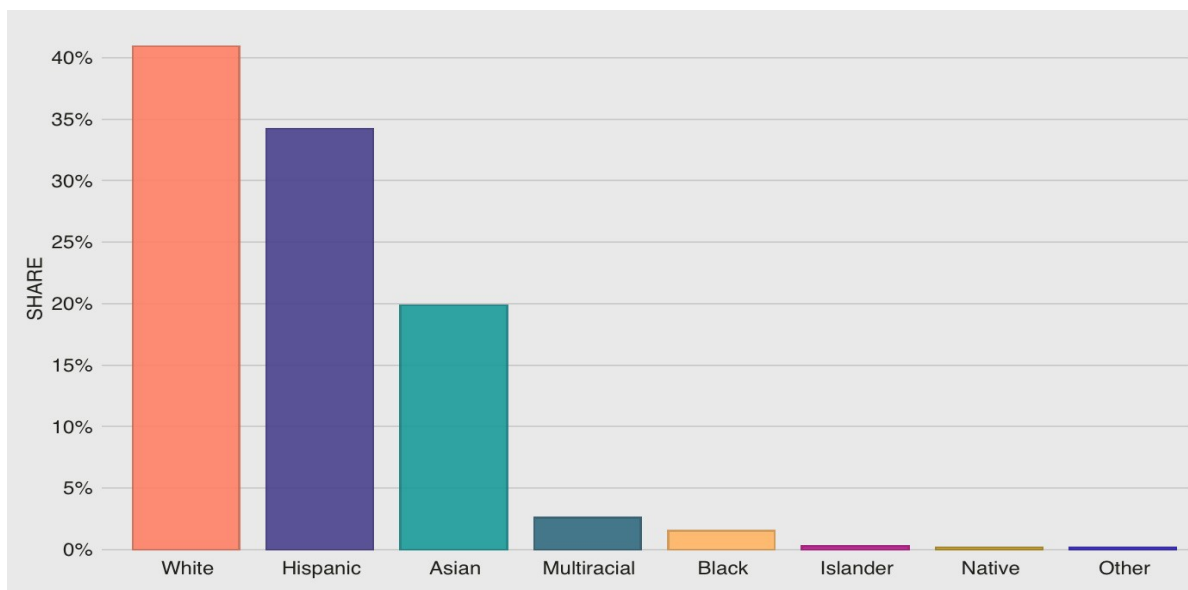
1980: 78%

1970: 86%

As of 2016

Orange County, CA is home to a population of 3.17M people, from which 85.9% are citizens. The ethnic composition of the population of Orange County, CA is composed of 1.3M White residents (41%), 1.09M Hispanic residents (34.3%), 631,396 Asian residents (19.9%), 83,015 Two+ residents (2.62%), and 49,643 Black residents (1.56%). The most common foreign

languages in Orange County, CA are Spanish (770,012 speakers), Vietnamese (172,876 speakers), and Korean (76,934 speakers), but compared to other places, Orange County, CA has a relative high number of Vietnamese (172,876 speakers), Persian (31,593 speakers), and Korean (76,934 speakers).



ACKERMAN CONSULTING

Legal and Regulatory

April 15, 2019

1. **Pebble Beach Golf Balls:** The Pebble Beach Co., which operates the world famous golf course near Carmel, is investing over \$250,000 over a five year period to remove golf balls from Stillwater Cove. This is the area where golf balls end up if the golfer does not hit a good shot. It is estimated that between 1 and 5 million balls have ended up in the Cove since the course opened in 1919. Over time, golf balls break down and leave micro plastics and chemical pollutants in the ocean. Golf balls are just negatively buoyant and tend to end up on the floor of the ocean and then tumble around at the direction of the current. Divers pick up 500 to 5000 daily per dive. The company estimates that the clean up can be completed in about five years and then annual dives will keep us on par. (Authors disclaimer: I have added 4 to the total count.) In case you are interested, the good balls will be reused and the rest will be part of an art sculpture.

2. **Hydro Increase:** The State expects that this year will be a banner year for hydroelectricity in our State. In the midpoint of the drought, hydro contributed 5.9% of in-state electricity. This is based on large hydro plants, 30 megawatts and above. In 2107, that increased to 17.89%. This year that percentage is expected to again increase. This will impact the sale of natural gas in California as an increase in hydro power means a decrease in use of natural gas. Statewide average for snowpack is 160% of normal. This is good overall since Aliso Canyon in LA, a major source of natural gas, is not yet back to its former output.

3. **More Groundwater Measurement:** Scientists from Arizona State University are the latest group to use satellite imagery to study the underground aquifers in the San Joaquin Valley. Using NASA GRACE satellite systems, they are continuing their study that dates back to 2007. The average yearly loss has been 1.6 trillion gallons and permanent compaction of clay layers in the aquifer. We have all seen the subsidence levels in the Valley but the more important discovery is the loss of storage capacity. It is estimated that this loss from 2012 to 2015 has been 3%. At this rate, the storage capacity of the aquifer will be seriously reduced by the end of the century. Even a large recharge program will not be enough to change this trend line.

4. **Clean Water:** UCLA engineers are weighing in on clean water since they have a long history in this area. Their engineers developed the first marketable reverse osmosis membranes and have been involved in various improvements to these systems. This research dates back to the 1950s with their first patent being issued in 1960. This RO technology is used in 65% of the worlds desal operations. They are continuing to innovate with

better technologies and more energy efficient systems. They are presently developing a Smart Integrated Membrane System (SIMS) which will be mobile and fit into a regular cargo container. It is designed for remote areas and can produce 35,000 gallons per day from contaminated ground water or other source. It can also be set up to produce water for agricultural purposes. The group is also working in the Salinas Valley in the areas of contaminated water for the disadvantaged communities.

5. **Bakersfield's Love Water:** Love Water is a nonprofit group started in Bakersfield by a retired Fire Captain. Their goal was to bring affordable water systems to folks around the world that do not have access to drinking water. They have developed a bio sand filter systems which retails for \$4000 depending on ultimate destination. They have set up systems for over 60,000 people in Africa and South America. Their primary support is from volunteers and private donations. Their goal is to expand their program to the estimated 2.5 billion people in the world that do not have access to clean water.

6. **California vs Administration:** The battles continue between California and the USA with respect to water. While Trump tries to scale back the federal Clean Water Act, California wants to increase restrictions on farmers with respect to oversight of small areas of water on their property. One farmer in Clements was recently threatened with \$100,000 per day fines for plowing his field that had been deemed by regulators a wetland many years before. The California Water Resources Control Board wants to expand watershed regulation and definition of wetlands and essentially go around the Federal efforts to more narrowly interpret the Clean Water Act. Sounds like more law suits are coming from all sides. It should be noted the Cal Trans does not support the Water Boards efforts as it would drive up the costs of building highways and bridges and make it more difficult.

7. **Flood Plain Test:** Hamilton City in northern California had its first test of a new flood plain. The 925 acre plain restoration project by River Partners was flooded a few months ago from overflow from the Sacramento River after numerous storms. A new levee was built to contain the flow. The plant life generally survived the temporary submersion but there was damage to some roads and irrigation systems. The overall test was rated a success but long term usage will be the final word. The flood protection aspect worked and the surrounding fish and wildlife seemed to benefit. Much of the money came from the Corp of Engineers and another 500 acre plain is under consideration. Maximum depth of the current flood plain area was 5 feet.

8. **Kern County Challenge:** Kern County is a leader in agricultural products in the nation. This means jobs, business, economic growth arising out of the \$7 billion worth of sales. They are leaders in grapes, almonds and citrus nationally. One in five jobs is directly or indirectly related to agriculture. Threatening all this is the deadline for the Sustainable Groundwater Management Act which will determine who gets how much water from the aquifer going forward. The Groundwater Authority is composed of 16 agencies, of which 14 are water agencies. Kern County has decided not be a part of the Authority. They have stated they don't want to manage this system or have liability for its decisions. Kern County could lose over 185,000 acres of farmland (20% of total farming acreage) under the SGMA actions. All farmers and water districts could be put on a budget or allocation for their water use. The Act gives the County 20 years to conform but actions would have

to start now to make that deadline. Groundwater generally accounts for about 40% of water used in California. Except drought years cause this percentage to increase.

9. **Billionaire Joins Water Battles:** Tom Steyer, Democrat billionaire, visited the Coachella Valley to join the fight for clean water in California. Known for his anti-Trump efforts, he indicated that opposing the President and encouraging the impeachment process go hand in hand with his efforts to ensure safe drinking water for all Californians. He stated “these are the exact same conversations about justice”. He asserts that climate change is responsible for these water problems.

10. **Snowpack Good:** The State announced that the 106 inches of snow at Phillips Station was the 4th highest reading for April since recordings were kept. The northern Sierras are at 165% of average, while the southern Sierras are at 153%. A total of 30 plus atmospheric rivers have visited California. More is predicted for April. Keep the fire going>>

PAL Committee

Prepared by Best Best & Krieger, April 9, 2019

A. Priority Support/Oppose

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
<u>AB 134</u>	<u>Bloom, D</u>	Safe, clean, affordable, and accessible drinking water.	3/27/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 26). Re-referred to Com. on APPR.	Would state findings and declarations relating to the intent of the Legislature to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water. The bill would require, if a Safe Drinking Water Fund or Safe and Affordable Drinking Water Fund is established, the funding to be displayed in the annual Governor's budget, as prescribed, and, at least every 5 years, would require the Legislative Analyst's Office to provide an assessment of the effectiveness of expenditures from the fund.	Out for Analysis	A. Priority Support/Oppose	
<u>AB 217</u>	<u>Garcia, Eduardo D</u>	Safe Drinking Water for All Act.	4/1/2019-Re-referred to Com. on APPR.	Would enact the Safe Drinking Water for All Act and 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 board to provide a source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.	Watch	A. Priority Support/Oppose	
<u>AB 223</u>	<u>Stone, Mark D</u>	California Safe Drinking Water Act: microplastics.	2/25/2019-In committee: Set, first hearing. Hearing canceled at the request of author.	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires the state board, on or before July 1, 2020, to adopt a definition of microplastics in drinking water and, on or before July 1, 2021, to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water, including public disclosure of	Out for Analysis	A. Priority Support/Oppose	

				<i>those results. This bill would require the state board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with those requirements.</i>			
<u>AB 292</u>	<u>Quirk D</u>	<i>Recycled water: raw water and groundwater augmentation.</i>	<i>4/9/2019-Action From W.,P. & W.: Do pass.To APPR..</i>	<i>Current law requires the State Water Resources Control Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. Current law defines “direct potable reuse” and “indirect potable reuse for groundwater recharge” for these purposes. This bill would eliminate the definition of “direct potable reuse” and instead would substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these definitions. The bill would revise the definition of “treated drinking water augmentation.”</i>	<i>Support</i>	<i>A. Priority Support/ Oppose</i>	
<u>AB 533</u>	<u>Holden D</u>	<i>Income taxes: turf removal water conservation program.</i>	<i>4/8/2019-Re-referred to Com. on REV. & TAX.</i>	<i>Current law, for taxable years beginning on or after January 1, 2014, and before January 1, 2019, excludes from gross income under both laws 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. Current law limits the collection and use of taxpayer information and provides that any unauthorized use of this information is punishable as a misdemeanor. This bill would extend the operative date of the provisions excluding from gross income specified amounts received in a turf removal water conservation program to taxable years beginning before January 1, 2024.</i>	<i>Support</i>	<i>A. Priority Support/ Oppose</i>	
<u>AB 756</u>	<u>Garcia, Cristina D</u>	<i>Public water systems: contaminants.</i>	<i>3/27/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 26). Re-referred to Com. on APPR.</i>	<i>Would require a public water system to monitor for perfluoroalkyl and polyfluoroalkyl substances. The bill would additionally require a public water system to publish and keep current on its internet website water quality information relating to regulated contaminants and to notify each customer on the customer’s next water bill and through email, as</i>	<i>Out for Analysis</i>	<i>A. Priority Support/ Oppose</i>	

				<i>prescribed, of confirmed detections of specified excess contaminants.</i>			
<u>AB 1194</u>	<u>Frazier D</u>	<i>Sacramento-San Joaquin Delta: Delta Stewardship Council.</i>	<i>3/11/2019-Referred to Com. on W., P., & W.</i>	<i>Would increase the membership of the Delta Stewardship Council to 13 members, including 11 voting members and 2 nonvoting members, as specified. By imposing new duties upon local officials to appoint new members to the council, the bill would impose a state-mandated local program.</i>	<i>Oppose</i>	<i>A. Priority Support/ Oppose</i>	
<u>ACA 3</u>	<u>Mathis R</u>	<i>Clean Water for All Act.</i>	<i>3/21/2019-Re-referred to Com. on W., P., & W. Measure version as amended on March 20 corrected.</i>	<i>This measure, the Clean Water for All Act, would additionally require, commencing with the 2021–22 fiscal year, not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects administered by the department, and water quality projects administered by the state board, as provided.</i>	<i>Out for Analysis</i>	<i>A. Priority Support/ Oppose</i>	
<u>SB 134</u>	<u>Hertzberg D</u>	<i>Water conservation: water loss performance standards: enforcement.</i>	<i>3/13/2019-Set for hearing April 9.</i>	<i>Current law authorizes 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, and existing law authorizes the board to impose civil liability for a violation of an order or regulation issued pursuant to these provisions, as specified. Current law requires the board, no earlier than January 1, 2019, and no later than July 1, 2020, to adopt rules requiring urban retail water suppliers to meet performance standards for the volume of water losses. This bill would prohibit the board from imposing liability for a violation of the performance standards for the volume of water losses except as part of the enforcement of an urban water use objective.</i>	<i>Support</i>	<i>A. Priority Support/ Oppose</i>	
<u>SB 200</u>	<u>Monning D</u>	<i>Safe and Affordable Drinking Water Fund.</i>	<i>3/22/2019-Set for hearing April 23.</i>	<i>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 provide a stable source of funding to secure</i>	<i>Watch</i>	<i>A. Priority Support/ Oppose</i>	

				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 board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to the provision of safe and affordable drinking water.			
<u>SB 204</u>	<u>Dodd D</u>	State Water Project: contracts.	4/5/2019-Set for hearing April 22.	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. The bill would require the department, before the execution of a specified proposed amendment to a long-term water supply contract and at least 60 days before final approval of such an 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.	Oppose	A. Priority Support/ Oppose	
<u>SB 205</u>	<u>Hertzberg D</u>	Business licenses: stormwater discharge compliance.	4/5/2019-Set for hearing April 22.	Would require, when applying to a city or a county for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry to demonstrate compliance with the National Pollutant Discharge Elimination System (NPDES) permit program by providing specified information, under penalty of perjury, on the application, including, among other things, the Standard Industrial Classification code for the business. The bill would apply to all applications for initial	Watch	A. Priority Support/ Oppose	

				<i>business licenses and business license renewals submitted on and after January 1, 2020.</i>			
<u>SB 332</u>	<u>Hertzberg</u> D	<i>Wastewater treatment: recycled water.</i>	<i>4/5/2019-Set for hearing April 23.</i>	<i>Would declare, except in compliance with the bill's provisions, that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. The bill would require each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers to reduce the facility's annual flow as compared to the average annual wastewater discharge baseline volume, as prescribed, by at least 50% on or before January 1, 2030, and by at least 95% on or before January 1, 2040. The bill would subject the owner or operator of a wastewater treatment facility, as well as the affiliated water suppliers, to a civil penalty of \$2,000 per acre-foot of water above the required reduction in overall volume discharge for the failure to meet these deadlines.</i>	<i>Out for Analysis</i>	<i>A. Priority Support/ Oppose</i>	
<u>SB 414</u>	<u>Caballero</u> D	<i>Small System Water Authority Act of 2019.</i>	<i>4/4/2019-Read second time and amended. Re-referred to Com. on APPR.</i>	<i>Would create the Small System Water Authority Act of 2019 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, 2020, 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 the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.</i>	<i>Support</i>	<i>A. Priority Support/ Oppose</i>	
<u>SB 669</u>	<u>Caballero</u> D	<i>Water quality: Safe Drinking Water Fund.</i>	<i>3/19/2019-Set for hearing April 10.</i>	<i>Would establish the Safe 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 state board to administer the fund</i>	<i>Support</i>	<i>A. Priority Support/ Oppose</i>	

to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified.

