

MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PUBLIC AFFAIRS AND LEGISLATION COMMITTEE
October 21, 2019, 8:30 a.m.
Conference Room 101

Committee:

Director Dick, Chair
Director Thomas
Director McVicker

Staff: R. Hunter, K. Seckel, H. Baez,
D. Micalizzi, K. Davanaugh, 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. MET Legislative Matrix
2. MWDOC LEGISLATIVE POLICY PRINCIPLES ANNUAL UPDATE

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.)

3. OC WATER SUMMIT PLANNING UPDATE
4. CALIFORNIA ENVIRONMENTAL LITERACY INITIATIVE
5. EDUCATION PROGRAMS UPDATE
6. PUBLIC AND GOVERNMENT AFFAIRS ACTIVITIES REPORT

OTHER ITEMS

7. 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.

JAMES C. BARKER, PC
ATTORNEY AND COUNSELOR AT LAW
FIFTH FLOOR
1050 THOMAS JEFFERSON STREET, NW
WASHINGTON, DC 20007
(202) 293-4064
jimbarker@jcbdc.com

Nicholas Crockett
Allison Leavitt

Municipal Water District of Orange County, California
Washington Update
October 15, 2019

Status of Congress:

At the end of September the Congress was able to pass a Continuing Resolution which keeps the federal government running until the November 21st period. Key Appropriators and Congressional Leadership are trying to prepare different “packages of spending bills” that they intend to pass, if possible before the Thanksgiving period. The two bills we are watching the most, the Energy and Water Bill and the Interior and EPA Bill, are largely considered as non-controversial this year and any hold up at this stage is due to other larger issues such as border wall spending or the levels of defense spending that are considered in other spending bills.

One reason for the slowdown in the appropriations process, the House had to revise its total spending allocations for their spending bills and will need to lower the amounts it passed earlier this summer to conform with the levels approved by the Senate and the White House in August. For our water accounts however, the spending levels remain largely unchanged for various water accounts—with the House and the Senate headed to pass slight increases for Bureau of Reclamation, Army Corps and EPA related programs.

Since our last Report, Senator Feinstein was able to add language in the Senate Energy and Water bill that would allow the South Coast Water District to receive its

\$8.3 Million Desal Grant. In order for South Coast to get the funds however, that bill has to pass with that special language in the bill.

We have been talking with key offices regarding the potential glitch if the Energy and Water bill does not pass—and everyone so far is saying that they think the bill will pass later this fall in one of the packages that is approved by the Congress. We are monitoring this situation and will keep you posted on developments.

PFAS Developments:

The Defense Authorization Conference:

We continue to monitor the PFAS issue in the National Defense Authorization Act Conference Committee negotiations between the House and the Senate.

The most controversial issue remains the so-called Dingell amendment that passed on the House bill by voice vote to designate all PFAS as hazardous for the purposes of Superfund cleanups. Virtually all of the national water stakeholder groups have come out strongly opposing the Dingell language.

The hazardous substance issue is important and controversial because of its liability implications. If PFAS are listed as hazardous substances, they become subject to CERCLA's broad liability scheme, which makes past and present owners and operators, transporters, and arrangers jointly and severally liable for the cost of cleanup.

MWDOC has weighed in with all 101 House and Senate Conferees with a letter. A copy of the major water stakeholder groups' letter was attached to the MWDOC Letter that outlined the groups major concerns regarding the PFAS issues contained in the House and Senate versions of the NDAA. We have also visited with several Conferees offices on the matter.

MWDOC has also provided a "carve out" amendment to Congressman Cisneros's office—who is a Conferee in the negotiations. This amendment would exempt

water districts from liability due to the Dingel amendment, should the Dingel Amendment be included in the final bill.

It should be noted that the EPA already has CERCLA authority to clean up PFAS releases (as pollutants or contaminants), but presently cannot hold parties liable under CERCLA for such cleanup. The House provision – by making PFAS hazardous substances – would expand EPA’s ability to recover CERCLA response costs, and also would empower private parties to recover CERCLA response costs for PFAS cleanups.

Activities of the House Energy and Commerce Committee on PFAS:

A House Energy and Commerce Sub-Committee passed thirteen bills dealing with PFAS related substances on September 27th.

The legislation that caused the most controversy was again, the free standing bill that Congresswoman Dingel (D-Michigan) added as an amendment to the National Defense Authorization Act. During this committee meeting, she was able to pass through the subcommittee a free standing bill, H.R. 535, which would require EPA to designate PFAS as a hazardous substance under the Superfund law. In an effort to appease those opposed to her bill, Representative Dingell promised to work with the stakeholder community that were considered as innocent parties to Superfund liability.

In addition to the Dingell bill which passed the subcommittee, Congressman Harley Rouda’s (D-Ca) bill, H.R. 2570, passed the subcommittee by voice vote. Congressman Rouda’s bill would require PFAS polluters, or the manufacturers of PFAS, to pay for the treatment of contaminated water.

Outlook on PFAS:

On the House / Senate Conference Committee for the National Defense Authorization Act, the Trump Administration has said that it will veto the bill if it contains the Dingel amendment and several other provisions which were placed in the bill during House Floor consideration of the measure. The Trump Administration’s position largely follows and supports the measures contained in the Senate bill dealing with the PFAS issue.

Meanwhile, the activity in the House Energy and Commerce Committee is largely aimed at trying to develop a longer term consensus on how to deal with PFAS issues.

JCB 10/15/19



Memorandum

To: Municipal Water District of Orange County
From: Syrus Devers, Best Best & Krieger
Date: October 21, 2019
Re: Monthly State Political Report

Legislative Report

The Legislature is slowly coming back to life after the unofficial post end-of-session hiatus. The main activity through November will be informational hearings. Although nothing has been set at this time, PG&E will undoubtedly face legislative scrutiny at some point this year over the recent power outage. None of the hearings currently set relate directly to water, but the connection between wildfires and water districts is the subject of frequent conversation in Sacramento.