B. Watch

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
<u>AB 129</u>	<u>Bloom D</u>	Microfiber pollution.	3/26/2019-Referred to Com. on E.S. & T.M.	<i>Would require the State Water Resources Control Board to take specified actions relating to microfiber pollution on or before July 1, 2020, and would require the state board to identify best practices for clothing manufacturers to reduce the amount of microfibers released into the environment. The bill would require, on or before January 1, 2020, a public entity that uses a laundry system, and a private entity that contracts with a state agency for laundry services, to install a filtration system to capture microfibers that are shed during washing.</i>	Out for Analysis	B. Watch	
<u>AB 231</u>	<u>Mathis R</u>	California Environmental Quality Act: exemption: recycled water.	3/25/2019-In committee: Set, first hearing. Failed passage.	<i>Would exempt from CEQA a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.</i>	Watch	B. Watch	
<u>AB 405</u>	<u>Rubio, Blanca D</u>	Sales and use taxes: exemption: water treatment.	3/11/2019-In committee: Hearing for testimony only.	<i>Would exempt from Sales and Use Tax the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, chemicals used to treat water, recycled water, or wastewater regardless of whether those chemicals or other agents become a component part thereof and regardless of whether the treatment takes place before or after the delivery to consumers.</i>	Watch	B. Watch	

<u>AB 441</u>	<u>Eggman</u> D	Water: underground storage.	3/28/2019-Re-referred to Com. on APPR.	Under current law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Current law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Current law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would instead provide that any diversion of water to underground storage constitutes a diversion of water for beneficial use for which an appropriation may be made if the diverted water is put to beneficial use, as specified.	Watch	B. Watch	
<u>AB 591</u>	<u>Garcia, Cristina</u> D	Central Basin Municipal Water District: board of directors.	3/12/2019-Re-referred to Com. on L. GOV.	Current law requires the board of directors of the Central Basin Municipal Water District to be composed of 8 directors until the directors elected at the November 8, 2022, election take office, when the board would be composed of 7 directors, as prescribed. Current law requires the 3 directors appointed by the water purveyors, as specified, to live or work within the district and requires the term of an appointed director to be terminated if the appointed director no longer is employed by or a representative of the appointing entity. This bill would define representative for these purposes to be a consultant or contractor of an entity, or a board member of an entity that is a mutual water company.	Watch	B. Watch	Watch for potential amendments relating to membership allocation on MWD
<u>AB 636</u>	<u>Gray</u> D	State Water Resources Control Board: water quality objectives.	3/14/2019-Referred to Com. on E.S. & T.M.	Would prohibit the State Water Resources Control Board from implementing water quality objectives for which the state board makes a certain finding relating to environmental quality until it has submitted the water quality objectives and a statement of that finding to the appropriate policy committees of the Legislature and each committee has held a hearing on these matters.	Watch	B. Watch	

<u>AB 637</u>	<u>Gray D</u>	State Water Resources Control Board: minority and low-income communities: drinking water.	3/26/2019-In committee: Set, first hearing. Hearing canceled at the request of author.	Would require the State Water Resources Control Board, before taking actions that impact drinking water, to identify potential adverse human health effects that the proposed action may have on minority and low-income populations and to seek to reduce those effects to the greatest extent practicable.	Watch	B. Watch	
<u>AB 638</u>	<u>Gray D</u>	Department of Water Resources: water storage capacity.	3/26/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (March 26). Re-referred to Com. on APPR.	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 require the department, on or before January 1, 2021, with updates every 2 years thereafter, to identify the statewide water storage capacity, the adverse impacts to the capacity from the effects of climate change, and the mitigation strategies for anticipated adverse impacts.	Watch	B. Watch	
<u>AB 658</u>	<u>Garcia, Eduardo D</u>	Water rights: water management.	4/3/2019-Re-referred to Com. on APPR.	Would authorize a groundwater sustainability agency or local agency to apply for, and the State Water Resources Control Board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified.	Watch	B. Watch	
<u>AB 841</u>	<u>Ting D</u>	Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.	3/27/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (March 26). Re-referred to Com. on APPR.	Would require the Office of Environmental Health Hazard Assessment to adopt and complete a work plan within prescribed timeframes to assess which substances in the class of perfluoroalkyl and polyfluoroalkyl substances should be identified as a potential risk to human health, as provided. The bill would require the office, as part of those assessments, to determine which of the substances are appropriate candidates for notification levels to be adopted by the state board. The bill would require the Office of Environmental Health Hazard Assessment, by January 1, 2022, to provide to the Legislature an update on the assessment.	Watch	B. Watch	
<u>AB 955</u>	<u>Gipson D</u>	Water replenishment districts: water system needs	4/9/2019-Action From W.,P. & W.: Do pass.To APPR..	Would require a water replenishment district to offer to conduct a needs assessment program for water systems	Watch	B. Watch	

		assessment program.		serving disadvantaged communities within the district, as specified. The bill would make a water system's participation in the program voluntary. The bill would require the district, upon completion of the needs assessment, to develop and evaluate options to address the findings and recommendations in the needs assessment and prepare an implementation plan for recommendation to the water system.			
<u>AB 1204</u>	<u>Rubio, Blanca</u> D	Public water systems: primary drinking water standards: implementation date.	3/26/2019-In committee: Set, first hearing. Hearing canceled at the request of author.	Would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard or that is more stringent than a federal primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard. The bill would authorize the state board to delay the effective date of the primary drinking water standard adoption or amendment by no more than 2 additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.	Watch	B. Watch	
<u>AB 1220</u>	<u>Garcia, Cristina</u> D	Metropolitan water districts.	4/1/2019-Re-referred to Com. on L. GOV.	Under the Metropolitan Water District Act, the board of a metropolitan water district is required to consist of at least one representative from each member public agency, as prescribed. The act authorizes each member public agency to appoint additional representatives not exceeding one additional representative for each 5% of the assessed valuation of property taxable for district purposes within the entire district that is within the boundaries of that member public agency. This bill would prohibit a member public agency from having fewer than the number of representatives it had as of January 1, 2019.	Out for Analysis	B. Watch	
<u>AB 1414</u>	<u>Friedman</u> D	Urban retail water suppliers: reporting.	4/9/2019-Action From W.,P. & W.: Do pass.To APPR..	Would require each urban retail water supplier on or before January 1 of each year until January 1, 2024, to submit a completed and validated water loss audit report as prescribed by the Department of Water Resources. The bill would require	Watch	B. Watch	

				<i>on or before January 1, 2024, and on or before January 1 of each year thereafter, each urban retail water supplier to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year as part of an existing report relating to its urban water use.</i>			
<u>AB 1588</u>	<u>Gloria D</u>	<i>Drinking water and wastewater operator certification programs.</i>	<i>4/3/2019-Re-referred to Com. on E.S. & T.M.</i>	<i>Current law requires a person who operates a nonexempt wastewater treatment plant to possess a valid, unexpired wastewater certificate or water treatment operator certificate of the appropriate grade. This bill, when applying for certification by the board as a water treatment operator, distribution system operator, or wastewater operator, would require operators of complex industrial facilities, including members of the military and military service veterans, to receive full equivalent experience credit and education credit for work and tasks performed that are directly related to the operation of water or wastewater facilities, as specified.</i>	<i>Watch</i>	<i>B. Watch</i>	
<u>SB 1</u>	<u>Atkins D</u>	<i>California Environmental , Public Health, and Workers Defense Act of 2019.</i>	<i>3/22/2019-Set for hearing April 9.</i>	<i>Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. 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 generally prohibits the taking of those species. This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified.</i>	<i>Out for Analysis</i>	<i>B. Watch</i>	
<u>SB 19</u>	<u>Dodd D</u>	<i>Water resources: stream gages.</i>	<i>4/8/2019-April 8 hearing: Placed on APPR. suspense file.</i>	<i>Would require the Department of Water Resources and the State Water Resources Control Board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for</i>	<i>Out for Analysis</i>	<i>B. Watch</i>	

				<i>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.</i>			
<u>SB 45</u>	<u>Allen D</u>	<i>Wildfire, Drought, and Flood Protection Bond Act of 2020.</i>	<i>4/4/2019-Read second time and amended. Re-referred to Com. on GOV. & F.</i>	<i>Would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,300,000,000 pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.</i>	<i>Out for Analysis</i>	<i>B. Watch</i>	
<u>SB 307</u>	<u>Roth D</u>	<i>Water conveyance: use of facility with unused capacity.</i>	<i>4/9/2019-Action From N.R. & W.: Do pass as amended. To APPR..</i>	<i>Current law prohibits the state or a regional or local public agency from denying a bona fide transferor 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</i>		<i>B. Watch</i>	<i>In PAL Committee for consideration</i>

				<i>cultural resources of those federal and state lands.</i>			
<i>Total Measures: 34</i> <i>Total Tracking Forms: 34</i>							

Metropolitan Water District of Southern California
State Legislative Matrix
April 5, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 292 Quirk (D) Sponsor: WateReuse California	Amended 3/6/2019 Assembly Water, Parks and Wildlife Committee Date of Hearing: 4/9/2019	Recycled water: raw water and groundwater augmentation. Would modernize definitions from AB 574 (Quirk, 2017), which Metropolitan supported. Seeks to further clarify terminology related to recycled water that more accurately reflects current uses and practices.	SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Principles	Providing outreach and education on process and benefits of recycled water is essential as California encourages increased development of recycled water supplies. AB 292 will help reduce confusion as water agencies work to increase public's comfort level with use of recycled water.
AB 441 Eggman (D) Sponsor: Author	Amended 3/27/2019 Assembly Appropriations Committee Date of Hearing: 4/10/2019	Water: underground storage. Provides that certain uses of stored water while underground will constitute a beneficial use.	OPPOSE Based upon past opposition to AB 647 (Eggman) from 2015/16 and AB 1427 (Eggman) from 2017/18	Fails to provide sufficient safeguards to ensure that permanent underground storage is implemented in a reasonable manner. Unchecked, diversion of water for underground storage, whether new or existing appropriation, may adversely impact other beneficial uses of water for fish and wildlife, recreation, commerce, or use by downstream diverter.
AB 533 Holden (D) Sponsors: CA Water Efficiency Partnership, WaterNow Alliance, and Metropolitan	Amended 4/4/2019 Assembly Revenue and Taxation Committee	Income taxes: exclusion: water conservation or efficiency programs: water runoff management improvement program. Would exclude from gross income, under both personal and corporate income tax laws, amounts received as rebate, voucher, or other financial incentive issued by local water agency for participation in water efficiency program or storm water runoff improvement program.	CO-SPONSOR Based upon Board-adopted 2019 State Legislative Priorities and Principles	Water providers need broad array of tools to increase participation in water use efficiency programs to further achieve water use savings. Utility-sponsored financial incentives are effective measures, and their appeal increases if rebates are excluded from taxable income.

Metropolitan Water District of Southern California
State Legislative Matrix
April 5, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 654 B. Rubio (D) Sponsors: California Municipal Utilities Association (CMUA) and California Special Districts Association (CSDA)	Introduced 2/15/2019 Assembly Judiciary Committee	Public records: utility customers: disclosure of personal information. Authorizes local agency to voluntarily release customer information to another governmental agency for scientific, research, or educational purposes, and if receiving agency agrees to maintain information as confidential.	SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Principles	Data sharing is state policy objective, with intent to improve decision making. Measure will facilitate voluntary exchange of customer data information for prescribed uses to further improve customer programs and projects, while providing protections to ensure information remains confidential.
AB 1194 Frazier (D) Sponsor: Delta Counties Caucus	Introduced 2/21/2019 Assembly Water, Parks and Wildlife Committee Date of Hearing: 4/9/2019	Sacramento-San Joaquin Delta: Delta Stewardship Council. Will increase membership of Delta Stewardship Council from seven members to 13 members, with all six proposed new members to represent in-Delta interests.	OPPOSE Based upon past opposition to AB 1876 (Frazier) from 2017/18	Fails to recognize the importance of statewide approach to advancing progress in Sacramento-San Joaquin Delta as encompassed in comprehensive package of reforms embedded in Delta Reform Act of 2009.

Item No. 1f

Metropolitan Water District of Southern California
State Legislative Matrix
April 5, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 1204 B. Rubio (D) Sponsor: Association of California Water Agencies (ACWA)	Introduced 2/21/2019 Assembly Environmental Safety and Toxic Materials Committee	Public water systems: primary drinking water standards: implementation date. Requires State Water Resources Control Board (SWRCB) to allow water providers reasonable period of time to complete work required to comply with new Maximum Contaminant Levels (MCLs), without being found in violation. Specifically proposes that any drinking water standards (MCL or treatment technique) adopted or amended by SWRCB will only be effective three years after initial date of adoption. Also grants SWRCB authority to allow up to two additional years to comply with standards, if it determines that more time is necessary for capital improvements.	SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Principles	Positive impact to Metropolitan and its member agencies as it would establish fair and reasonable compliance period similar to that of U.S. Environmental Protection Agency.
AB 1220 C. Garcia (D) Sponsor: Central Basin Municipal Water District	Amended 3/28/2019 Assembly Local Government Committee Date of Hearing: 4/24/2019	Metropolitan Water Districts. Amends Metropolitan Water District Act to set a floor where number of representatives would not drop below current level.	SUPPORT IF AMENDED (pending review) Based upon Board action on 3/12/19	Addresses perceived loss of representation in densely-populated communities with slower relative increases in assessed property values.

Metropolitan Water District of Southern California
State Legislative Matrix
April 5, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AJR 8 Quirk (D) Sponsor: Author	Introduced 2/15/2019	Invasive species: Federal Nutria Eradication and Control Act of 2003. Requests that U.S. Congress add California to Nutria and Eradication and Control Act of 2003, and appropriate \$4 million for nutria eradication in California.	SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Principles	Invasive species create significant, long-term burdens that require significant investments to either control and/or eradicate. Presence of nutria within Delta represents significant threat to water supply and quality, and levee stabilization.
SB 19 Dodd (D) Sponsor: The Nature Conservancy	Amended 2/28/2019 Senate Appropriations Committee Date of Hearing: 4/8/2019	Water resources: stream gages. Requires Department of Water Resources and State Water Resources Control Board to develop plan to implement network of stream gages that includes determination of funding and opportunities to modernize existing network of gages, in consultation with other stakeholders.	SUPPORT Based upon past support for SB 919 (Dodd) from 2017/18	Currently no comprehensive or authoritative database on gage locations exists, and ability to link measurements to water quantity and water quality is essential for sound, informed water management decisions statewide. Metropolitan supported the Open and Transparent Water Data Act (AB 1755 Dodd, 2016), and improving gage data is consistent with purpose of Act.
SB 62 Dodd (D) Sponsor: California Farm Bureau Federation	Amended 4/3/2019 Senate Appropriations Committee Date of Hearing: 4/22/2019	Endangered species: accidental take associated with routine and ongoing agricultural activities: state safe harbor agreements. Extends exemption from California Endangered Species Act (CESA) for accidental take of endangered species resulting from agricultural and ranching activities.	SUPPORT IF AMENDED (pending review) Based upon Board action on 3/12/19	Under CESA, farmers and ranchers are granted exemption from incidental take for accidentally taking or harming state-listed species during routine agricultural activities. Metropolitan seeking amendments to set a sunset date, require reporting, and clarify exemption applies to farmers and ranchers not public agencies.

Metropolitan Water District of Southern California
State Legislative Matrix
April 5, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 204 Dodd (D) Sponsor: Delta Counties Caucus	Amended 3/18/2019 Senate Appropriations Committee Date of Hearing: 4/22/2019	State Water Project: contracts. Requires 60 days prior to Delta Conveyance Authority (DCA) executing any planning, design and construction contracts over \$5 million that the DCA submit contract terms and conditions to the Joint Legislative Budget Committee and relevant policy and fiscal committees.	OPPOSE UNLESS AMENDED Based upon Board-adopted 2019 State Legislative Priorities and Policies	Significantly and unnecessarily delays any action to advance CA WaterFix by creating excessive delays in contracting process. DCA is already subject to public bidding requirements which can take up to 4-6 months to reach final contract. Large construction project delays, even small delays, can significantly increase costs for ratepayers of the public agencies participating in project.
SB 241 Moorlach (R) Sponsor: Author	Amended 4/2/2019 Senate Governance and Finance Committee Date of Hearing: 4/10/2019	Public agencies: joint powers authorities: contracts. Would require Joint Powers Authorities formed pursuant to Joint Exercise of Powers Act to approve and ratify, by majority vote, each MOU, and amendments thereto, negotiated between JPA and its employees within 45 days of receipt of proposed agreement.	OPPOSE UNLESS AMENDED Based upon Board-adopted 2019 State Legislative Priorities and Principles	Joint powers authorities for Delta, as well as other JPAs including Metropolitan as member, would be required to follow this requirement, requiring more work, delays, and possibly obstacles for getting work done.
SB 414 Caballero (D) Sponsor: Eastern Municipal Water District and California Municipal Utilities Association (CMUA)	Amended 4/4/2019 Senate Appropriations Committee	Small System Water Authority Act of 2019. Authorizes State Water Resources Control Board (SWRCB) to merge small, non-noncompliant public water systems into regional water authority that will directly benefit from increased economies of scale and access to public financing.	SUPPORT Based upon past support for AB 2050 (Caballero) from 2017/18	As introduced, SB 414 sets deadline for small water systems to comply with safe drinking water standards or consolidate into regional authority managed by SWRCB-appointed contractor until water system achieves self-sufficiency, complies with drinking water standards, and can reliably provide access to safe drinking water.