The three main themes are liability of water districts if loss of water pressure hinders firefighting efforts, use of emergency backup generators during planned and unplanned power outages, and the cost of insurance in areas threatened by wildfires. Water district managers in these areas are being advised that if they only see a doubling of premium costs that they should feel fortunate.

Both ACWA and CMUA are looking at legislative proposals related to emergency backup generators. The issues connect over air pollution regulations. One issue is whether or not using emergency generators during a planned power outage is an emergency. If it is, special rules apply that gives relief to water districts. The other issue is maintenance. Generators are, for the most part, limited to 20 hours per year for testing and maintenance, but that's an arbitrary number. Engineers define necessary maintenance based on test results, not a set number of hours. The issue is coming to a head because more frequent wildfires and planned power outages threaten to turn emergency generators into a regular part of a water district's operations in wildfire prone areas.

BB&K gave an end-of-session summary last month, but is happy to report that AB 1752 (Petrie-Norris) was signed on October 3rd. This is the bill that ensures South Coast Water District has continued access to Prop 1 funds for the Doheny Ocean Desalinization Project.

Administrative Report



Water affordability will remain the focus of significant regulatory efforts in direct and indirect means through the end of the year. At the forefront is the Office of Environmental Health Hazard Assessment's (OEHHA) initial draft of their mapping tool for determining water affordability. Water districts are concerned about the public's perception of water rates if the criteria being used doesn't account for differing water costs throughout the state, and different income levels and property values when evaluating whether or not water is affordable. The analysis also touches on water quality that raises a host of issues. For example, if the number of times a district exceeded MCL's for water quality over a set number of years is a factor, a district with three violations five years ago, and none since due to corrective action, will score worse than a district with two recent violations. All of this underscores what has been said a million times but still isn't heard—if it involves water, it's never simple.

Significant attention is turning to the regulatory efforts that threaten to trap water districts between conflicting goals. The Human Right to Water and prohibitions on water shutoffs, two give two examples, seek to make water more affordable, but efforts to make water safer cut in the opposite direction. One example is PFOS/PFAS regulations. If SWRCB follows through on public comments and lowers the response level for PFOS/PFAS to anything near the notification levels, significant sources of groundwater will become unavailable for drinking water use which will dramatically increase the cost of water. Some districts could literally see water costs doubling in order to purchase more imported water.

The SWCB is also developing an economic feasibility analysis tool to use when setting MCLs. The current effort involves MCLs for Chrome-6, but the SWRCB staff has indicated that the tool is being developed for use in setting any MCL. If so, how that tool works could have dramatic fiscal implications for both municipal entities and special districts. BB&K is currently organizing meetings with SWRCB members, key staff, and legislators to highlight these concerns.

The County of Orange Report

October 15, 2019
by Lewis Consulting Group

County Appoints New County Auditor

The Orange County Board of Supervisors on a 3-2 divided vote, named long-time agency employee Frank Davies to succeed Eric Woolery after his untimely death in August.

Frank Davies worked in the Auditor-Controller's office for over 30 years until his retirement in January 2018. His last position before his retirement was Chief of the Property Tax Division.

Ironically, Davies had sought the Auditor-Controller office in the election of 2014, but was handily defeated by Eric Woolery.



FRANK DAVIES

The appointment was not without controversy as it was unclear whether or not Davies had made an iron-clad commitment to serve out the remaining three years of the Woolery term. Should he not do so, the Board might need to go through a second appointment process. Perhaps an even more sensitive concern would be the Board might open itself up for criticism that they allowed pension spiking to take place.

Supervisor Don Wagner argued for a more transparent process, allowing for the vetting of multiple candidates. The majority was anxious for a smooth and quick transition.



Update

Auditor-Controller Debate Triggers Board Crack

The Board debate leading up to the selection process was about as "chippy" as it gets.

Quite obviously, Supervisor Do was simmering over a column penned by his colleague Don Wagner in a Voice of OC opinion piece. In the column, Wagner criticized his colleagues for preparing to vote on the appointment without having multiple applicants. He also praised the work done by deceased Auditor-Controller Eric Woolery.

As the debate became more agitated, Supervisor Do released information from a rather damning attendance report that confirmed in the months of May, June and July, Woolery went to his office for nine days. Do went on to criticize Senior Staff in the department who also missed numerous dates and routinely showed up hours late for work.

The only other comparable visible Board strain I remember that compares, was the somewhat common sparring that took place between former Supervisor Todd Spitzer and several colleagues, including Supervisor Do.

Perhaps the ill feelings were enhanced because both Supervisors Do and Wagner face tough re-election battles and in competitive races, neither likes to be criticized in print. The bitterness of their argument looked like it won't be patched up easily or quickly.



OC LAFCO met October 9, 2019 and held a short meeting devoid of controversy.

Under action items, LAFCO voted to hire CV Strategies to prepare a communications plan for the Agency. The contract calls for work to take place between now and April 2020 at the cost not to exceed \$12,100.

Under Executive Officer's Report, staff is currently working on five Regional Agency MSRs including MWDOC and OCSD. These are scheduled to come before the Commission by June 2020. The San Juan Capistrano application should be filed by December 2019 and come before the Commission by early spring 2020. Also, under the category of External Relations and Communications, staff is currently participating in workshops at SAWPA and RHNA (Regional Housing Needs Assessment). Some are wondering if this represents a first step to broaden the LAFCO mission.

P.P.I.C.'s Latest California Poll

On October 2, 2019, the Public Policy Institute of California released its most recent survey of Californians political attitudes.

The survey of 1,705 California adults was conducted from September 16-25, 2019. Of the 1,705 adults surveyed, 1,344 are registered voters and 1,031 of them are likely voters.

A survey of 1,705 adults in California yields a margin of error of +/- 3.2%.

Thinking about the state as a whole, what do this is the most important issue facing people in California today?

- 15% homelessness
- 15% jobs
- 11% housing costs, availability
- 9% immigration, illegal immigration
- 8% environment, pollution, global warming
- 6% government in general, problems with elected officials, parties
- 6% state budget, deficit, taxes
- 3% crime, gangs, drugs
- 3% education, schools, teachers
- 3% infrastructure
- 2% guns, gun control
- 2% water, drought
- 12% other
- 3% don't know

Do you think of yourself as closer to the Republican Party or Democratic Party?

- 21% Republican Party
- 46% Democratic Party
- 25% neither
- 8% don't know

[Democratic likely voters and independents who lean Democratic only]

If the March 3, 2020 Democratic primary for president were being held today, and these were the candidates, who would your vote for?

- | | | | |
|-----|------------------|----|---------------|
| 23% | Elizabeth Warren | 2% | Cory Booker |
| 22% | Joe Biden | 2% | Julian Castro |
| 21% | Bernie Sanders | 1% | Amy Klobuchar |
| 8% | Kamala Harris | 1% | Beto O'Rourke |
| 6% | Pete Buttigieg | 1% | Tom Steyer |
| 3% | Andrew Yang | 3% | someone else |
| | | 9% | don't know |

If the state ballot had a bond measure to pay for water infrastructure projects, would you vote yes or no?

- 68% yes
- 22% no
- 11% don't know

PPIC Statewide Survey
Californians and Their Government - Likely Voters - September 2019

| | Likely voters | Party | | | Ideology | | | | Region | | |
|---|------------------|-------|-----|-----|----------|-----|-----|-----|----------------|---------------|-------------|
| | | Dem | Rep | Ind | Lib | Mod | Con | | Central Valley | Inland Empire | SF Bay Area |
| Q13. If the state ballot had a bond measure to pay for water infrastructure projects, would you vote yes or no? | yes | 57% | 73% | 38% | 57% | 76% | 59% | 40% | 57% | 64% | 56% |
| | no | 31% | 15% | 52% | 31% | 13% | 32% | 49% | 36% | 29% | 32% |
| | (VOL) don't know | 12% | 12% | 10% | 12% | 9% | 12% | | 6% | 7% | 12% |
| | Unweighted n | 1026 | 416 | 288 | 275 | 332 | 287 | 385 | 162 | 108 | 255 |

| | Gender | | Race/Ethnicity | | | Age | | Children in Household | |
|---|------------------|--------|----------------|--------|-------|-------|-----|-----------------------|-----|
| | Male | Female | Latinos | Whites | Other | 18-44 | 45+ | No | Yes |
| Q13. If the state ballot had a bond measure to pay for water infrastructure projects, would you vote yes or no? | yes | 56% | 58% | 68% | 52% | 65% | 62% | 54% | 58% |
| | no | 34% | 29% | 24% | 35% | 25% | 29% | 32% | 34% |
| | (VOL) don't know | 11% | 12% | 8% | 13% | 9% | 8% | 13% | 11% |
| | Unweighted n | 558 | 468 | 200 | 592 | 187 | 224 | 791 | 776 |

| | High school only | Education Some college education | College Graduate | Annual Household Income | | | Nativity | | Home Ownership | |
|---|------------------|----------------------------------|------------------|-------------------------|-------------|--------|----------|-------------|----------------|------|
| | | | | <\$40k | \$40k-\$79k | \$80k+ | Native | Naturalized | Own | Rent |
| Q13. If the state ballot had a bond measure to pay for water infrastructure projects, would you vote yes or no? | yes | 70% | 53% | 55% | 68% | 60% | 52% | 55% | 51% | 67% |
| | no | 24% | 34% | 32% | 26% | 29% | 34% | 33% | 36% | 24% |
| | (VOL) don't know | 6% | 13% | 13% | 5% | 11% | 14% | 12% | 12% | 10% |
| | Unweighted n | 156 | 275 | 593 | 233 | 267 | 413 | 887 | 139 | 708 |

Note: Numbers may not add to 100 due to rounding
Fieldwork: September 16-25, 2019

As you may know, under Proposition 13, residential and commercial property taxes are both strictly limited. What if there was a state ballot measure to have commercial properties taxed according to their current market value and direct some of this new tax revenue to state funding for K-12 public schools. Would you vote yes or no?