Metropolitan Water District of Southern California
State Legislative Matrix
April 5, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 669 Sponsor: Association of California Water Agencies (ACWA) and California Municipal Utilities Association (CMUA)	Introduced 2/22/2019 Senate Environmental Quality Committee Date of Hearing: 4/10/2019	Water Quality: Safe Drinking Water Fund. Establishes irrevocable Safe Drinking Water Trust as a perpetual source of funding to assist chronically noncompliant community water systems in disadvantaged communities gain access to safe drinking water.	<p style="text-align: center;">SUPPORT</p> Based upon Board action 3/12/2019	Would create Water Trust funded by general fund appropriation during surplus years. Earnings from Trust would be continuously appropriated to Safe Drinking Water Fund administered by State Water Resources Control Board to assist chronically noncompliant community water systems in disadvantaged communities achieve self-sufficiency.
SB 785 Senate Natural Resources and Water Committee Sponsor: Committee	Introduced 3/11/2019 Senate Natural Resources and Water Committee Date of Hearing: 4/23/2019	Public resources: parklands, freshwater resources, and coastal resources. Committee omnibus bill to extend current sunset date for requirement and enforcement of quagga control plans, and qualified liability coverage for agencies that are compliant with approved control plan.	<p style="text-align: center;">SUPPORT</p> Based upon Board-adopted 2019 State Legislative Priorities and Principles	Would extend current sunset date from January 1, 2020, to January 1, 2030, for requiring quagga mussel control plans and ensuring extension of qualified immunity for operators of water delivery and storage facilities.



PRESENTATION
April 15, 2019

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

FROM: **Robert Hunter, General Manager**

Staff Contact: Damon Micalizzi and Tiffany Baca

SUBJECT: MEMBER AGENCY MEDIA AND TOOL KITS

STAFF RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

In an effort to better coordinate regional messaging and facilitate outreach for our Member Agencies and stakeholders, Public Affairs has been producing Media Kits (or Tool Kits) for distribution. Formerly known as Electronic Press Kits (EPKs) or Press Kits for short, these valuable tools provide plug and play resources (press releases, social media posts, newsletter articles, sample letters, etc.) to influencers to use in their respective publications, for new media outlets and for the traditional press. A presentation from staff will provide additional details and highlights.

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



ACTION ITEM

April 17, 2019

TO: Board of Directors

FROM: **Public Affairs and Legislation Committee**
(Directors Dick, Osborne, and Thomas)

Robert Hunter
General Manager

Staff Contact: Heather Baez

**SUBJECT: AUTHORIZATION TO VOTE ON BEHALF OF MWDOC IN THE ACWA
JPIA EXECUTIVE COMMITTEE ELECTION**

STAFF RECOMMENDATION

Staff recommends that the Board of Directors review the candidates and authorize MWDOC Board President Brett Barbre or his designee to cast the District's ballot for the ACWA JPIA Executive Committee at ACWA's Spring Conference on May 6, 2019.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

At ACWA's Spring Conference in Monterey, there will be an Executive Committee election during the JPIA's Board of Directors' meeting on May 6, 2019.

This election will fill four Executive Committee member positions, each for a four-year term each. The incumbents are E.G. "Jerry" Gladbach, Santa Clarita Valley WA and Bruce Rupp, Humboldt Bay MWD. There are two vacant positions. There are seven candidates running to fill the four positions. The candidates are as follows:

- Fred Bockmiller, Mesa Water District
- Paul Dorey, Vista Irrigation District

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

- Jerry Gladbach, Santa Clarita Valley Water Agency
- Brent Hastey, Yuba County Water Agency
- Al Lopez, Western Municipal Water District
- William Plummer, Rancho California Water District
- Bruce Rupp, Humboldt Bay Municipal Water District

Each ACWA JPIA member is entitled to vote for up to four candidates.

Additional information about the election is on the “Election Procedures and Rules” attachment.

Attached:

ACWA JPIA Executive Committee Election Procedures and Rules
Candidate Biographies

Executive Committee Election Procedures & Rules

For the May 6, 2019, Election to Be Held During the
JPIA's Board of Directors' Meeting at the
Marriott Hotel in Monterey, CA

The procedures and rules for the May 6, 2019, election are as follows:

1. The ballots with the names of all qualified candidates will be distributed at the entrance to the meeting room before the meeting is called to order.
2. Only the Board of Directors member or Alternate Board of Directors member may obtain the ballot.
3. Only those JPIA members with either a Director or Alternate Director present may vote. **PROXY VOTING IS NOT PERMITTED.**
4. Additional color-coded ballots will be supplied for any necessary subsequent balloting.
5. Ballots are counted by the election inspectors and the results announced at the board meeting.
6. All nominated candidates will run for election at the same time. Those candidates with the greatest majority of votes shall be elected to the longest term of office.
7. Since the Bylaws require a **majority vote** to elect Executive Committee members (Article II, Section 9), subsequent ballots may be required if the required number of candidates do not receive a majority of votes from the members present and voting.
8. If candidates for office do not receive a majority of cast votes, a subsequent ballot will be held with one more candidate's name than the number of vacancies to be filled; i.e. the top **three** candidates who receive the most votes to run for **two vacancies** or the top **two** candidates who receive the most votes to run for **one vacancy**.
9. If a tie vote occurs in a preliminary ballot (majority of votes not obtained by required number of candidates), the tied candidates will be included in the subsequent ballot if they have received the required number of ballots as determined in seven (7) above.
10. If a tie vote occurs in a final ballot (two candidates for one office or position) the presiding officer will designate one of the tied candidates to call a coin toss, by the presiding officer, to determine the election results.

Elect Fred R. Bockmiller, P.E. to ACWA/JPIA Executive Committee

Fred R. Bockmiller, P.E. **Director, Mesa Water District**



OBJECTIVE: To further the goals of ACWA/JPIA in best serving its members, by applying my analytical and leadership skills, and my risk management experience, as a member of the ACWA/JPIA Executive Committee.

STATEMENT OF QUALIFICATIONS:

- Mesa Water District Director, 1996-present
- Five-term Board President, Mesa Water District
- ACWA/JPIA Board, 2006-present
- ACWA/JPIA Risk Management Committee, 2008-present
- ACWA Energy Committee, 2002-present
- Chair of all various Mesa Water District Committees (Executive, Audit Ad Hoc, Finance, Human Resources, IT Ad Hoc, Engineering and Operations, Public Information)
- Engineering Manager, UC Irvine Facilities Management Department

BIOGRAPHY: A Newport-Mesa native, Fred Bockmiller represents Division 1 -- encompassing the West Side of Costa Mesa and portions of Newport Beach -- on the Mesa Water District Board of Directors. Having been Board President for five prior terms -- in 1999, 2000, 2004, 2011, and 2012 -- Director Bockmiller currently serves as Chairman of Mesa Water's Engineering and Operations Committee.

Director Bockmiller represents Mesa Water on the Board of the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA). He also serves on the ACWA/JPIA Risk Management Committee and the ACWA Energy Committee.

Director Bockmiller has previously chaired every Mesa Water committee (Executive, Audit Ad Hoc, Finance, Human Resources, IT Ad Hoc, Engineering and Operations, and Public Information). Additionally, he has represented Mesa Water at the City/Districts Liaison Committee, Orange County Council of Governments, Orange County Water District, and the Costa Mesa Westside Revitalization Oversight Committee.

Throughout his elected service, Director Bockmiller has championed water quality and cost-efficient service reliability through a perpetual agency philosophy of long-term planning for the future of Mesa Water and continuous infrastructure maintenance, renewal, and improvement. He has been a relentless champion of high-quality, fact-based decision making.

Director Bockmiller is the Engineering Manager in the Facilities Management Department at UC Irvine (UCI), a leader in energy conservation and construction efforts for more than 20 years, including completion of more than \$3 billion in major capital construction projects, and extensive energy and water conservation retrofits, which tripled the developed building space, reduced energy consumption in laboratories by 50 percent, and decreased per capita water use by more than 30%. He also represents the department at the emergency operations center for the campus with a daytime population approaching 60,000 people on 1,500 acres.

Developing the next generation is an area of interest for Director Bockmiller. He is a regular guest lecturer in UCI's Department of Mechanical and Aerospace Engineering, a mentor in the Junior Mentor Program at Newport Harbor High School, and was a Board member for 17 years of the Youth Employment Service -- a local charity that provides youth with the tools to find jobs -- where he served as CFO and President.

Paul E. Dorey

Statement of Candidacy



I have served on the ACWA/JPIA Board of Directors since 2007. During the last nine years, I have had the privilege of serving on the Liability Committee of the JPIA. The Liability Committee has successfully kept its focus on providing member agencies with the most comprehensive, affordable and reliable liability insurance possible. Our Committee has recommended significant reductions in the premiums paid by member agencies while also increasing the insurance coverages provided.

I was elected to the Vista Irrigation District Board of Directors in 2006. The District provides water service to over 135,000 residents in northern San Diego County. I served on the Board of Directors of the Groundwater Resources Association of California, and I currently serve on the San Luis Rey Watershed Council and the Southern California Water Coalition. My wife Nancy and I have lived in Vista since 1971, where we raised our two daughters.

My forty-six years of public service, first in the United States Marine Corps and then in the water industry, have given me the necessary experience and background to serve as a member of the JPIA Executive Committee. This experience has helped me recognize the importance of safety and risk management and the value of developing appropriate policies and procedures, as well as establishing conservative fiscal controls.

As a member of the JPIA's Executive Committee, I will perform my duties and make decisions to guide the organization to most efficiently benefit its member agencies. I will take my responsibility seriously and serve as a very useful and productive member of the Executive Committee. I value your trust and will honor it if elected to the Executive Committee.

Thank you for your support. If you have any questions about my candidacy, feel free to contact me at (760) 208-5263 or Paul.Dorey@vidwater.org.



E.G. "Jerry" Gladbach

27491 Hillcrest Place / Valencia, CA 91354
Phone: (661) 297-2200 / Email: ejglad@aol.com

EXPERIENCE / COMMITMENT / DEDICATION

*It has been an honor to serve you as the President of ACWA/JPIA's Board of Directors. I welcome the opportunity to continue in a leadership role to further develop better ways to serve the member agencies. **I ask for your vote to***

continue being on the Executive Committee which is the prerequisite to being selected as the President of your Board of Directors. I would be honored to continue serving you again in this position in order to go forward with the captive insurance company and continue with the positive enhancements that have been implemented during the last few years.

A few of our most significant accomplishments have been:

- *Board approval for the formation of a captive insurance company. The captive is part of a long-term strategy that is expected to provide significant savings for JPIA members on their insurance.*
- *With Executive Committee oversight, successfully transitioned nearly half of the JPIA Management Team, due to retirements of long term employees.*
- *Expanded the number of training opportunities for our members' employees and, new in 2018, we began providing additional training opportunities for Board members.*
- *In recent years, rates have decreased 15% in the Liability Program, 20% in Property, and 10% in Workers' Comp. Employee Benefits Program rates for the current year remained unchanged in all but the Kaiser Plans, which increased 2.5%.*
- *In the last five years, the JPIA refunded nearly \$19 million in premiums to the members.*

*My experience as Vice President and President of ACWA, my years of service as a member of the Executive Committee and the ACWA/JPIA President has given me the opportunity to go up and down the state and meet with member agencies. **My desire to understand and represent all agencies is my goal, and my renewed interest to serve with knowledge and dedication remains the foundation of my commitment to you.***

PROFESSIONAL / COMMUNITY EXPERIENCE

ACWA – Joint Powers Insurance Authority

President	2010 – present
Executive Committee	2002 – 2003, 2006 – present
Chair, Building and Property Ad Hoc Committee	2008 – 2010
Chair, Liability Sub-Committee	2007 – 2010
Board of Directors	2002 – present

Association of California Water Agencies (ACWA)

ACWA's Rep. to NWRAs Board of Directors	2009 – Present
President	2004 – 2005
Vice President	2002 – 2003
Chair, Region 8	1998 – 2001
Board of Directors	1998 – present
Chair, Energy Committee	1982 – 1989, 2006 – 2007

Santa Clarita Valley Water Agency (formerly Castaic Lake WA)

Board of Directors	1985 – present
President	1987 – 1990
Committee Chair	1991 – 2015

LAFCO – Los Angeles

Chair	2006 – present
Commissioner	2002 – present

Water Education Foundation, Board of Directors

1987 – 2009

L.A. Department of Water and Power /retired after 35 years of Leadership

Past Member, United States EPA Groundwater Task Force

Professional Engineer, Reg. in CA – Life Member, American Society of Civil Engineers

Master of Science Degree in Civil Engineering / Water Resources

PERSONAL

Married with 3 children, and 6 grandchildren, I have lived in the Santa Clarita Valley over 45 years and have been devoted to community service for that entire period.



Brent Hastey was elected to a two-year term as president of the Association of California Water Agencies on Nov. 29, 2017.

He is a member and chairperson of the Yuba Water Agency Board of Directors and a former member of the Yuba County Board of Supervisors. He also has served on the boards of Reclamation District 784, Yuba County LAFCO, Regional Council of Rural Counties and the Sacramento Area Council of Governments.

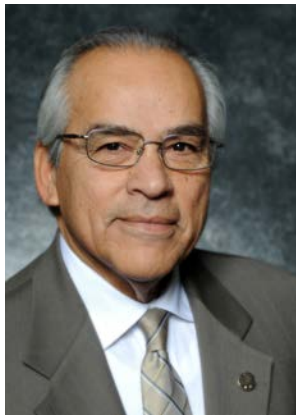
In addition to his service in the water management arena, Hastey has worked in higher education both locally and on a statewide level. In 2010, he was elected to the Yuba Community College District, which serves eight counties and spans nearly 4,200 square miles of rural Northern California. He is a member of the California Community College Trustee Board, which represents the state's 72 community college districts. Hastey also serves as a Director of Bank of Feather River, a community bank in Yuba City, CA.

Hastey previously served as vice president of the ACWA for the 2016-'17 term and on the ACWA JPIA executive committee 2016-2017.



S.R. “Al” Lopez

Division 5



A pillar in the water quality community and in Riverside County, S.R. “Al” Lopez joined Western’s board in January 2001. He represents Division 5, which includes the City of Corona, Home Gardens, El Cerrito and a portion of Temescal Canyon.

Mr. Lopez has been an active community partner throughout his service on the board. He represents Western on committees for several agencies, including the Western Riverside County Regional Wastewater Authority; the Temescal Valley Municipal Advisory Council; and the Association of California Water Agencies Joint Powers Insurance Authority Liability Committee.

In addition, Director Lopez serves as Western’s alternate representative for the Santa Rosa Regional Resources Authority Committee and the Joint Inland-Orange County Caucuses. Director Lopez’s leadership in the region includes his membership on

Western’s Finance Committee and his roles on the joint committees of Western and Elsinore Valley Municipal Water Districts.

Director Lopez was honored in February 2005 by Congressman Ken Calvert with a Congressional Record Tribute for 25 years of Community Service.

Mr. Lopez earned an Associate of Arts degree from Riverside Community College and received “The Watershed Certificate” award from Chapman University in Orange, California. Lopez is the owner of SR Consulting specializing in business, governmental relations and real estate. In addition to his unwavering commitment to community service, Director Lopez enjoys riding his motorcycle.

Director Lopez is a veteran of the United States Marine Corp, serving from 1958 - 1962.

Director Lopez’s current term on the Western Municipal Water District Board expires Dec. 2020.

14205 Meridian Parkway, California 92518 - Main No.: 951.571.7100
wmwd.com

William E. Plummer

Candidate Statement-ACWA/JPIA Executive Board



The ACWA/JPIA has provided our agencies with a near-perfect vehicle to meet the unique insurance needs and requirements of the public water industry. It continues to evolve and improve the services to the membership through thoughtful policy direction from the Executive Committee, excellence in execution from a talented and innovative staff, and a commitment to best practices by the membership.

By representing you and the other JPIA members on the Executive Committee, I can help continue the thoughtful policy guidance of the Authority to meet the changing landscape of risks that our agencies face every day.

Rancho California Water District (RCWD) and its staff are active participants in JPIA programs. The District, located in Southwest Riverside County, has about 45,000 customers and 142 employees.

I have been the RCWD director on the JPIA since December 14, 2017. I was the Deputy City Engineer for the City of Carlsbad, and was previously the Chief Engineer/Assistant General Manager at Eastern Municipal Water District. My experience includes 40 plus years of planning, finance, designing, and constructing water and wastewater systems. I served on the Santa Margarita River Watershed Planning Group and Technical Advisory Committee with the Encina Wastewater Authority as well as the Energy Committee for the Association of California Water Agencies. My wife and I have lived in Temecula for over 32 years.