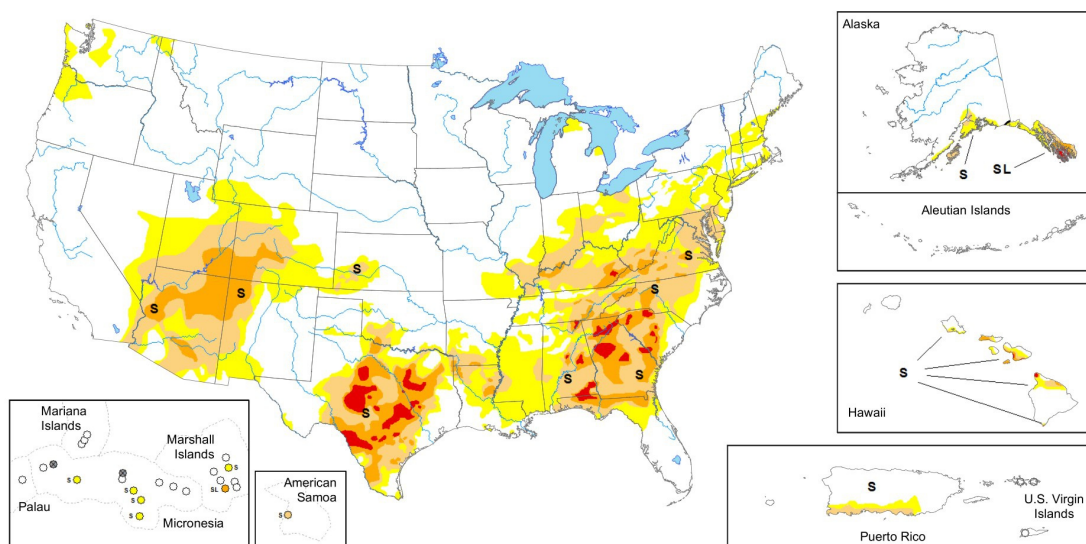
57% yes
34% no
9% don't know

California Still Celebrating Drought Busting Year

In the newly released October 10th drought map, California is nearly drought free. Three sections of the continental U.S.: Central Texas, the Four Corners area and the American Southeast are presently experiencing significant drought.

Map released: October 10, 2019

Data valid: October 8, 2019



Percent Area in U.S. Drought Monitor Categories

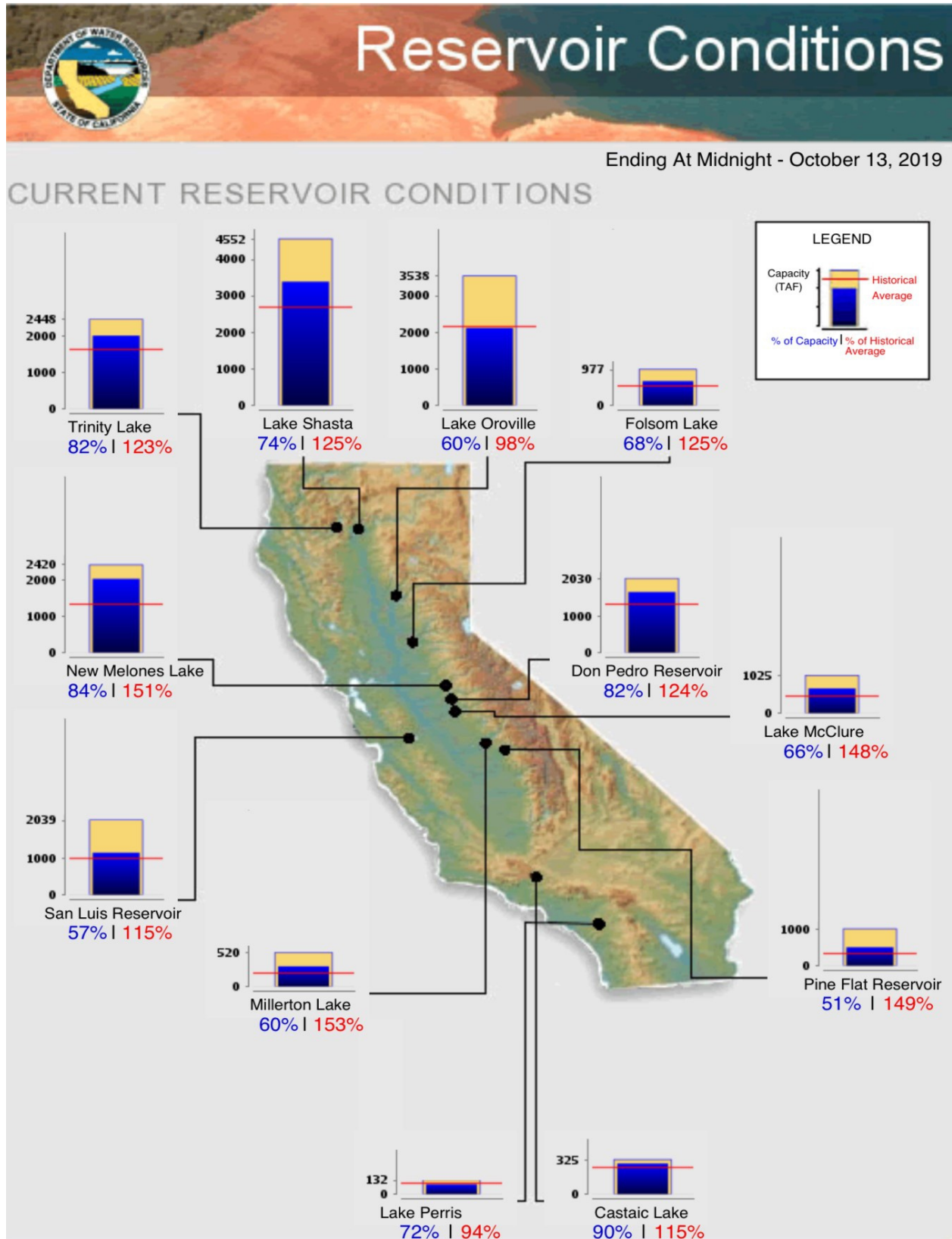
Show entries

Search:

| Week | None | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4 | DSCI |
|------------|-------|-------|-------|-------|-------|------|------|
| 2019-10-08 | 63.19 | 36.81 | 20.39 | 7.57 | 1.20 | 0.00 | 66 |

State Reservoirs Still in Great Shape

Of the twelve reservoirs featured in the weekly California Data Exchange Center map only two, Lake Oroville and Lake Perris, are below their historical levels for this time of year.



ACKERMAN CONSULTING

Legal and Regulatory

October 21, 2019

1. **Water Sustainability (Oregon):** UC Santa Barbara economist Andrew Plantinga has put forth a study for the Willamette Basin in Oregon with recommendations for sustainability. He considered the usual factors: storage, flood control, environmental, drought, climate change. In the basin, crops can be grown without irrigation, unlike much of California. The question in Oregon was whether or not to encourage crops that require irrigation. Additional fees have been charged to discourage irrigation. Historically, storage releases were coordinated with anticipated rain and dry conditions to avoid flooding and try to balance the needs of fish and people. So the normal plan was inverted to maximize flow for the fish to the exclusion of urban needs. The plan was partially successful but still fell short of saving all the fish. This result was attributed to mismatch climate and needs which California has experienced for some time.
2. **Farming Solar Panels:** As water supplies decrease and groundwater is being restricted, many farms are switching crops to.....solar panels. Over 13,000 acres have already been converted. Another 470,000 is probably suitable water wise and financially for conversion. Experts say this will not impact our \$50 billion per year ag business. With the States emphasis on renewable energy, this trend is likely to continue. One result of the switch from fossil fuel to clean energy is the land cost get more expensive when there is less land to develop.
3. **Public Buyout:** The Monterey Peninsula Water Management District is pursuing a policy of owning all of their system assets. Pursuant to a voter approved Measure J they are exploring the purchase of a local California American Water and some other private agencies systems. They are reviewing the cost/benefits including appraisal costs in achieving their goals. They are also exploring the various legal issues that may arise. Cal Am has not yet formally engaged.
4. **Marine Reserves Working:** Scripps Institute of Oceanography recently completed a study of underwater state parks. California has over 850 square miles of underwater parks where fishing and other intrusions are prohibited. These parks like many around the world are showing great success is restoring and increasing fish and plant life to a level that was unanticipated. San Diego has 11 such areas with some being costal and others in open ocean.
5. **Water Tax Continued:** Unlike California, Nevada has had a water tax for many years. Clark County, home to Las Vegas, has had a voter approved quarter cent sales tax since 1998. It has

raised over \$1.4 billion over the last 20 years. The county commission recently voted to remove the sunset clause making the tax permanent. This money has been used for infrastructure and debt service to make sure Vegas has water. The county vote was 6-1 with one commissioner opposing because of the regressive nature of the tax and its impact on low income folks.

6. **Bioreactors Help Pollution:** The Central Coast Wetlands Group and Coastal Conservation and Research, Inc. have developed a bioreactor system to removed nitrate filled fertilizer from polluting waterways, ocean and wetlands. The system is composed of multiple channels being dug at the end of the runoff channels. The separate channels are filled with woodchips and native aquatic plants containing bacteria. The interaction of the nitrates with the wood and bacteria separate the nitrogen with is released into the air. This system is currently in operation near Moss Landing. The system can be controlled depending on weather and other factors by heating the water, covering the channels and adding more woodships. This will control the natural chemical interaction. The major is cost is construction of the channels which are 25 meters long, 1.5 meters wide and one meter deep. The woodchips are frees from most landfills. The initial process has shown that the woodchips reduce the nitrate level by 50% and the rest is filtered by natural runoff through wetlands or similar area.
7. **Record Crop Value:** Fresno County hit a record total crop value last year (2018) as a result of high rainfall, full allocations from state and federal agencies and reduced need to use groundwater. Almonds and grapes both exceeded \$1 billion with pistachios coming in right behind. An unexpected player was cotton which had been on the decline for many years. Onions and garlic also increased. Fresno county markets over 300 different commodities to 95 countries. The Big Three ag producers are Fresno, Kern and Tulare. This year Fresno surpassed the other two and regained its status of one leading ag producers in the world. Fresno actually trailed Kern and Tulare for a few years due to water allocation reductions. Milk also improved to number 6 at \$400 million in sales.
8. **Trout Comeback:** The Paiute cutthroat trout will be returning to its native habitat for the first time in almost 100 years. Thirty of them will be transported by pack mules in cans from the eastern Sierra Nevada outback to Long Valley in Alpine County. They will be placed in Silver King Creek at 8000 feet elevation. They last swim there in the 1920s when they started disappearing. They have had a difficult existence as a result of overfishing, disease, inbreeding and competition with non native trout. Their restoration was nicely on track until the most recent drought. The goal is a population of 2500 which will make them self sustaining. Neighboring Nevada has also assisted in this effort. The Paiute is unusual looking being purplish and has no body spots. I have been unable to find out where the cutthroat name came from but there are other trout species with that moniker.

9. McCloud Battle: The Trump administration and the State of California are engaged in another battle. This does not count the 60 law suits the State has filed against the Administration. This one is over the reintroduction of Chinook salmon into the McCloud River above Shasta Dam. The Obama Administration started this plan but it has been paused the Trump Administration. Congressman Doug LaMalfa, who represents the area, is opposed to the plan, as are local farmers and urban water users. This is another fish versus people debate which will be continuing.
10. Shasta Dam II: The federal government, Westlands Water District, local congressmen and others are supporting a plan to increase the height of Shasta Dam by 20 feet. That raising would back water up 2/3 of a mile in the McCloud River. The most recent ruling from the California Supreme Court has paused the study portion of the project. A full trial is set for next spring. This will be another fish versus people debate along with conflicting law and visions between California and Trump.
11. Sorghum Savior?: The Kearney Agriculture and Extension Center, a UC ag think tank in Fresno is studying sorghum, a grain crop similar to corn. It turns out sorghum uses much less water than normal and is very drought tolerant. They are studying the genetics of the sorghum plant to see if other plants can be modified to incorporate these favorable water characteristics. There are over 100 different genetic markers that can be considered. They are also looking at soil traits that can be duplicated to aid the plant in water conservation. The research is very early in the process but findings have been very positive. Sorghum is now primarily used as animal feed and ethanol.
12. Tiered Rate Challenge: Ratepayers of Western Municipal Water District challenged a tiered rate proposal under Proposition 218 and other State laws. A Riverside Superior Court Judge dismissed the case saying that it complied with all existing law. This case was somewhat unique in the District bought its base water locally which covered Tier 1 and 2 usage. Sixty percent of its water was purchased from the State Water Project at a higher price which justified charging higher users which were the Tier 3, 4 and 5. As there are other cases around the State with different results, this litigation will probably continue and may ultimate get to the California Supreme Court.
13. SGMA Update: As the active provisions of the Sustainable Groundwater Management Act start kicking in, more folks are weighing in regarding potential consequences. The entire economy of the San Joaquin Valley is in jeopardy. A recent study from PPIC estimates that 535,000 to 750,000 acres of farmland will be taken out of service. Counties with already high unemployment numbers will suffer more. Farmers in Tulare County must curtail their

groundwater usage by 40%. Job loss would be over 12,700. Financial cost to the region could exceed \$4 billion per year. Fixes from Sacramento are not currently forthcoming.