Your support for my open-minded operating philosophy and conservative financial approach to serve as your representative on the ACWA/JPIA Executive Committee would be appreciated.



42135 Winchester Road
Temecula, CA 92590

(951) 296-6900

www.ranchowater.com



J. Bruce Rupp
Humboldt Bay Municipal Water District

Dear Fellow Board Member:

We will be meeting in May at the ACWA JPIA Conference. You will be asked to participate in the selection of the Executive Committee members to serve you in the next term. I am a candidate for re-election and respectfully request your vote.

I am completing my first four-year term on the Executive Committee. In addition to my general role in shaping the Liability, Property and Worker's Compensation programs, I chair the Employee Benefits Committee. When I ran before, I said I would work constructively with other Committee members to preserve the financial integrity of the pooled insurance programs and continue high quality service to the members. I believe I have fulfilled that promise. During my tenure we have held or reduced premiums in both our liability and property programs while expanding coverage. There was a zero increase in the self-insured employee benefits this year state wide. We have reduced costs in both health and pharmacy by about ten million dollars with minimal disruption to our members. We are currently finalizing work on a captive corporation to further increase revenues and reduce costs.

I have served on the Humboldt Bay Municipal Water District Board for 23 years. The District, located on the North Coast, provides wholesale water to seven municipalities serving 88,000 rate payers. I have been elected as Vice-President and President of the Board for two terms and am now serving a third term as Secretary/Treasurer. In addition to this service, I have been a Personnel Director, City Manager and County Administrator. In the last thirteen years, prior to retirement, I was a real estate broker and owned Rupp and Associates Realty Company. In each of these experiences I was involved in the selection and review of insurance and health benefit programs. The organizations ranged from a county staff of three thousand to a small business of seven employees.

During my time on the District Board I have been actively engaged in ACWA and ACWA JPIA. I regularly attend and participate in State-wide meetings. I am serving as a Region 1 Board member and I am currently Vice Chair of the ACWA Finance Committee.

If I am elected to the ACWA JPIA Executive Committee, I recommit to continue working with Executive Committee to provide the best possible service to our member agencies.

I respectfully request your vote for me to serve another term on the Executive Committee.

Thank you,

Bruce Rupp
Secretary/Treasurer



Item No. 4

ACTION ITEM

April 17, 2019

TO: Board of Directors

FROM: **Public Affairs and Legislation Committee**
(Directors Dick, Osborne, and Thomas)

Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: AB 217 (E. GARCIA) – SAFE DRINKING WATER FOR ALL ACT

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt an oppose unless amended position on AB 217 (E. Garcia). The recommended amendments would be the removal of the Safe and Affordable Drinking Water Fee language.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

BILL SUMMARY

AB 217 would create the Safe Drinking Water for All Act (Act), which establishes a Safe and Affordable Drinking Water Fund (Fund) to provide a source of funding to secure access to safe drinking water for all Californians, while also ensuring long-term sustainability of drinking water systems. Imposes several fees on agricultural activities and creates a trust fund using investments from the state General Fund that together would provide the source of revenue to the Fund.

BACKGROUND

In 2012, California became the first state to enact a Human Right to Water law, AB 685 (Eng, Chapter 524, Statutes of 2012). Public policy continues to be focused on the right of every human being to have safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation. Water supply, contaminants, costs of treatment and distribution systems, the number and nature of small public water systems (PWSs), especially in disadvantaged communities, and many other factors will continue to challenge progress in addressing the Human Right to Water.

The causes of unsafe drinking water can generally be separated into two categories: (1) contamination caused by human action, and (2) naturally occurring contaminants. In some areas, there are both human caused and natural contaminants in the drinking water.

Three of the most commonly detected pollutants in contaminated water in California are arsenic, perchlorate, and nitrates. While arsenic is naturally occurring, perchlorate contamination is generally a result of military and industrial uses. High concentrations of nitrate in groundwater are primarily caused by human activities, including fertilizer application (synthetic and manure), animal operations, industrial sources (wastewater treatment and food processing facilities), and septic systems. Agricultural fertilizers and animal wastes applied to cropland are by far the largest regional sources of nitrate in groundwater, although other sources can be important in certain areas.

BILL SUMMARY

AB 217 proposes to fund the “Safe Drinking Water For All Act” via agricultural assessments, a Safe and Affordable Drinking Water “Fee” (i.e., a modified version of the water tax) and a Safe and Affordable Drinking Water Trust.

The agriculture assessments are as follows:

- A fertilizer safe drinking water fee of \$0.006 per \$1.00 would be added to sales for all bulk or packaged fertilizing materials.
- Beginning January 1, 2022, this bill would require each milk handler to deduct a dairy safe drinking water fee of \$0.01355 per hundredweight of milk from payments made to producers for manufacturing milk.
- Beginning in 2021, this bill would require each producer owning a nondairy confined animal facility to pay a safe drinking water fee of \$1,000 for the first facility and \$750 for each additional facility owned by the same producer, up to a total of \$12,000 per producer. The money from the agricultural assessments could only be used for nitrate-related work.

The Safe and Affordable Drinking Water Fee is as follows:

- Imposes a fee of fifty cents (\$0.50) per service connection, per month on all public water systems.
- By July 1, 2020, and annually by each July 1 thereafter, each public water system shall remit to the board the amount of the fee imposed
- Authorizes the State Water Board to adopt regulations to implement and enforce the proposed water tax. Although the language could use clarification, it appears that the initial regulation would be adopted pursuant to the Administrative Procedures Act and subsequent regulations or amendments would be adopted through the emergency regulation process. The emergency regulation process would greatly reduce the afforded due process, including the time afforded to stakeholders to comment.

The Safe and Affordable Drinking Water Trust is as follows:

- Requires the sum of \$200,000,000 to be transferred into the Trust Fund by the Legislature each year for five years for the purpose of establishing a one-billion-dollar (\$1,000,000,000) Trust Fund to derive interest revenues to fund the Act.

In addition, AB 217 states that it is the intent of the Legislature is to establish a region-specific program and allows 20% of the funds to be used for regional distribution.

ARGUMENTS IN SUPPORT

According to the author, "More than one million Californians are living without access to safe, reliable drinking water. It is unacceptable that the world's 5th largest economy cannot ensure this essential resource and fundamental human right to all its residents. This is a public health emergency impacting our families and students. We must rise together and commit to an equitable and importantly a sustainable safe drinking water solution that will work for all Californians. We must get this done."

ARGUMENTS IN OPPOSITION

The most significant concern with AB 217 is the proposed water tax. From a tax collection cost standpoint, these amendments improved the bill. Community water systems would no longer need to hire additional staff to implement and collect the tax into their billing system (and do not need to exempt low income customers as that is not a provision in AB 217) as would be the case with the 2019 budget trailer bill language. There are significant concerns about how the implementation costs for the water tax in the budget trailer bill language would work against the affordability of water by imposing another fee on all, including disadvantaged communities.

That said, AB 217 still proposes a water tax and is still a tax under the California Constitution. Each public water system would be required to send a check to the State Water Board annually, based on its number of connections.

A tax on water would work against keeping water affordable. Affordable water is an element of the Human Right to Water just as safe water is an element. Under Prop 218, public water agencies required to pay the tax would need to pass the cost of the state tax to all of their customers.

Lastly, a water tax would set a precedent for a state water tax in California. The State Water Board staff and other state agency staff have expressed interest in using a water tax to fund additional programs such as a statewide Low Income Rate Assistance program for low-income residents, and various projects in the most recent California Water Plan. Additional taxes could result in as much as \$15/month on each customer's water bill.

ADDITIONAL INFORMATION

Support on File

Alliance Of Child And Family Services
American Heart
Association American
Rivers
American Stroke Association
Arvin Community Services District
Asian Pacific Environment Network

Asociación De Gente Unida Por El
Agua Audubon California
California Alliance of Child And Family
Services California Bicycle Coalition
California Environmental Justice
Alliance California Food Policy
Advocates California League of
Conservation Voters
California Rural Legal Assistance
Foundation California Water Service
Carbon Cycle Institute
Central Valley Air Quality (CVAQ)
Coalition Ceres
Clean Water Action
Coalition For Humane Immigrant Rights
(CHIRLA) Community Alliance for Agroecology
Community Water Center
Dolores Huerta Foundation
Environmental Defense Fund
Environmental Health
Coalition
Esperanza Community Housing
Corp Faith In The Valley
Friends Committee On Legislation Of
California Leadership Council For Justice And
Accountability Lutheran Office of Public
Policy - California Martin Luther King Jr
Freedom Center
Mi Familia Vota
NextGen
California
Pesticide Action Network North America
Physicians for Social Responsibility - Los
Angeles PICO California
Planning And Conservation League
PODER
Policylink
Professional Engineers In California
Government Public Health
Advocates
Pueblo Unido Community Development Coordinator

RCAC
Self-Help Enterprises
Service Employees International Union (SEIU) The Nature Conservancy
Water Foundation
Western Center On Law And Poverty

Opposition on File

Association of California Water Agencies
Central Garden and Pet Harrell's LLC
Household and Commercial Products Association Lawn & Horticulture Products Work
Group
Scotts Miracle-Gro Company

ATTACHED:

AB 217 Full Text
AB 217/Budget Trailer Bill Language Comparison

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

AMENDED IN ASSEMBLY MARCH 28, 2019

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 217

Introduced by Assembly Member Eduardo Garcia

(Principal coauthor: Assembly Member Blanca Rubio)

(Coauthors: Assembly Members Bonta, Bloom, Carrillo, Chau, Chiu, Gipson, Holden, Quirk, Robert Rivas, Mark Stone, and Wicks)

(Coauthor: Senator Monning)

January 16, 2019

An act to add Article 10.5 (commencing with Section 595) to Chapter 3 of Part 1 of Division 1 of, to add Article 6.5 (commencing with Section 14615) to Chapter 5 of Division 7 of, and to add Article 14.5 (commencing with Section 62215) to Chapter 2 of Part 3 of Division 21 of, the Food and Agricultural Code, and to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of, to add Chapter 4.7 (commencing with Section 116774) to Part 12 of Division 104 of, and to repeal Article 5 (commencing with Section 116771) of Chapter 4.6 of Part 12 of Division 104 of, the Health and Safety Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 217, as amended, Eduardo Garcia. Safe Drinking Water for All Act.

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health.

Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This bill would enact the Safe Drinking Water for All Act and 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 board to provide a source of funding 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 board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with certain projects. The bill would require the board, working with a multistakeholder advisory group, to adopt a fund implementation plan and policy handbook with priorities and guidelines for expenditures of the fund. The bill would require the board annually to prepare and make available a report of expenditures from the fund. The bill would require the board to adopt annually, after a public hearing, an assessment of funding need that estimates the anticipated funding needed for the next fiscal year to achieve the purposes of the fund. The bill would authorize the board to distribute the funds through its drinking water regional offices in an unspecified manner and would prohibit the board from distributing more than 20% of the annual expenditures from the fund in this manner. By creating a new continuously appropriated fund, this bill would make an appropriation.

~~This bill would require the board to adopt a schedule of fees, as prescribed, not to exceed an unspecified amount.~~ *establish a safe and affordable drinking water fee in the amount of \$0.50 per service connection on all public water systems. The bill would require each public water system to remit to the board the amount of the fee for their public water system on July 1, 2020, and by July 1 annually thereafter.* The bill would require these fees to be deposited into the fund. The bill would require the Legislative Analyst to report to the Legislature and the board if the Legislative Analyst determines, on or before January 1, 2023, that at least \$3,000,000,000 has been made available in an interest bearing account in the State Treasury with a goal of at least \$100,000,000 in interest revenues per year available for the purposes of the Safe and Affordable Drinking Water Fund. The bill would make this reporting requirement and the requirement for the board to adopt

fees inoperative upon the Legislative Analyst submitting the report, and would repeal them as of January 1, of the year following that determination.

The bill would establish the Safe and Affordable Drinking Water Trust Fund and would require moneys held in the trust fund to be invested by the Treasurer, in consultation with the Director of Finance and the controller, as specified. The bill would transfer the investment income derived from the trust fund on January 1 of each year to the Safe and Affordable Drinking Water Fund. The bill would state that a transfer of \$200,000,000 is to be made by the Legislature each year for 5 years for the purpose of establishing a \$1,000,000,000 trust account to derive interest revenues to fund the Safe and Affordable Drinking Water Fund.

The bill would require, by January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, to make available a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program.

(2) Existing law requires every person who manufactures or distributes fertilizing materials to be licensed by the Secretary of Food and Agriculture and to pay a license fee that does not exceed \$300. Existing law requires every lot, parcel, or package of fertilizing material to have a label attached to it, as required by the secretary. Existing law requires a licensee who sells or distributes bulk fertilizing materials to pay to the secretary an assessment not to exceed \$0.002 per dollar of sales for all sales of fertilizing materials, as prescribed, for the purposes of the administration and enforcement of provisions relating to fertilizing materials. In addition to that assessment, existing law authorizes the secretary to impose an assessment in an amount not to exceed \$0.001 per dollar of sales for all sales of fertilizing materials for the purpose of providing funding for research and education regarding the use of fertilizing materials. Existing law specifies that a violation of the fertilizing material laws or the regulations adopted pursuant to those laws is a misdemeanor.

This bill would require a licensee whose name appears on the label of bulk or packaged fertilizing ~~materials~~ *materials, excluding compost*, to pay to the secretary a fertilizer safe drinking water fee of \$0.006 per \$1.00 of sales for all sales of fertilizing materials. The bill would require these moneys to be deposited into the Safe and Affordable Drinking Water Fund. The bill would authorize the secretary to adopt regulations relating to the administration and enforcement of these provisions. Because a violation of these provisions or regulations adopted pursuant to these provisions would be a crime, the bill would impose a state-mandated local program.

(3) Existing law regulates the production, handling, and marketing of milk and dairy products and requires every milk handler subject to that regulatory scheme to pay specified assessments and fees to the Secretary of Food and Agriculture to cover the costs of regulating milk. Existing law governing milk defines “handler” as any person who, either directly or indirectly, receives, purchases, or otherwise acquires ownership, possession, or control of market milk from a producer, a producer-handler, or another handler for the purpose of manufacture, processing, sale, or other handling. Existing law defines “market milk” as milk conforming to specified standards and “manufacturing milk” as milk that does not conform to the requirements of market milk. Existing law provides that a violation of that regulatory scheme or a regulation adopted pursuant to that regulatory scheme is a misdemeanor.

This bill would require, beginning January 1, 2022, each handler to deduct from payments made to producers for market and manufacturing milk the sum of \$0.01355 per hundredweight of milk as a dairy safe drinking water fee. The bill would require the secretary to deposit these moneys into the Safe and Affordable Drinking Water Fund. The bill would authorize the secretary to take specified enforcement actions and would require the secretary to adopt regulations for the administration and enforcement of these provisions. Because a violation of these provisions or regulations adopted pursuant to these provisions would be a crime, the bill would impose a state-mandated local program.

(4) Existing law requires the Secretary of Food and Agriculture to enforce provisions governing livestock operations. Existing law generally provides that a violation of a provision of the Food and Agricultural Code is a misdemeanor.

This bill would require each producer owning a nondairy confined animal facility, as defined, beginning the 2021 calendar year to pay annually to the secretary a safe drinking water fee of \$1,000 for the first

facility and \$750 per each facility thereafter owned by the same producer, not to exceed \$12,000. The bill would require these moneys to be deposited into the Safe and Affordable Drinking Water Fund. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Safe Drinking Water for All Act.

3 SEC. 2. Article 10.5 (commencing with Section 595) is added
4 to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural
5 Code, to read:

6
7 Article 10.5. Safe Drinking Water Fee for Nondairy Confined
8 Animal Facilities
9

10 595. For purposes of this article, the following definitions
11 apply:

12 (a) "Fee" means the safe drinking water fee for nondairy
13 confined animal facilities.

14 (b) "Fund" means the Safe and Affordable Drinking Water Fund
15 established by Section 116767 of the Health and Safety Code.

16 (c) (1) "Nondairy confined animal facilities" means bovine
17 operations, poultry operations, swine operations, and other
18 livestock operations, excluding dairies, where all of the following
19 apply:

20 (A) Operations are designed to corral, pen, or otherwise enclose
21 or hold domestic livestock.

1 (B) Feeding is exclusively by means other than grazing.

2 (C) Facilities are subject to annual fees for confined animal
3 facilities adopted in accordance with Section 13260 of the Water
4 Code.

5 (2) “Nondairy confined animal facilities” does not include
6 facilities subject to Article 14.5 (commencing with Section 62215)
7 of Chapter 2 of Part 3 of Division 21.