MWDOC

PAL Committee

Item 1e

Prepared by Best Best & Krieger LLP, October, 2019

A. Priority Support/Oppose

| Measure | Author | Topic | Status | Brief Summary | Position | Priority | Notes 1 |
|------------------------|-------------------------|---|--|--|-----------------------|----------------------------|---------|
| AB 292 | Quirk D | Recycled water: raw water and groundwater augmentation. | 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 8/30/2019)(May be acted upon Jan 2020) | 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.” | Support | A. Priority Support/Oppose | |
| AB 402 | Quirk D | State Water Resources Control Board: local primacy delegation: funding stabilization program. | 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020) | 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, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies. This bill would authorize the state board to delegate partial responsibility for the act’s administration and enforcement by means of a local primacy delegation agreement. The bill would authorize the state board, | Oppose unless amended | A. Priority Support/Oppose | |

| | | | | | | | |
|-------------------------|---------------------------------------|---|---|--|---------|----------------------------|--|
| | | | | for counties that have not been delegated primary responsibility as of January 1, 2020, to offer an opportunity for the county to apply for partial or primary responsibility if the state board determines that it needs assistance in performing administrative and enforcement activities, as specified. | | | |
| AB 756 | Garcia, Cristina D | Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances. | 7/31/2019- Approved by the Governor. Chaptered by Secretary of State - Chapter 162, Statutes of 2019. | Would authorize the State Water Resources Control Board to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances. The bill would require a community water system or a nontransient noncommunity water system, upon a detection of these substances, to report that detection, as specified. The bill would require a community water system or a nontransient noncommunity water system where a detected level of these substances exceeds the response level to take a water source where the detected levels exceed the response level out of use or provide a prescribed public notification. | Watch | A. Priority Support/Oppose | |
| AB 1752 | Petrie-Norris D | South Coast Water District. | 10/3/2019- Approved by the Governor. Chaptered by Secretary of State - Chapter 500, Statutes of 2019. | Current law authorizes a district to make and perform any agreement with the state or any agency thereof, any public or private corporation of any kind, and any person for the joint construction, acquisition, disposition, or operation of any property or works of a kind that may be constructed, acquired, disposed of, or operated by the district. Current law authorizes a governmental agency to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction of, and to lease to private entities, specified types of fee-producing infrastructure projects. Current law prohibits a state agency or specified governmental agencies from using this authorization to design, construct, finance, or | Support | A. Priority Support/Oppose | |

| | | | | | | | |
|------------------------|-----------------------------|--|--|---|------------------|----------------------------|--|
| | | | | operate a state project, as specified. This bill would specifically authorize the South Coast Water District to contract for the Doheny Ocean Desalination Project until January 1, 2025. | | | |
| ACA 3 | Mathis R | Clean Water for All Act. | 4/30/2019-In committee: Set, first hearing. Failed passage. Reconsideration granted. | 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. | Out for Analysis | A. Priority Support/Oppose | |
| SB 134 | Hertzberg D | Water conservation: water losses: enforcement. | 8/30/2019- Approved by the Governor. Chaptered by Secretary of State. Chapter 203, Statutes of 2019. | Current law requires the State Water Resources Control 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 issuing an information order, written notice, or conservation order to an urban retail water supplier that does not meet its urban water use objective if the board determines the urban retail water supplier is not meeting its urban water use objective solely because the volume of water loss exceeds the urban retail water supplier’s standard for water loss and the board is taking enforcement action against the urban retail water supplier for not meeting the performance standards for the volume of water losses. | Support | A. Priority Support/Oppose | |
| SB 200 | Monning D | Drinking water. | 7/24/2019- Approved by the Governor. Chaptered by Secretary of State. Chapter 120, | Would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply | Watch | A. Priority Support/Oppose | |

| | | | | | | | |
|------------------------|-----------------------------|---|--|--|-------|----------------------------|--------------------------------------|
| | | | Statutes of 2019. | of safe drinking water in both the near and the long terms. The bill would authorize the State Water Resources Control Board to provide for the deposit into the fund of certain moneys and would continuously appropriate the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. | | | |
| SB 204 | Dodd D | State Water Project: contracts. | 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/6/2019)(May be acted upon Jan 2020) | 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. | Watch | A. Priority Support/Oppose | Amended to remove mandatory hearings |
| SB 205 | Hertzberg D | Business licenses: stormwater discharge compliance. | 10/2/2019- Approved by the Governor. Chaptered by Secretary of State. Chapter 470, Statutes of 2019. | 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 enrollment with the NPDES permit program by providing specified information, under penalty of perjury, on the application, including, among other things, the Standard Industrial Classification Code | Watch | A. Priority Support/Oppose | |

| | | | | | | | |
|------------------------|-----------------------------|---|--|--|------------|----------------------------|------------------------------------|
| | | | | for the business. The bill would apply to all applications for initial business licenses and business license renewals submitted on and after January 1, 2020. | | | |
| SB 307 | Roth D | Water conveyance: use of facility with unused capacity. | 7/31/2019- Approved by the Governor. Chaptered by Secretary of State. Chapter 169, Statutes of 2019. | 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 and the Department of Water Resources, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal or state lands, as provided. | Opposition | A. Priority Support/Oppose | |
| SB 414 | Caballero D | Small System Water Authority Act of 2019. | 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020) | 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 | | A. Priority Support/Oppose | In PAL Committee for consideration |

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.