8 596. (a) Beginning in the 2021 calendar year, each producer
9 owning a nondairy confined animal facility shall pay annually to
10 the secretary a safe drinking water fee. The amount of the fee paid
11 annually to the secretary shall equal one thousand dollars (\$1,000)
12 for a producer that owns a single nondairy confined animal facility.
13 For a producer that owns more than one nondairy confined animal
14 facility, the amount of the fee paid annually to the secretary shall
15 equal one thousand dollars (\$1,000) for the first facility and seven
16 hundred fifty dollars (\$750) per each facility thereafter owned by
17 the same producer.

18 (b) Notwithstanding subdivision (a), the amount of the fee paid
19 annually to the secretary by a producer that owns more than one
20 nondairy confined animal facility shall not exceed twelve thousand
21 dollars (\$12,000) per year.

22 (c) The secretary may prescribe, adopt, and enforce regulations
23 relating to the administration and enforcement of this article.

24 597. The secretary shall deposit all moneys received under this
25 article into the fund.

26 SEC. 3. Article 6.5 (commencing with Section 14615) is added
27 to Chapter 5 of Division 7 of the Food and Agricultural Code, to
28 read:

29
30 Article 6.5. Fertilizer Safe Drinking Water Fee
31

32 14615. (a) It is the intent of the Legislature to require licensees
33 of bulk fertilizing materials, and to authorize licensees of packaged
34 fertilizing materials, to pass the fertilizer safe drinking water fee
35 described in Section 14616 on to the end user of the fertilizer.

36 (b) For purposes of this article, the following definitions apply:

37 (1) “Bulk fertilizing material” has the same meaning as applies
38 to “bulk material” in Section 14517.

39 (2) “Compost” has the same meaning as defined in Section
40 14525.

1 (2)
2 (3) “Fertilizing material” has the same meaning as defined in
3 Section 14533.

4 (3)
5 (4) “Fund” means the Safe and Affordable Drinking Water Fund
6 established by Section 116767 of the Health and Safety Code.

7 (4)
8 (5) “Packaged” has the same meaning as defined in Section
9 14551.

10 14616. In addition to the assessments provided in Section
11 14611, a licensee whose name appears on the label of bulk or
12 packaged fertilizing ~~materials~~ *materials, not including compost*,
13 shall pay to the secretary a fertilizer safe drinking water fee of six
14 mills (\$0.006) per dollar of sales for all sales of fertilizing
15 materials.

16 14617. (a) (1) A licensee whose name appears on the label
17 who sells or distributes bulk fertilizing materials shall charge an
18 unlicensed purchaser the fertilizer safe drinking water fee as a
19 charge that is separate from, and not included in, any other fee,
20 charge, or other amount paid by the purchaser. This fee shall be
21 included on the bill of sale as a separate line item.

22 (2) (A) A licensee whose name appears on the label of packaged
23 fertilizing materials may include the fertilizer safe drinking water
24 fee as a charge that is separate from, and not included in, any other
25 fee, charge, or other amount paid by the purchaser or may include
26 the charge with the assessment collected pursuant to Section 14611
27 as a separate line item on the bill of sale and identified as the
28 California Regulatory and Safe Drinking Water Assessment.

29 (B) Notwithstanding paragraph (1), a licensee whose name
30 appears on the label who sells or distributes bulk fertilizing material
31 may include the fertilizer safe drinking water fee with the
32 assessment collected pursuant to Section 14611 as a separate line
33 item on the bill of sale and identified as the California Regulatory
34 and Safe Drinking Water Assessment.

35 (b) The secretary may prescribe, adopt, and enforce regulations
36 relating to the administration and enforcement of this article.

37 (c) (1) Except as provided in paragraph (2), the secretary may
38 retain up to 4 percent of the moneys collected pursuant to this
39 article for reasonable costs associated with the implementation
40 and enforcement of this article.

(2) Beginning July 1, 2022, the secretary may retain up to 2 percent of the moneys collected pursuant to this article for reasonable costs associated with the implementation and enforcement of this article.

14618. The secretary shall deposit all moneys received under this article into the fund.

SEC. 4. Article 14.5 (commencing with Section 62215) is added to Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code, to read:

Article 14.5. Dairy Safe Drinking Water Fee

62215. (a) It is the intent of the Legislature that the dairy safe drinking water fee described in Section 62216 be paid for all milk produced in the state, regardless of grade.

(b) For purposes of this article, the following definitions apply:

(1) "Fee" means the dairy safe drinking water fee.

(2) "Fund" means the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

(3) "Manufacturing milk" has the same meaning as defined in Section 32509.

(4) "Market milk" has the same meaning as defined in Section 32510.

(5) "Milk" includes market milk and manufacturing milk.

62216. (a) Beginning January 1, 2022, each handler, including a producer-handler, shall deduct the sum of one cent and three hundred fifty-five mills (\$0.01355) per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.

(b) The secretary shall adopt regulations necessary for the proper administration and enforcement of this section by January 1, 2022.

62217. (a) A handler shall pay the dairy safe drinking water fee to the secretary on or before the 45th day following the last day of the month in which the milk was received.

(b) The secretary shall deposit all moneys received under this article into the fund.

(c) (1) Except as provided in paragraph (2), the secretary may retain up to 4 percent of the total amount that is paid to the secretary pursuant to this article for reasonable costs of the

1 secretary associated with the implementation and enforcement of
2 this article.

3 (2) Beginning July 1, 2022, the secretary may retain up to 2
4 percent of the moneys collected pursuant to this article for
5 reasonable costs of the secretary associated with the
6 implementation and enforcement of this article.

7 (d) The secretary may require handlers, including cooperative
8 associations acting as handlers, to make reports at any intervals
9 and in any detail that the secretary finds necessary for the accurate
10 collection of the fee.

11 (e) For the purposes of enforcing this article, the secretary,
12 through the secretary's duly authorized representatives and agents,
13 shall have access to the records of every producer and handler.
14 The secretary shall have at all times free and unimpeded access to
15 any building, yard, warehouse, store, manufacturing facility, or
16 transportation facility in which any milk or milk product is
17 produced, bought, sold, stored, bottled, handled, or manufactured.

18 (f) Any books, papers, records, documents, or reports made to,
19 acquired by, prepared by, or maintained by the secretary pursuant
20 to this article that would disclose any information about finances,
21 financial status, financial worth, composition, market share, or
22 business operations of any producer or handler, excluding
23 information that solely reflects transfers of production base and
24 pool quota among producers, is confidential and shall not be
25 disclosed to any person other than the person from whom the
26 information was received, except pursuant to the final order of a
27 court with jurisdiction, or as necessary for the proper determination
28 of any proceeding before the secretary.

29 SEC. 5. Chapter 4.6 (commencing with Section 116765) is
30 added to Part 12 of Division 104 of the Health and Safety Code,
31 to read:

32
33 CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER

34
35 Article 1. Legislative Findings and Declarations

36
37 116765. The Legislature finds and declares all of the following:

38 (a) Section 106.3 of the Water Code declares that it is the policy
39 of the state that every human being has the right to safe, clean,

1 affordable, and accessible water adequate for human consumption,
2 cooking, and sanitary purposes.

3 (b) For all public water systems, the operation and maintenance
4 costs to supply, treat, and distribute potable water that complies
5 with federal and state drinking water standards on a routine and
6 consistent basis may be significant.

7 (c) All community water systems are currently required to set,
8 establish, and charge a schedule of rates and fees that are sufficient
9 to recover the operation and maintenance costs required to supply,
10 treat, and distribute potable water that complies with federal and
11 state drinking water standards on a routine and consistent basis.

12 (d) Hundreds of community water systems in the state cannot
13 charge rates and fees that are affordable and sufficient to recover
14 the full operation and maintenance costs required to supply, treat,
15 and distribute potable water that complies with federal and state
16 drinking water standards on a routine and consistent basis due to
17 a combination of low income levels of customers, high treatment
18 costs for contaminated water sources, and a lack of economies of
19 scale that result in high unit costs for water service. Many schools
20 that serve as their own regulated public water systems and have
21 contaminated water sources cannot afford the full operation and
22 maintenance costs required to provide water that meets federal
23 and state drinking water standards.

24 (e) Nearly all state or federal drinking water project funding
25 sources prohibit the use of that funding for operation and
26 maintenance costs, and as a result, those systems that cannot afford
27 required operation and maintenance costs are unable to access
28 funding for capital projects to meet federal and state drinking water
29 standards.

30 (f) As a result, hundreds of thousands of Californians,
31 particularly those living in small disadvantaged communities, may
32 be exposed to unsafe drinking water in their homes and schools,
33 which impacts human health, household costs, and community
34 economic development.

35 (g) A significant number of California residents rely on state
36 small water systems and domestic wells to provide their drinking
37 water.

38 (h) The state small water systems and individual domestic wells
39 face a serious threat of contamination because they often draw

1 their water from shallow groundwater sources and have fewer or
2 no chemical monitoring requirements.

3 (i) To ensure that the right of every Californian to safe, clean,
4 affordable, and accessible water adequate for human consumption,
5 cooking, and sanitary purposes is protected, it is in the interest of
6 the State of California to identify where Californians are at high
7 risk of lacking reliable access to safe drinking water or are known
8 to lack reliable access to safe drinking water, whether they rely on
9 a public water system, state small water system, or domestic well
10 for their potable water supply.

11 (j) Long-term sustainability of drinking water infrastructure and
12 service provision is necessary to secure safe drinking water for all
13 Californians and therefore it is in the interest of the state to
14 discourage the proliferation of new, unsustainable public water
15 systems and state small water systems, to prevent waste, and to
16 encourage consolidation and service extension when feasible.

17 (k) It is in the interest of all Californians to establish a fund with
18 a stable source of revenue to provide financial support, particularly
19 for operation and maintenance, necessary to secure access to safe
20 drinking water for all Californians, while also ensuring the
21 long-term sustainability of drinking water service and
22 infrastructure.

23 (l) It is in the interest of all Californians that when funding is
24 available from other sources, including the General Fund, the fees
25 necessary to enact this statute be reduced.

26 116765.5. It is the intent of the Legislature that any interest
27 revenues from the Safe and Affordable Drinking Water Trust Fund
28 as well as revenue from fees deposited in the Safe and Affordable
29 Drinking Water Fund be available annually for the purposes of
30 this chapter.

31
32 Article 2. Definitions

33
34 116766. For the purposes of this chapter:

35 (a) "Administrator" has the same meaning as defined in Section
36 116686.

37 (b) "Board" means the State Water Resources Control Board.

38 (c) "Community water system" has the same meaning as defined
39 in Section 116275.

(d) “Disadvantaged community” has the same meaning as defined in Section 116275.

(e) “Domestic well” means a groundwater well used to supply water for the domestic needs of an individual residence or water systems that are not public water systems and that have no more than four service connections.

(f) “Eligible applicant” means a public water system, including, but not limited to, a mutual water company; a public utility; a public agency, including, but not limited to, a local educational agency that owns or operates a public water system; a nonprofit organization; a federally recognized Indian tribe; a state Indian tribe listed on the Native American Heritage Commission’s California Tribal Consultation List; an administrator; or a groundwater sustainability agency.

(g) “Fund” means the Safe and Affordable Drinking Water Fund established pursuant to Section 116767.

(h) “Fund implementation plan” means the fund implementation plan adopted pursuant to Section 116769.

(i) “Groundwater sustainability agency” has the same meaning as defined in Section 10721 of the Water Code.

(j) “Low-income household” means a household with an income that is less than 80 percent of the statewide median household income.

(k) “Public water system” has the same meaning as defined in Section 116275.

(l) “Replacement water” includes, but is not limited to, bottled water, vended water, point-of-use, or point-of-entry treatment units.

(m) “Safe drinking water” has the same meaning as defined in Section 116681.

(n) “Service connection” has the same meaning as defined in Section 116275.

(o) “State small water system” has the same meaning as defined in Section 116275.

(p) “Vended water” has the same meaning as defined in Section 111070.

Article 3. Safe and Affordable Drinking Water Fund

116767. (a) The Safe and Affordable Drinking Water Fund is hereby established in the State Treasury. Notwithstanding Section 13340 of the Government Code, all moneys in the fund are continuously appropriated to the board without regard to fiscal years, in accordance with this chapter. Moneys in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the General Fund. Moneys in the fund shall not be available for appropriation or borrowed for use for any purpose not established in this chapter unless that use of the moneys receives an affirmative vote of two-thirds of the membership in each house of the Legislature.

(b) The board shall report annually in the Governor's budget fund revenues, including interest revenues, expenditures, and fund balances.

116768. (a) The board shall administer the fund for the purposes of this chapter to provide a source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The board shall prioritize the use of this funding to assist disadvantaged communities and low-income households served by a state small water system or a domestic well. In order to maximize the use of other funding sources for capital construction projects when available, the board shall prioritize use of this funding for costs other than those related to capital construction costs, except for capital construction costs associated with consolidation and service extension to reduce the ongoing unit cost of service and to increase sustainability of drinking water infrastructure and service delivery. Beginning January 1, 2020, an expenditure from the fund shall be consistent with the annual fund implementation plan.

(b) In accordance with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with any of the following:

(1) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(2) The development, implementation, and sustainability of long-term drinking water solutions that include, but are not limited to, the following:

1 (A) Technical assistance, planning, construction, repair, and
2 operation and maintenance costs associated with replacing,
3 blending, or treating contaminated drinking water or with fixing
4 failing water systems, pipes, or fixtures. Technical assistance and
5 planning costs may include, but are not limited to, analyses to
6 identify, and efforts to further, opportunities to reduce the unit cost
7 of providing drinking water through organizational and operational
8 efficiency improvements, system consolidation and service
9 extension, implementation of new technology, and other options
10 and approaches to reduce costs.

11 (B) Operations and maintenance costs associated with
12 consolidated water systems, extended drinking water services, or
13 reliance on a substituted drinking water source.

14 (C) Creating and maintaining natural means and green
15 infrastructure solutions that contribute to sustainable drinking
16 water.

17 (D) Consolidating water systems.

18 (E) Extending drinking water services to other public water
19 systems, domestic wells, or state small water systems.

20 (F) The satisfaction of outstanding long-term debt obligations
21 of public water systems where the board determines that a system's
22 lack of access to capital markets renders this solution the most cost
23 effective for removing a financial barrier to the system's
24 sustainable, long-term provision of drinking water.

25 (3) Identifying and providing outreach to Californians who are
26 eligible to receive assistance from the fund.

27 (4) Testing the drinking water quality of domestic wells serving
28 low-income households in high-risk areas identified pursuant to
29 Article 4 (commencing with Section 116770).

30 (5) The provision of administrative and managerial services
31 under Section 116686.

32 (6) Provision of wastewater treatment plant operations and
33 maintenance for areas in which polluted water originates from
34 outside the state.

35 (c) The board may expend moneys from the fund for reasonable
36 costs associated with administration of the fund. Beginning July
37 1, 2022, the board may expend no more than 5 percent of the
38 annual revenues from the fund for reasonable costs associated with
39 administration of the fund.

1 (d) The board may undertake any of the following actions to
2 implement the fund:

3 (1) Provide for the deposit of any of the following moneys into
4 the fund:

5 (A) Federal contributions.

6 (B) Voluntary contributions, gifts, grants, or bequests.

7 (2) Enter into agreements for contributions to the fund from the
8 federal government, local or state agencies, and private
9 corporations or nonprofit organizations.

10 (3) Provide for appropriate audit, accounting, and fiscal
11 management services, plans, and reports relative to the fund.

12 (4) Direct portions of the fund to a subset of eligible applicants
13 as required or appropriate based on funding source and consistent
14 with the annual fund implementation plan.

15 (5) Direct moneys deposited into the fund described in
16 subparagraph (B) of paragraph (1) towards a specific project,
17 program, or study.

18 (6) Take additional action as may be appropriate for adequate
19 administration and operation of the fund.

20 (e) In administering the fund, the board shall make reasonable
21 efforts to ensure both of the following:

22 (1) That funds are used to secure the long-term sustainability
23 of drinking water service and infrastructure, including, but not
24 limited to, requiring adequate technical, managerial, and financial
25 capacity of eligible applicants as part of funding agreement
26 outcomes. Funding shall be prioritized to implement consolidations
27 and service extensions when feasible, and administrative and
28 managerial contracts or grants entered into pursuant to Section
29 116686 where applicable. Funds shall not be used to delay, prevent,
30 or avoid the consolidation or extension of service to public water
31 systems where it is feasible and the least-cost alternative. The
32 board may set appropriate requirements as a condition of funding,
33 including, but not limited to, a system technical, managerial, or
34 financial capacity audit, improvements to reduce costs and increase
35 efficiencies, an evaluation of alternative treatment technologies,
36 and a consolidation or service extension feasibility study. As a
37 condition of funding, the board may require a domestic well with
38 nitrate contamination where ongoing septic system failure may be
39 causing or contributing to contamination of a drinking water source

1 to conduct an investigation and project to address the septic system
2 failure if adequate funding sources are identified and accessible.