B. Watch

| Measure | Author | Topic | Status | Brief Summary | Position | Priority | Notes 1 |
|------------------------|---------------------------------|--|---|---|----------|----------|---------|
| AB 405 | Rubio, Blanca D | Sales and use taxes: exemption: water treatment. | 5/16/2019-Joint Rule 62(a), file notice suspended. In committee: Held under submission. | Would, on and after January 1, 2020, and before January 1, 2025, exempt from that 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 by a city, county, public utility, and sanitation district 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. | Watch | B. Watch | |
| AB 441 | Eggman D | Water: underground storage. | 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/24/2019)(May be acted upon Jan 2020) | 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 | |

| | | | | | | | |
|------------------------|------------------------------------|---|--|--|-------|----------|---|
| AB 591 | Garcia, Cristina D | Central Basin Municipal Water District: board of directors. | 7/30/2019- Approved by the Governor. Chaptered by Secretary of State - Chapter 124, Statutes of 2019. | The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. 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 to or contractor of an entity, or a governing board member of a mutual water company. | Watch | B. Watch | Watch for potential amendments relating to membership allocation on MWD |
| AB 636 | Gray D | State Water Resources Control Board: water quality objectives. | 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 3/14/2019)(May be acted upon Jan 2020) | 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 | |
| AB 637 | Gray D | State Water Resources Control Board: disadvantaged communities: drinking water. | 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2019)(May be acted upon Jan 2020) | Would require the State Water Resources Control Board, before taking an action that significantly impacts drinking water, to use existing information to identify impacted disadvantaged communities and to seek to reduce impacts to those | Watch | B. Watch | |

| | | | | | | | |
|------------------------|----------------------------|--|---|---|-------|----------|--|
| | | | | communities to the greatest extent practicable. The bill would also require the board to ensure that disadvantaged communities are provided an opportunity to participate in the public process for a decision that significantly impacts drinking water by holding a public hearing in or near an impacted community. | | | |
| AB 638 | Gray D | Department of Water Resources: water storage: climate change impacts. | 10/13/2019- Vetoed by Governor. | Current law requires the Department of Water Resources to gather and correlate information and data pertinent to an annual forecast of seasonal water crop, as specified. Current law also requires the department 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, as part of the update to the California Water Plan every 5 years, to identify water storage facilities vulnerable to climate change impacts and the mitigation strategies for anticipated adverse impacts, as provided. | Watch | B. Watch | |
| AB 658 | Arambula D | Water rights: water management. | 10/9/2019- Approved by the Governor. Chaptered by Secretary of State - Chapter 678, Statutes of 2019. | Would authorize a groundwater sustainability agency or local agency to apply for, and the 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 | |
| AB 841 | Ting D | Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances. | 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 5/29/2019)(May be acted upon Jan 2020) | 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 | Watch | B. Watch | |

| | | | | | | | |
|-------------------------|------------------------------------|--|--|---|-------|----------|--|
| | | | | 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. | | | |
| AB 955 | Gipson D | Water replenishment districts: water system needs assessment program. | 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020) | Would authorize a water replenishment district, pursuant to an agreement with the State Water Resources Control Board, to offer to conduct a needs assessment program for water systems serving disadvantaged communities within the district, as specified. The bill would make a water system's participation in the program voluntary. The bill would authorize 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. | Watch | B. Watch | |
| AB 1204 | Rubio, Blanca D | Public water systems: primary drinking water standards: implementation date. | 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 3/11/2019)(May be acted upon Jan 2020) | 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 | |
| AB 1220 | Garcia, Cristina D | Metropolitan water districts. | 7/10/2019- Approved by the Governor. Chaptered by Secretary of State - Chapter 71, Statutes of 2019. | 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 | Watch | B. Watch | |

| | | | | | | | |
|-------------------------|----------------------------|--|--|--|-------|----------|--|
| | | | | 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. | | | |
| AB 1414 | Friedman D | Urban retail water suppliers: reporting. | 9/5/2019- Approved by the Governor. Chaptered by Secretary of State - Chapter 239, Statutes of 2019. | Would require each urban retail water supplier to submit a completed and validated water loss audit report as prescribed by the Department of Water Resources on or before October 1 of each year until October 1, 2023, if reporting on a calendar year basis and on or before January 1 of each year until January 1, 2024, if reporting on a fiscal year basis. The bill would require 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. | Watch | B. Watch | |
| AB 1588 | Gloria D | Drinking water and wastewater operator certification programs. | 10/11/2019- Approved by the Governor. Chaptered by Secretary of State - Chapter 760, Statutes of 2019. | Current law requires the State Water Resources Control Board to issue a water treatment operator certificate and water distribution operator certificate by reciprocity to any person holding a valid, unexpired, comparable certification issued by another state, the United States, prescribed territories or tribal governments, or a unit of any of these. Current law requires the board to classify types of wastewater treatment plants for the purpose of determining the levels of competence necessary to operate them. This bill would require the board to evaluate opportunities to issue a water treatment operator certificate or water distribution | Watch | B. Watch | |