3 (2) That funds are not used to subsidize large-scale nonpotable
4 use.

5 (f) In administering the fund, the board shall ensure that all
6 moneys deposited into the fund from the safe drinking water fee
7 for nondairy confined animal facilities pursuant to Article 10.5
8 (commencing with Section 595) of Chapter 3 of Part 1 of Division
9 1 of the Food and Agricultural Code, the fertilizer safe drinking
10 water fee pursuant to Article 6.5 (commencing with Section 14615)
11 of Chapter 5 of Division 7 of the Food and Agricultural Code, and
12 the dairy safe drinking water fee pursuant to Article 14.5
13 (commencing with Section 62215) of Chapter 2 of Part 3 of
14 Division 21 of the Food and Agricultural Code shall be used to
15 address nitrate-related contamination issues.

16 (g) At least once every 10 years, the board shall conduct a public
17 review and assessment of the fund to determine all of the following:

18 (1) The effectiveness of the fund in securing access to safe
19 drinking water for all Californians, while also ensuring the
20 long-term sustainability of drinking water service and
21 infrastructure.

22 (2) If the fees deposited into the fund have been appropriately
23 expended.

24 (3) For community water systems that have received funding
25 for 10 years or more and for which self-sufficiency has not been
26 achieved, the actions that have been taken, the reasons why
27 self-sufficiency has not been achieved, and, if available, ways in
28 which the community water system may become self-sufficient.

29 (4) What other actions are necessary to carry out the purposes
30 of this chapter.

31 (h) Neither the board nor any employee of the board may be
32 held liable for any act that is necessary to carry out the purposes
33 of this chapter. The board or any authorized person shall not be
34 deemed to have incurred or to be required to incur any obligation
35 to provide additional funding or undertake additional action solely
36 as a result of having undertaken an action pursuant to this chapter.

37 (i) (1) The board shall convene an environmental justice
38 advisory committee, for the purposes of this section, consisting of
39 at least three members, to advise it in conducting the public review
40 and assessment pursuant to subdivision (g) and any other pertinent

1 matter in implementing this chapter. The advisory committee shall
2 be comprised of representatives from communities in the state
3 with the most significant exposure to water pollution, including,
4 but not limited to, communities with minority populations or
5 low-income populations, or both.

6 (2) The board shall appoint committee members to the
7 environmental justice advisory committee from nominations
8 received from environmental justice organizations and community
9 groups.

10 (3) The board shall provide reasonable per diem for attendance
11 at environmental justice advisory committee meetings by
12 committee members from nonprofit organizations.

13 116769. By July 1 of each year, the board shall do all of the
14 following:

15 (a) Prepare and make available a report of expenditures from
16 the fund.

17 (b) Adopt, after a public hearing, an assessment of funding need,
18 based on available data, that includes all of the following:

19 (1) Identification of systems and populations potentially in need
20 of assistance, including, but not limited to, all of the following:

21 (A) A list of systems that consistently fail to provide an adequate
22 supply of safe drinking water. The list shall include all of the
23 following:

24 (i) Any public water system that consistently fails to provide
25 an adequate supply of safe drinking water.

26 (ii) Any community water system that serves a disadvantaged
27 community that must charge fees that exceed the affordability
28 threshold established in the board's Safe Drinking Water State
29 Revolving Fund Intended Use Plan in order to supply, treat, and
30 distribute potable water that complies with federal and state
31 drinking water standards.

32 (iii) Any state small water system that consistently fails to
33 provide an adequate supply of safe drinking water.

34 (B) A list of programs that assist, or that will assist, households
35 supplied by a domestic well that consistently fails to provide an
36 adequate supply of safe drinking water. This list shall include the
37 number and approximate location of households served by each
38 program without identifying exact addresses or other personal
39 information.

1 (C) A list of public water systems and state small water systems
2 that may be at risk of failing to provide an adequate supply of safe
3 drinking water.

4 (D) An estimate of the number of households that are served
5 by domestic wells or state small water systems in high-risk areas
6 identified pursuant to Article 4 (commencing with Section 116770).
7 The estimate shall identify approximate locations of households,
8 without identifying exact addresses or other personal information,
9 in order to identify potential target areas for outreach and assistance
10 programs.

11 (2) An analysis of anticipated funding, per contaminant, needed
12 for known projects, services, or programs by eligible applicants,
13 consistent with the fund implementation plan, including any
14 funding needed for existing long-term funding commitments from
15 the fund. The board shall identify and consider other existing
16 funding sources able to support any projects, services, or programs
17 identified, including, but not limited to, local funding capacity,
18 state or federal funding sources for capital projects, funding from
19 responsible parties, and specialized funding sources contributing
20 to the fund.

21 (3) An estimate of the funding needed for the next fiscal year
22 based on the amount available in the fund, anticipated funding
23 needs, other existing funding sources, and other relevant data and
24 information.

25 (c) (1) Adopt, after a public hearing, a fund implementation
26 plan and policy handbook with priorities and guidelines for
27 expenditures of the fund.

28 (2) The board shall work with a multistakeholder advisory group
29 to establish priorities and guidelines for the fund implementation
30 plan and policy handbook. The multistakeholder advisory group
31 shall be open to participation by all of the following:

32 (A) Representatives of entities paying into the fund.

33 (B) Public water systems.

34 (C) Technical assistance providers.

35 (D) Local agencies.

36 (E) Nongovernmental organizations.

37 (F) Residents served by community water systems in
38 disadvantaged communities, state small water systems, and
39 domestic wells.

40 (G) The public.

1 (3) The adoption of a fund implementation plan and policy
2 handbook and the implementation of the fund pursuant to the policy
3 handbook are not subject to the Administrative Procedure Act
4 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
5 Division 3 of Title 2 of the Government Code).

6
7 Article 4. Information on High-risk Areas
8

9 116770. (a) (1) By January 1, 2021, the board, in consultation
10 with local health officers and other relevant stakeholders, shall use
11 available data to make available a map of aquifers that are at high
12 risk of containing contaminants and that exceed primary federal
13 and state drinking water standards that are used or likely to be used
14 as a source of drinking water for a state small water system or a
15 domestic well. The board shall update the map at least annually
16 based on any newly available data.

17 (2) The board shall make the map of high-risk areas, as well as
18 the data used to make the map, publicly accessible on its internet
19 website in a manner that does not identify exact addresses or other
20 personal information and that complies with the Information
21 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
22 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board
23 shall notify local health officers and county planning agencies of
24 high-risk areas within their jurisdictions.

25 (b) (1) By January 1, 2021, a local health officer or other
26 relevant local agency shall provide to the board all results of, and
27 data associated with, water quality testing performed by certified
28 laboratories for a state small water system or domestic well that
29 was collected after January 1, 2015, and that is in the possession
30 of the local health officer or other relevant local agency.

31 (2) By January 1, 2022, and by January 1 of each year thereafter,
32 all results of, and data associated with, water quality testing
33 performed by a certified laboratory for a state small water system
34 or domestic well that is submitted to a local health officer or other
35 relevant local agency shall also be submitted directly to the board
36 in electronic format.

37 (c) A map of high-risk areas developed pursuant to this article
38 is not subject to the Administrative Procedure Act (Chapter 3.5
39 (commencing with Section 11340) of Part 1 of Division 3 of Title
40 2 of the Government Code).

Article 5. Safe and Affordable Drinking Water Fee

~~116771. (a) The board shall adopt, by regulation, a schedule of fees as authorized by this section. Fees adopted shall not exceed _____. The regulations may include provisions concerning the administration and collection of the fees.~~

116771. (a) There is hereby imposed a safe and affordable drinking water fee of fifty cents (\$0.50) per service connection on all public water systems.

(b) By July 1, 2020, and annually by each July 1 thereafter, each public water system shall remit to the board the amount of the fee imposed pursuant to subdivision (a) for their public water system.

(c) (1) The board may adopt regulations to implement and enforce this article.

~~(b) (1) Except as provided in paragraph (2), the~~

~~(2) The regulations adopted pursuant to this section, or any amendment to these regulations, or subsequent adjustments to the annual fees;~~ the board shall adopt as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and the Office of Administrative Law shall consider the adoption of the regulations as necessary for the immediate preservation of the public peace, health, safety, and general welfare.

~~(2)~~

~~(3) The board shall adopt the initial regulations to implement this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code and may not rely on the statutory declaration of emergency in paragraph (1).~~ (2).

~~(3)~~

~~(4) Any emergency regulations adopted by the board or adjustments to the fees made by the board pursuant to this section shall not be subject to review by the Office of Administrative Law and shall remain in effect until revised by the board.~~

~~(e) Fees collected~~

(d) The executive director of the board shall deposit all moneys received pursuant to this section shall be deposited in the fund.

1 *The board may expend moneys from the fund for reasonable costs*
2 *associated with the implementation and enforcement of this section.*

3 116772. (a) The Legislative Analyst shall report to the
4 Legislature and the board if the Legislative Analyst determines,
5 on or before January 1, 2023, that at least three billion dollars
6 (\$3,000,000,000) has been made available in an interest bearing
7 account in the State Treasury with a goal of at least one hundred
8 million dollars (\$100,000,000) in interest revenues per year
9 available for the purposes of the fund.

10 (b) (1) A report to be submitted pursuant to subdivision (a)
11 shall be submitted in compliance with Section 9795 of the
12 Government Code.

13 (2) Pursuant to Section 10231.5 of the Government Code, this
14 section is repealed on January 1, 2027.

15 (c) This article shall become inoperative upon the Legislative
16 Analyst submitting a report pursuant to subdivision (a), and, as of
17 January 1, of the year following that determination, is repealed.

18
19 Article 6. Regional Distribution
20

21 116773. (a) The Legislature finds and declares as follows:

22 (1) Water quality problems occur in all areas of the state,
23 including rural and urban areas.

24 (2) In particular, aging school infrastructure, including lead
25 pipes, puts at risk thousands of children per year.

26 (b) It is the intent of the Legislature to establish a region specific
27 program to address the purposes of this chapter.

28 (c) The board may distribute funds for any purpose of this
29 chapter through its drinking water regional offices, as follows:

30 (1) ____.

31 (d) The board shall not distribute more than 20 percent of the
32 annual expenditures from the fund pursuant to subdivision (c).

33 SEC. 6. Chapter 4.7 (commencing with Section 116774) is
34 added to Part 12 of Division 104 of the Health and Safety Code,
35 to read:

1 CHAPTER 4.7. SAFE AND AFFORDABLE DRINKING WATER TRUST
2 FUND
3

4 116774. (a) The Safe and Affordable Drinking Water Trust
5 Fund is hereby established within the State Treasury. It is the intent
6 of the Legislature that moneys in the trust fund remain for the
7 purposes of the trust in perpetuity.

8 (b) Moneys held in the trust fund shall be invested by the
9 Treasurer, in consultation with the Director of Finance and the
10 Controller, in investments authorized by Section 16430 of the
11 Government Code.

12 (c) Investment income derived from the trust fund is hereby
13 transferred on January 1 of each year to the Safe and Affordable
14 Drinking Water Fund, established by Section 116767 for the
15 purposes of Chapter 4.6 (commencing with Section 116765).

16 116774.1. The sum of two hundred million dollars
17 (\$200,000,000) shall be transferred to the trust fund by the
18 Legislature each year for five years for the purpose of establishing
19 a one-billion-dollar (\$1,000,000,000) trust fund to derive interest
20 revenues to fund Chapter 4.6 (commencing with Section 116765).

21 SEC. 7. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution for certain
23 costs that may be incurred by a local agency or school district
24 because, in that regard, this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty for a crime
26 or infraction, within the meaning of Section 17556 of the
27 Government Code, or changes the definition of a crime within the
28 meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 However, if the Commission on State Mandates determines that
31 this act contains other costs mandated by the state, reimbursement
32 to local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

O

AB 217 (E. Garcia) Analysis – Attachment

**COMPARISON OF AGRICULTURAL ASSESSMENTS PROPOSED IN
2019 BUDGET TRAILER BILL (BTB) LANGUAGE AND PROPOSED IN
AB 217 (E. GARCIA, MARCH 28, 2019 VERSION)**

Section 2	2019 BTB Language	CFAC Section	AB 217	CFAC Section
Article 10.5: Safe Drinking Water Fee for Nondairy Confined Animal Facilities	Defines "Confined animal facilities excluding dairies" as bovine operations, poultry operations, swine operations, and other livestock operations. Does not include milk cow dairies (see below regarding dairies).	595(a)	Revises the definition of "Nondairy Confined Animal Facilities" to specify that all of the following conditions must apply: <ul style="list-style-type: none"> - Operations are designed to corral, pen, or otherwise enclose or hold domestic livestock. - Feeding is exclusively by means other than grazing. - Facilities are subject to annual fees for confined animal facilities adopted in accordance with Section 13260 of the Water Code. 	595(c)(1)
	Creates a working group of representatives from confined animal facilities to determine the actual risk to groundwater from nitrate.	596(a)	Does not include this provision.	
	Establishes a safe drinking water fee for confined animal facilities starting January 1, 2022. Fees would be commensurate with the actual risk to groundwater from discharges of nitrate as determined by the working group. The fees would be capped at \$1,000 per facility per year.	596(b)	Mandates a flat fee of \$1000 for owners of eligible facilities, plus an additional fee of \$750 for each facility in addition to the first, up to a maximum of \$12,000. Fees would begin in the 2021 calendar year.	596(a) 596(b)
	The above would sunset in 2037.	596(c)	Does not include this provision.	
	Creates a new working group in 2036 of representatives from confined animal facilities	597(a)	Does not include this provision.	

	(excluding dairies) to determine the actual risk to groundwater from nitrate.			
	Establishes a safe drinking water fee for confined animal facilities (excluding dairies) starting January 1, 2037.	597(b)	Does not include this provision.	
	Allows the secretary to adjust the fee through emergency regulation as necessary to meet but not exceed the anticipated funding need for nitrate	597(c)	Does not include this provision.	
	The fee collected, in combination with the dairy safe drinking water fee, shall total the sum of (\$3,000,000), or 30 percent of the funding need for nitrate, whichever is less.	597(d)	Does not include this provision.	
	Would allow the Legislature to adjust the fee by a 2/3 vote.	597(f)	Does not include this provision.	
Section 3	2019 BTB Language	CFAC Section	AB 217	CFAC Section
Article 6.5: Fertilizer Safe Drinking Fee	Creates safe drinking water fee of six mills (\$0.006) per dollar of sales for all fertilizing materials. This fee would become inoperative in 2035.	14616(a)	Same, but does not include sunset.	14616
	Creates safe drinking water fee of six mills (\$0.002) per dollar of sales for all fertilizing materials beginning in 2035.	14616(a)	Does not include this provision.	
	Beginning in 2037, the secretary may adjust the fertilizer safe drinking water fee through emergency regulation. The fee may not exceed 70% of the anticipated funding need for nitrate or the sum of \$7,000,000, whichever is less. Would allow for an emergency regulation.	14616(b)14616(c)	Does not include this provision.	
	A licensee who sells bulk fertilizing materials would be mandated to charge an	14617(a)(1)	Same.	14617(a)(1)

	unlicensed purchaser the fertilizer safe drinking water fee as a separate charge. This fee would be included on the bill of sale as a separate line item.			
	The fee would be separate line item on the bill of sale and identified as the California Regulatory and Safe Drinking Water Assessment.	14617(a)(2)	Same.	14617(a)(2)
	The secretary may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article.	14617(b)	Same.	14617(b)
	The Secretary would be able to use up to 4 percent of the money collected for reasonable costs associated with the implementation and enforcement of this article.	14617(c)(1)	Same.	14617(c)(1)
	Beginning July 1, 2022, the secretary would be able to use up to 2 percent of the money collected for reasonable costs associated with the implementation and enforcement of this article.	14617(c)(2)	Same.	14617(c)(2)
	The Legislature may not increase these fees except by an affirmative vote of two-thirds of the membership in each house of the Legislature.	14618	Does not include this provision.	
Section 4	2019 BTB Language	CFAC Section	AB 217	CFAC Section
Article 14.5: Dairy Safe Drinking Water Fee	Beginning January 1, 2022, each milk handler would be required to deduct \$0.01355 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.	62216(a)	Same.	62216(a)
	The secretary would adopt regulations necessary for the proper administration and	62216(b)	Same.	62216(b)

	enforcement of this section by January 1, 2022.			
	The above would sunset in 2037.	62216(c)	Does not include this provision.	
	Each handler, including a producer-handler, would deduct \$0.00678 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.	62216(a)	Does not include this provision.	
	The secretary may adjust the fee through emergency regulation as necessary to meet but not exceed 30 percent of the anticipated funding need for nitrate, or \$3,000,000, whichever is less.	62216(b)	Does not include this provision.	
	When setting the amount of the dairy fee, the secretary would be required to consider the amount of funding being collected by the safe drinking water fee for confined animal facilities excluding dairies and reduce the dairy fee by that amount. The dairy safe drinking water fee and the safe drinking water fee for nondairy confined animal facilities would not exceed 30 percent or \$3,000,000 of the anticipated funding need for nitrate, whichever is less.	62216(c)	Does not include this provision.	
	The secretary would adopt regulations necessary for the proper administration and enforcement of this section. This section would become operative on January 1, 2037	62216(d)	Does not include this provision.	
	A handler would pay the dairy safe drinking water fee to the secretary on or before the 45th day following the last day of the month in which the milk was received.	62217(a)	Same.	62217(a)

	The secretary would remit the moneys paid to him or her pursuant to this article to the State Water Board for deposit into the Safe and Affordable Drinking Water Fund	62217(b)	The secretary would deposit all money received from fees into the Fund.	62217(b)
	The secretary would be able to retain up to 4 percent of the total amount that is paid to the secretary pursuant to this article for reasonable costs of the secretary associated with implementation and enforcement.	62217(c)(1)	Same.	62217(c)(1)
	The secretary would be able to retain up to 2 percent of the total amount that is paid to the secretary pursuant to this article for reasonable costs of the secretary associated with implementation and enforcement.	62217(c)(2)	Same.	62217(c)(2)
	The secretary would be able to require handlers, including cooperative associations acting as handlers, to make reports at any intervals and in any detail that he or she finds necessary for the accurate collection of the fee.	62217(d)	Same.	62217(d)
	<p>The secretary would have at all times free and unimpeded access to any building, yard, warehouse, store, manufacturing facility, or transportation facility in which any milk or milk product is produced, bought, sold, stored, bottled, handled, or manufactured, including their records.</p> <p>The secretary would be required to keep any records obtained confidential.</p>	62217(e), 66217(f)	Same.	62217(e), 66217(f)
	The Legislature would be allowed to increase the fee with a 2/3 vote of each house.		Does not include this provision.	



ACTION ITEM

April 17, 2019

TO: Board of Directors

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

Robert Hunter
General Manager

Staff Contacts: Damon Micalizzi
Sarah Wilson

SUBJECT: Authorization to Contract for MWDOC Water Education School Programs

STAFF RECOMMENDATION

Staff recommends the Board of Directors authorize entering into a two-year contract with one-year option to extend with Building Block Entertainment, Inc. (Shows That Teach), Discovery Cube of Orange County (DC), and Bolsa Chica Conservancy (BCC) to provide the Municipal Water District of Orange County's (MWDOC) Water Education School Programs in grades K-12 beginning in the 2019-2020 school year.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

On February 20, 2019, MWDOC issued a Request for Proposals (RFP) to find and contract an experienced firm(s) to design and implement a regional water education school program on behalf of MWDOC and its participating member agencies.

The District received proposals from five qualified firms. After careful review, MWDOC staff invited all five firms to participate in a formal interview process. On April 3, 2019, an interview panel comprised of three MWDOC Public Affairs staff members conducted interviews with the five firms. Based on presentations and in-depth discussions with the interview panel, staff recommends three separate firms to administer the MWDOC Water Education School Programs beginning in the 2019-2020 school year.

Budgeted (Y/N): Y	Budgeted amount: \$ 629,159	Core	Choice X
Action item amount: \$629,159	Line item: 63-7040		
Fiscal Impact (explain if unbudgeted):			

First, staff is recommending the District retain the services of Building Block Entertainment, Inc.'s "Shows That Teach" to administer a portion of the Elementary School Program in grades K-2. Additionally, staff recommends Discovery Cube of Orange County for the Elementary School Program serving grades 3–6, while also administering a new middle school program for grades 7-8. Finally, staff recommends the Bolsa Chica Conservancy to administer the District's High School Program in grades 9-12.

DETAILED REPORT

RFP and Interview Process

On February 20, 2019, MWDOC issued an RFP requesting proposals from experienced firms who have demonstrated proficiency in administering successful school programs. Staff posted the RFP online, and invited several respected firms to submit proposals for a school program that educates and engages large groups of school-age students in accredited public and private schools throughout MWDOC's service area as well as the cities of Anaheim, Fullerton, and Santa Ana. Using specific criteria, a review panel comprised of MWDOC Public Affairs staff and the General Manager evaluated and scored the five proposals received. Based on the unique and creative proposals, MWDOC staff requested all five firms, Discovery Cube of Orange County, Orange County Department of Education's Inside the Outdoors, Building Block Entertainment, Inc., Bolsa Chica Conservancy, and S. Groner and Associates to participate in a formal interview process. All five firms were extremely qualified and each outlined an attractive strategy for MWDOC's Water Education School Programs. With fresh ideas and more hands-on, interactive options to choose from, staff determined what we believe to be the best variety of programs that will take the District's education programs to the next level.

What's New?

Building Block Entertainment, Inc. - "Shows That Teach" - Grades K-2

Following glowing references from colleagues at both Eastern Municipal Water District and Inland Empire Utilities District, staff invited Building Block Entertainment, Inc.'s Shows That Teach to submit a proposal. "H2O, Where Did You Go?" is a fun, educational, and interactive elementary school assembly-style program that engages students in water science topics such as the water cycle and aquifers, by using music, humor, and audience participation. Staff believes this exciting and engaging assembly-style presentation is best suited for the youngest grade levels, grabbing their attention and introducing them to fundamental water education early - the foundation for all other water education programs offered by MWDOC.

Because schools vary in size, enrollment, and capacity, Shows That Teach offers several versions of these assemblies to accommodate schools based on student count and auditorium size. Some schools may require just one performance, while others that have smaller multipurpose rooms or larger student populations may require two or three performances. Pricing varies based on which assembly is best suited for each school and how many performances are required. In most cases, the cost per visit is estimated between \$650 and \$1,150 per school. Additional pricing information is attached in Exhibit A.

Bolsa Chica Conservancy (BCC) – Grades 9-12

Bolsa Chica Conservancy's (BCC) Windows to our Wetlands (WOW) program offers hands-on, science-based learning stations and activities that make science fun, interactive, and memorable. Through this program, high school students in grades 9-12 will learn about watersheds, California water supply and resources, as well as what it takes for purveyors of their drinking water to get it to their homes, clean, healthy, and ready to use from the tap. On the first visit, this engaging presentation gives students an insight into water quality through an interactive presentation. On the second visit, BCC will bring the WOW traveling van to the school where students will participate in a hands-on water quality comparison lab. Finally, students will present their findings on water quality and its importance through an in-class presentation to their peers in order to demonstrate their knowledge retention at the end of the program.

The WOW program uses the local wetlands to help demonstrate the ecological challenges that exist in the Bay Delta and underscore the importance of the twin tunnel California WaterFix. BCC proposes to reach at least 3,000 high school students (10 schools of 300 students each or \$4,000 per school) for an estimated cost of \$40,000 in Year 1, \$41,000 in Year 2, and \$42,000 in Year 3. Additional pricing information is attached in Exhibit B.

Building on past success

Discovery Cube of Orange County (DC) – Grades 3-6

MWDOC has enjoyed a successful partnership with Discovery Cube of Orange County (DC) for more than a dozen years. DC's keypad, assembly-style program continues to engage young minds about where their water comes from in this digital age of education. DC's proposal for grades 3-6 is very consistent with what they provide now and over the past 14 years. On track with previous cost per student rates, DC proposes a rate of \$4.73 per student for grades 3-6, with 3 percent increases for subsequent years. Additional pricing information is attached in Exhibit C.

Why a middle school program?

Since the inception of MWDOC's High School Program and its growing success, a noticeable gap presently exists between elementary school and high school. One of the current challenges facing contractors for the existing High School Program is frequently encountering students who have forgotten the water education first introduced in elementary school. This 'middle school gap' requires our high school contractors to spend additional time reviewing the basic concepts of fundamental water education in the first visit to high schools.

Discovery Cube of Orange County (DC) – Grades 7-8

Discovery Cube's proposal for the middle school program includes hands-on, STEM-based water quality labs for grades 7 and 8 (6th grade classes will continue to receive DC's traditional keypad program). DC's stated goal of the middle school program is to "prepare students to be informed citizens and future scientists." Seventh grade will focus on water quality, where students will shift from learning facts about science to engaging in the

practices of science. Eighth grade students will be introduced to the role of agriculture in the southern California waterscape. These workshops will be presented to students in a classroom setting. This program format allows for greater flexibility and integration into a middle school's schedule while also providing the students with a much more immersive role. Students will enter high school with an understanding of how common practices of individuals and families have a significant impact on the quality of our surface waters as well as the importance of maintaining a healthy water supply for the residents of Orange County.

Staff believes that that this middle school program provides a seamless transition into the High School Program offered by Bolsa Chica Conservancy. DC's water quality workshops for grades 7 & 8 will cost \$12.83 per student. An ***optional*** add-on to the middle school program is a take-home water conservation kit focused on reducing indoor water use. The water conservation kit consists of a 1.5 gallon per minute (gpm) showerhead, 1.5 gpm swivel spray kitchen aerator, two 1.0 gpm bathroom aerators, toilet water saver fill cycle diverter, two toilet leak detection tablets, flow meter bag and water conservation wheel. DC will order and distribute the kits, along with directions for how to use the kits. Cost for the kits is \$14.70 per kit. Again, DC is requesting a 3% increase in the cost per student of the middle school program in subsequent years. Additional pricing information is attached in Exhibit C.

Recommendation

Based on interviews conducted, a thorough comparison of proposal components, and the consultant's previously demonstrated success, staff recommends that the Board of Directors:

1. Authorize entering into a two-year contract with one-year option to extend with Building Blocks Entertainment Inc. to administer a portion of MWDOC's Elementary School Program in grades K-2 at the price points presented in Exhibit A.
2. Authorize entering into a two-year contract with one-year option to extend with Discovery Cube of Orange County to administer a portion of MWDOC's Elementary School Program for grades 3-6, as well as to administer a new Middle School Program for grades 7-8 at the price points presented in Exhibit C.
3. Authorize entering into a two-year contract with one-year option to extend with the Bolsa Chica Conservancy to administer MWDOC's High School Program for Grades 9-12 at the price points presented in Exhibit B.



March 14, 2019

**Building Block Entertainment Inc. Proposal for MWDOC Water
Education School Program Services RFP NO. PA0219-001**

COVER LETTER

To: Municipal Water District of Orange County
Attn: Sarah Wilson, Public Affairs Dept.
18700 Ward Street, Fountain Valley, CA 92708

Dear Ms. Wilson:

The enclosed document encompasses our proposal to provide MWDOC with large theatrical style school assembly presentations for K-5, K-6, and/or 6-8 grades at school sites in Orange County, as specified by MWDOC.

Included in this package are flash drives, each containing two videos: a shorter video with clips of each of our water conservation programs, and a second full-length, unedited video of one of our programs, "H2O, Where Did You Go?".

If you or any of your evaluators have any questions regarding this proposal, and if it is allowed, please contact me directly at mark@showsthatteach.com or (818) 422-1872.

A handwritten signature in black ink, appearing to read 'Mark Beckwith'.

Mark Beckwith, President

Building Block Entertainment Inc. ("Shows That Teach")

PRICING

We understand that some schools may require just one performance, while others that have smaller multipurpose rooms, or larger student populations, may require two or three performances. The following prices are based on one, two, or three shows per school. There are no other additional fees. Unless a school requires three performances, Shows That Teach will schedule bookings to perform at two schools per day in Orange County. This allows us to more efficiently save on time and costs. Incidentally, since we set up our own P.A., backdrop, and props, our performers take a full hour to set up and another 25 minutes to strike the set at each school.

The following prices are discounted. We normally charge approximately 30% more for festival performances.

“Waterology” (for grades K-6)

One presentation at one site:	\$650
Two presentations at one site:	\$850
Three presentations at one site:	\$1050

“The Hydro Game Show” (for grades 1-6)

One presentation at one site:	\$750
Two presentations at one site:	\$950
Three presentations at one site:	\$1,150

“H2O, Where Did You Go?” (for grades K-6)

One presentation at one site:	\$850
Two presentations at one site:	\$1,150
Three presentations at one site:	\$1,450

*** “H2O, Where Did You Go?”** (for middle schools)

One presentation at one site:	\$950
Two presentations at one site:	\$1,250
Three presentations at one site:	\$1,550

Motivational Contest Speaker (for high school classrooms)

Six short talks to six classes at one site: \$1,200

(This includes our review of the six stories submitted to us.)

MWDOC would add a flat \$1,000 for the season for the gift card prizes.

* Middle schools are priced slightly higher because they require special presenter expertise. Additionally, middle schools often require unusual scheduling due to the timing of their class periods.

“Waterology” and “The Hydro Game Show” may be used most effectively for audiences up to 250 - 300 students. “H2O, Where Did You Go?” can be used most ideally for audiences up to 400 students. MWDOC may set the minimum student number criteria.

Some of our water agency clients use “Waterology” for schools with smaller multipurpose rooms. They use “H2O, Where Did You Go?” for schools that have larger rooms that can hold large audiences. “H2O, Where Did You Go?” is a larger production.

Except for the possible Ricki(y) puppet design option mentioned earlier in this proposal, these prices include all labor, equipment, materials, transportation, overhead, travel, profit, insurance, taxes, licenses, incidentals, and all other related costs necessary to complete the work requirements.

Cost Per Student

As you can see, we offer many program combination choices for MWDOC. I will calculate two different scenarios for this proposal for elementary schools only, but additional middle school and high school options are possible, as well. We know from our school data base that Orange County elementary schools range in size from a little over 100 students each up to as many as 1500 students, though most of the schools have 500-750 students. (see student number sheet on flash drive). However, it is not just the total number of students to consider,

but the the size of the school's multipurpose room or auditorium. With this in mind, the wisest use of MWDOC funds is to schedule "Waterology" or "The Hydro Game Show" for smaller audiences of 150-300 students but use "H2O, Where Did You Go?" for audiences of 300-400 students. For the sake of this cost-per-student estimate, we will assume that our one-performer shows are booked for an average of 250 students per show, and that our larger production is scheduled for an average of 325 students per presentation.

Option #1 to reach 60,000 elementary school students, using "Waterology" to perform for 30,000 students and "H2O, Where Did You Go?" for 30,000 students (with the typical two presentations per school), the total cost is **\$104,077**. That is a cost of **\$1.73** per student.

Option #2 to reach 60,000 elementary school students, using "The Hydro Game Show" for 30,000 students and "H2O, Where Did You Go?" for 30,000 students (two presentations per school), the total cost is **\$110,077**, or a cost of **\$1.83** per student.

Naturally, there are other combinations of our programs possible. And if MWDOC wishes to add "H2O, Where Did You Go?" for middle schools or the pilot project contest for high schools, the above estimate will change.

Bolsa Chica Conservancy



A Proposal To Design and Implement The Municipal Water District of Orange County Water Education School Program



G. PRICING

1. PRICING TABLE

The pricing table includes all expenses for the Conservancy's implementation of MWDOC's Education Program for the 2020, 2021 and 2022 school years.

BUDGET - ELEM	2020	2021	2022
Marketing	35,000	35,000	35,000
Staff Educators	160,000	166,000	169,000
Equipment, Props*	8,000	8,000	8,000
Travel – WOW van	25,000	25,000	25,000
Supplies	4,000	4,000	4,000
TOTAL	232,000	238,000	241,000
BUDGET - HS			
High School Program	40,000	41,000	42,000

*See Appendix A and Appendix D for recommended props for elementary education program.

2. COST PER STUDENT

The Conservancy expects to reach 60,000 students each school year, breaking down the cost per student to \$3.87 (2020), \$3.97 (2021), and \$4.02 (2022).

The Conservancy expects to reach 3,000 high school students (10 schools of 300 students each) for an estimated cost of \$40,000 in year 1, \$41,000 in year 2, and \$42,000 in year 3.

H. SAMPLES

The Conservancy leads tours, outreach and education programs every day. Please see Appendix E for photos of our outreach efforts with students.

I. REFERENCES

- a. Debra Thompson
3rd and 4th Grade Teacher
Esplanade Elementary, Orange, CA
714.997.6157
dethompson@orange.usd.org
- b. Steve Creech
Executive Director
Wyland Foundation

March 14, 2019

Municipal Water District of Orange County

Attn: Sarah Wilson

18700 Ward Street

Fountain Valley CA 92708

RE: Response to RFP for Design and Implementation of Water Education School Program Services (RFP No. PA0219-001)

Dear Sarah:

Discovery Science Center of Orange County (DSC) is honored to submit the attached proposal in response to the Municipal Water District of Orange County's (MWDOC) Request for Proposal for the Design and Implementation of Water Education School Program Services, released on February 20, 2019.

Discovery Science Center of Orange County creates award-winning education programs in a wide variety of subject matter areas, and we are particularly proud of our work in the area of water education. DSC ranks second nationwide among over 300 museums and science and technology centers in outreach by teaching over 350,000 students at school sites each year.

Over half of DSC's school-based programs are conducted in partnership with water agencies, including Western Municipal Water District, Elsinore Valley Municipal Water District, Jurupa Community Services District, Irvine Ranch Water District, Eastern Municipal Water District, Golden State Water Company and Upper San Gabriel Valley Municipal Water District. In some cases, these partnerships have succeeded for over a decade, with DSC working collaboratively with agencies over the years to continually calibrate the program to align with each agency's needs. We look forward to continuing to provide MWDOC with a comprehensive water education program that continues in this tradition.

Should you have any questions regarding the content of this proposal, please contact DSC's Director of Strategic Development, Tony Solorzano, via phone at 714.913.5013 or via email at TSolorzano@DiscoveryCube.org.

Sincerely,

Original Hard Copies Signed

Kellee Preston

Chief Operating Officer

Pricing

I. Pricing Table

Below you will find a summary of the pricing for the two-year education program, including the optional water conservation kits. The rates are intended to be inclusive of development, props, technological needs and other associated costs. DSC is also requesting a 3% yearly increase in the cost of the program, which is intended to keep pace with rising costs associated with the program. This pricing table also assumes a certain number of students seen at each grade level. For comparison purposes, those student figures are shown. DSC is aware that these figures may be adjusted based on member agency participation.

Year One	Target Number Of Students	Total
Third Through 6th Grade Assembly	40,000	\$ 189,200.00
Middle School Water Quality Workshops	2,500	\$ 32,075.00
Optional Water Conservation Kit	2,500	\$ 36,750.00
Year One Total	\$ 258,025.00	
Year Two	Target Number Of Students	Total
Third Through 6th Grade Assembly	40,000	\$ 194,876.00
Middle School Water Quality Workshops	2,500	\$ 33,037.25
Optional Water Conservation Kit	2,500	\$ 37,852.50
Year Two Total	\$ 265,765.75	

II. Cost Per Student

The below table breaks the program down into a cost per student for each component of the education program.

Year One	Cost Per Student
Third Through 6th Grade Assembly	\$ 4.73
Middle School Water Quality Workshops	\$ 12.83
Optional Water Conservation Kit	\$ 14.70
Year Two	Cost Per Student
Third Through 6th Grade Assembly	\$ 4.87
Middle School Water Quality Workshops	\$ 13.21
Optional Water Conservation Kit	\$ 15.14



INFORMATION ITEM

April 15, 2019

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

FROM: Robert Hunter, General Manager

Staff Contact: Damon Micalizzi

SUBJECT: 2019 OC Water Summit (May 31, 2019)

STAFF RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

MWD OC and Orange County Water District staff continue to work on the 2019 OC Water Summit, which will be held at the Disneyland Resort's Grand Californian Hotel on Friday May 31, 2019. OCWD is the lead agency for this year's event themed "Under The Microscope".

Staff continues to solicit sponsorships. So far sponsors include:

Lunch	Mesa Water
Program	IRWD
Associate	Evoqua
Table	Metropolitan
Table	IRWD
Table	Eastern Municipal Water District
Table	Orange County Sanitation District
Table	Michael Baker International
Chamber	Brea
Chamber	North Orange County Chamber
Chamber	Westminster
Chamber	Garden Grove
Transportation	Anaheim Public Utilities

The next OC Water Summit Committee Meeting is scheduled for is at 8:30 a.m. on Monday, April 29th.



INFORMATION ITEM
April 15, 2019

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

FROM: **Robert Hunter, General Manager**

Staff Contact: Sarah Wilson

SUBJECT: **Education 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

Contractors for the Municipal Water District of Orange County's (MWDOC) water education programs continue to schedule visits for the 2018/19 school year. The following reports are included: Elementary Education Student Counts and the "What About Water" High School Program report.

The primary goal for both the Elementary and High School programs is to provide comprehensive instruction on the science, geography, economics, and history of Orange County water. These goals are measured through pre- and post-test metrics.

Elementary School Program

- **Goal 1:** Students will understand the importance of water as it relates to the local climate and ecosystem.

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

- **Goal 2:** Students will be able to identify California water sources and understand the challenges in delivering a reliable source of drinking water to Orange County.
- **Goal 3:** Students will recognize and have the necessary resources to apply water efficient practices at home and in the community.

The following keypad response data demonstrates the average increase in student understanding after attending the March 2019 Elementary School Program assemblies:

- **First Grade:** Students are tested on the water cycle and how plants use water, carbon dioxide, and sunlight. Students demonstrated a **12.55%** average increase in understanding from the pre- to post-test.
- **Second Grade:** Students are tested on where water is found in nature and the ways in which nature cleans our water. Students demonstrated a **5.69%** average increase in understanding from the pre- to post-test.
- **Third Grade:** Students are tested on local climate and the ability of plants and organisms to survive in a particular climate. Students demonstrated an **-0.46%** average decrease in understanding from the pre- to post-test.
- **Fourth Grade:** Students are tested on the local ecosystem, water sources, and water use efficiency. Students demonstrated a **31.36%** average increase in understanding from the pre- to post-test.
- **Fifth Grade:** Students are tested on how the water cycle cleans and recycles freshwater supply and water use efficiency. Students demonstrated a **35.46%** average increase in understanding from the pre- to post-test.
- **Sixth Grade:** Students are tested on the forces that drive the water cycle and factors that influence the growth of organisms in our local area. Students demonstrated a **24.53%** average increase in understanding from the pre- to post-test.

This is the first year incorporating the Next Generation Science Standards into the curriculum. The 2018/19 school year is a baseline year in which to compare future school year's data. Several factors can affect the keypad response data including attendance numbers, attention span, retention rate, and language barriers. Discovery Cube will assess the entire year as a whole before adjusting the questions or teaching style.

High School Program

MWDOC is once again participating in the annual "Be the Voice for the Planet" (Voice4thePlanet) video contest. Open to high school students across the United States, Voice4thePlanet encourages students to create 30 to 60 second videos that generate awareness, and encourage positive behavioral changes surrounding water conservation, clean oceans, plastic pollution, and recycling. Winning students have the chance to earn tons of great prizes from nationwide contest sponsors including National Geographic, Volcom, Sambazon, and more.

As an added incentive, MWDOC and its partners will award additional prizes to Orange County students who demonstrate the value of Orange County **WATER** resources and the importance of using water wisely. Prizes for the Orange County Water Category include:

- **Best Water Wise Message** sponsored by MWDOC
Winner will star in an Orange County water-centric Public Service Announcement.

- **Most Creative** sponsored by HashtagPinpoint
Winner will receive a personal training session for professional video production.
- **Most Entertaining** sponsored by Great Wolf Lodge
Winners will receive 4 adult and 4 kids day passes to the Great Wolf Lodge water park.
- **Most Educational** sponsored by Discovery Cube
Winners will receive 2 family packs of tickets to the Discovery Science Center.
- **Most Environmentally Friendly** sponsored by the Wyland Foundation
Winner will receive a Clean Water Mobile Learning Center visit to their high school.
- All winning students will also receive a certificate of recognition from MWDOC and their California State Legislators.

The deadline to submit videos is April 30, 2019, and contest winners will be announced on May 22, 2019.

WHAT ABOUT WATER?

Quarterly Report
Presented by



APRIL 2019

What About Water? - Inside the Outdoors School Visits										
Year 4 - 2018/2019										
Agency	High School	1st Visit - student	1st Visit Attendance	2nd Visit - student	2nd Visit Attendance	School Expo Date	Total Students	Class Type	Grade Served	Notes
Anaheim	Anaheim High School	11/28/18	73	2/7/19	88	3/20/19	161	AP Environmental Science	11-12th grade	3/20 - Lunchtime Expo
City of Brea	Brea Olinda High School	4/26/19		5/31/19		6/4/18	0	AP Environmental Science		6/4 - Lunchtime Expo
City of Buena Park	Buena Park High School	2/27/19	25	3/13/19	24		49	AP Environmental Science	10-12th grade	TBD- Expo
City of Fountain Valley	Fountain Valley High School or Los Amigos (alternate)						0			
City of Huntington Beach	Edison High School						0			
City of San Clemente	San Clemente High School	4/29/19		5/6/19		5/14/19	0	Biology		5/19 - Lunchtime Expo
City of San Juan Capistrano	Junipero Serra High School or San Juan Hills High School	1/14/19	10	1/28/19	10	3/11/19	20	Health Science	10th grade	3/11 - Lunchtime Expo
City of Tustin	Tustin High School or Columbus Middle School	1/8/19	175	2/21/19	177	5/14/19	352	Science	6-8th grade	5/14 - Science Night
East Orange WD	Foothill High School						0			
El Toro	El Toro High School	12/12/18	13	12/14/18	12	tbd	25	AP Environmental Science	11th grade	TBD- Expo/Showcase
El Toro Water District	Los Alisos Jr. High						0			
Moulton Niguel	Aliso Niguel High School						0			
Moulton Niguel	Laguna Hills High School	1/31/19	35	2/14/19	30	2/28/19	65	AP Environmental Science	11th grade	2/28 - Lunchtime Expo
Moulton Niguel	Capistrano Valley High School						0			new teacher contact, waiting for date confirmation
Moulton Niguel /Santa Margarita WD	Mission Viejo High School	2/1/19	101	2/4/19	92	3/25/19	193	AP Biology		3/25 - Lunchtime Expo?
Santa Ana	Saddleback High School						0			
Santa Margarita WD	Tesoro High School	4/10/19		5/15/19		5/29/19	0	Biology/Earth Club		5/29 - Lunchtime Expo
South Coast WD	Dana Hills High School	12/3/18	62	4/15/19		5/21/19	62	Biology		5/21 - Lunchtime Expo
Westminster	La Quinta High School						0			
Westminster	Westminster High School						0			
Total		494		433		927				
Teacher Workshops										
Student Summits										
Where's My Water? - Inside the Outdoors School Visits - 2018/2019										
Core Program	High School	Program Date	Attendance					Class Type	Grade Served	Notes
Where's My Water										
	Brea Olinda High School	9/21/18	87					Biology	11th grade	
	Back Bay High School	12/18/18	47					Science	11-12 grade	
	Fountain Valley Education Center	1/9/19	11					Science	11-12 grade	
	Sierra School	3/18/19	94					Science	7th grade	
	Sierra School	3/19/19	73					Science	7th grade	
	Esqueda School	4/16/19						Science	6th grade	
tbd = verbal confirmation, pending calendar dates										

Public Affairs Activities Report
March 11, 2019 – April 9, 2019

Member Agency Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Prepared Media/Tool Kits on Water Tax and Disaster Response • Sent Media/Tool Kit for Water Tax • Provided Public Affairs update at the monthly Water Use Efficiency Workgroup meeting • Created and provided artwork to City of San Clemente on the Wyland National Mayor's Challenge to be used as an advertising series in the San Clemente Times • Facilitated One-on-One meeting between 25 agencies and consultant for 2019 Consumer Confidence Reports
Community Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Compiling entries received for 2019 Water Awareness Poster Contest • Submitted and published 2019 Water Awareness Poster Contest and 2019 Wyland National Mayor's Challenge to Association of California Water Agencies' News Room • Entries open for 2019 Voice4Planet High School Video Contest <ul style="list-style-type: none"> ○ Prize sponsors for the Orange County water category: Discovery Cube, Wyland Foundation, HashtagPinpoint, and Great Wolf Lodge • Hosted Girl Scouts Water Resources and Conservation Patch Program clinic at Bolsa Chica Conservancy • Continue to coordinate Girl Scouts Water Resources and Conservation Patch Program clinic with Santa Margarita Water District • Prepared and sent March eCurrents including flyers and links for upcoming programs and campaigns, recent news

	<p>releases, and articles on the Water Tax, Voice4Planet Video Contest, and member agency news</p> <ul style="list-style-type: none"> • Created and hosted a water supply activity at the annual Children’s Water Education Festival at UCI • Participated in Association of California Water Agencies’ Fix a Leak Week with posts featured during their “Twitter Party” <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> • Spoke as part of a panel to the Orange County Women in Water group • Provided legislative update to ACC-OC Environment, Energy and Water Committee. MWDOC also hosted the meeting at our office.
Education	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Reviewed proposals received in response to RFP for MWDOC Water Education School Programs • Held interviews for potential vendors for MWDOC Water Education School Programs • Requested additional samples and quotes for the redesign of the Ricki Raindrop education booklets • Attended meeting with Inside the Outdoors on countywide water messaging and curricula as it relates to the California Environmental Policy and Principles • Provided South Coast Water District with information regarding Elementary School Program visit to St. Edwards Elementary • Revised Elementary School Program 5th grade script based on program feedback received from South Coast Water District • Provided City of San Juan Capistrano with information related to High School Program expo at Serra High School • Provided City of Brea with information regarding Elementary School Program visit to Mariposa Elementary • Provided Moulton Niguel Water District and Santa Margarita Water District with information regarding High School Program expo at Mission Viejo High School • Provided information to City of Santa Ana on Discovery Cube’s afterschool program

	<ul style="list-style-type: none"> • Worked with Inside the Outdoors on a Water Audit to be used at their community events • Provided school program contractors with information related to the Wyland National Mayor's Challenge for Water Conservation • Provided information to City of La Palma regarding Elementary School Program funding • Submitted and featured Voice4Planet video contest article in Orange County Department of Education's STEM Newsletter • Provided information to Santa Margarita Water District on Serra High School visits. • Sent updated elementary school visit scheduled to all participating member agencies • Observed Elementary School visit at Violette Elementary – 6th grade
Media Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Worked with Consultants to produce promotional video for Wyland National Mayor's Challenge and OC Breakaway Competition • Discussed potential partnership, participation and promotion of Xtreme Home Water Makeover with NBC/ Water Zone/Toro • Coordinated and booked 30 minute radio segment on KSBR
Special Projects	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Currently working on itineraries, trip logistics, guest and Director requirements for the April 12, Director McKenney Infrastructure Inspection Trip • Continue to work on booking speakers and sponsors for OC Water Summit • Hosted Metropolitan Water District's Traveling Student Art Exhibit <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> • Participated in the South Coast Air Quality Management District "Buried Utilities Coalition" conference call • Sent out reminders for ISDOC's Quarterly Luncheon featuring guest speaker Neil McCormick, CSDA CEO • Staffed ISDOC Quarterly Luncheon • Prepared PowerPoint on the Water Tax for the MWDOC Elected Officials Forum

Legislative Affairs	<p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> • Participated in MWD’s legislative coordinators’ bi-monthly calls • Attended ACWA State Legislative Committee meeting in Sacramento on March 15 and April 5 • Attended OCBC’s Legislative Advocacy Trip to Sacramento. Meetings/events included: <ul style="list-style-type: none"> ○ Orange County Delegation Dinner ○ Honorable Betty Yee, Controller ○ MWD/WaterFix update from Kathy Viatella ○ CalEPA Secretary Jared Blumenfeld ○ Assemblywoman Blanca Rubio ○ Assemblyman Chad Mayes ○ Senator Henry Stern ○ Assemblywoman Cottie Petrie-Norris • Participated in the CalDesal Legislative Conference Call • Attended a tour of MWD’s Diemer Treatment Plant coordinated for Congressman Gil Cisneros • Attended meeting with Director Yoo Schneider and Assemblyman Steven Choi • Participated in the Southern California Water Coalition Legislative Task Force meeting • Met with district staff at Congresswoman Katie Porter’s office • Provided member agencies with information from MWD to join their coalition letter on AB 441 (Eggman) related to underground storage • Sent update to Board and member agencies regarding AB 217 (E. Garcia) amendments that included a tax on water • Provided information to member agencies related to SB 204 (Dodd) dealing with WaterFix oversight • Met with district staff at Assemblywoman Cottie Petrie-Norris’ office • Met with Supervisor Doug Chaffee’s office • Sent reminders to all MWDOC member agencies encouraging support for SB 414 (Caballero) and SB 669 (Caballero) and to sign on to our coalition letter • Coordinated coalition Orange County coalition letters for SB 414 and SB 669 • Provided information to agencies regarding SB 414 and SB 669 • Met with district staff at Assemblyman Tyler Diep’s office • Met with district staff at Congressman Lou Correa’s office • Met with district staff at Congressman Harley Rouda’s office
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	<ul style="list-style-type: none">• Met with district staff at Senator Tom Umberg's office
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