| | | | | | | | |
|-------------------------|---|---|--|--|-------|----------|--|
| | | | | operator certificate by reciprocity, or a wastewater certificate by examination waiver, to persons who performed duties comparable to those duties while serving in the United States military, as specified. | | | |
| AB 1694 | O'Donnel I D | San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy: territory: Dominguez Channel watershed and Santa Catalina Island. | 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020) | Current law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy in the Natural Resources Agency and prescribes the functions and duties of the conservancy with regard to the protection, preservation, and enhancement of specified areas of the Counties of Los Angeles and Orange located along the San Gabriel River and the lower Los Angeles River and tributaries along those rivers. Current law, for purposes of those provisions, defines "territory" to mean the territory of the conservancy that consists of those portions of the Counties of Los Angeles and Orange located within the San Gabriel River and its tributaries, the lower Los Angeles River and its tributaries, and the San Gabriel Mountains, as described. This bill would additionally include the Dominguez Channel watershed and Santa Catalina Island, as described, within that definition of territory. | Watch | B. Watch | |
| SB 1 | Atkins D | California Environmental, Public Health, and Workers Defense Act of 2019. | 9/27/2019-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending. | 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, until January 20, 2025, require | Watch | B. Watch | |

| | | | | | | | |
|-----------------------|-------------------------|---|---|---|-------|----------|--|
| | | | | specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program. | | | |
| SB 19 | Dodd D | Water resources: stream gages. | 9/27/2019- Approved by the Governor. Chaptered by Secretary of State. Chapter 361, Statutes of 2019. | 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 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. | Watch | B. Watch | |
| SB 45 | Allen D | Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. | 9/10/2019-Senate Rule 29.3(b) suspended. (Ayes 29. Noes 8.) From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR. | Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,189,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. | Watch | B. Watch | |

Total Measures: 28

Total Tracking Forms: 28

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|---|---|--|---|--|
| AB 292 Quirk (D) Sponsor: WateReuse California | Amended 6/20/2019 2-Year Bill | 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 296 Cooley (D) Sponsor: Author | Amended 8/30/2019 VETOED | Climate Innovation Grant Program: voluntary tax contributions. Establishes the Climate Innovation Fund to provide grants for the development of new technologies that reduce greenhouse gas emissions or address climate change. This measure also authorizes voluntary tax contributions as a revenue source to support the Climate Innovation Fund. | SUPPORT Based upon Board action on 7/9/2019 | The Metropolitan Board has formally adopted policies supporting research related to the effects of climate change on water supply and water quality. This measure provides funding to develop science-based climate adaptation technologies, inclusive of improving agricultural practices. |
| AB 409 Limón (D) Sponsor: California Climate and Agriculture Network | Amended 8/12/2019 2-Year Bill | Climate Change: Agricultural Climate Adaptation Tools Program. Establishes a pilot program in the Central Valley, Central Coast and desert regions of the state where grant funding is available for the purposes of developing planning tools for adapting to climate change within the agricultural sector. | SUPPORT Based upon Board action on 7/9/2019 | The Metropolitan Board has formally adopted policies supporting research related to the effects of climate change on water supply and water quality. This measure provides funding and guidance to support resilient agricultural practices. |
| AB 441 Eggman (D) Sponsor: Author | Amended 3/27/2019 2-Year Bill | 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. |

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|--|--|---|--|---|
| AB 533 Holden (D) Sponsors: CA Water Efficiency Partnership, WaterNow Alliance, and Metropolitan | Amended 4/4/2019 2-Year Bill | Income taxes: exclusion: water conservation or efficiency programs: turf removal water conservation 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 a turf removal water conservation 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. |
| AB 654 B. Rubio (D) Sponsors: California Municipal Utilities Association (CMUA) and California Special Districts Association (CSDA) | Introduced 2/15/2019 2-Year Bill | 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 658 Arambula (D) Sponsor: Author | Amended 7/11/2019 Enrolled | Water Rights: Water Management. Will facilitate groundwater storage during high flow times through an expedited temporary permit. | SUPPORT Based upon Board action on 4/9/19 | Under the Water Code, surface water can be stored underground if it is subsequently removed for a beneficial use. AB 658 would create a temporary permit to store groundwater during high flow times. Metropolitan amendments were incorporated to ensure protection for existing water right holders, other beneficial uses, and the ability to meet water quality objectives. |

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|--|--|--|---|--|
| AB 756 C. Garcia (D) Sponsor: Author | Amended 6/24/2019 CHAPTERED | Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances. Authorizes the State Water Resources Control Board to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances (PFAS) and report detection. If the detection level exceeds the response level, requires the public water system to take the water supply out of use or follow prescribed public notification requirements. | OPPOSE Based upon Board-adopted 2019 State Legislative Priorities and Principles | Under the Health and Safety Code, the State Water Resources Control Board follows a procedure to notify customers in case of a response level exceedance for all contaminants based on the nature of the exceedance and the urgency. AB 756 circumvents the current regulatory process and creates separate notification requirements specific to PFAS via mail, email, internet, and other additional postings that will confuse consumers about the quality of their drinking water. |
| AB 1180 Friedman (D) Sponsor: WateReuse | Amended 6/18/2019 CHAPTERED | Water: recycled water. Requires the State Water Resources Control Board to update the uniform statewide criteria for nonpotable recycled water uses by January 2023. Also, would update a policy handbook to allow the use of swivel or changeover devices to supply potable water to a dual-plumbed system during an interruption in recycled water service by January 2020. | SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Principles | As California continues to incentivize and increase the use and access to recycled water supplies, proper regulations and guidance documents are necessary to ensure both public health protections and efficient and cost-effective means to establish dual-plumbed facilities. |
| AB 1194 Frazier (D) Sponsor: Delta Counties Caucus | Introduced 2/21/2019 2-Year Bill | 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. |

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 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) and California Water Association (CWA) | Introduced 2/21/2019 2-Year Bill | Public water systems: primary drinking water standards: implementation date. Requires State Water Resources Control Board (SWRCB) to allow water providers time to complete work required to comply with new Maximum Contaminant Levels (MCLs) without being found in violation. Proposes that any drinking water standards 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 if capital improvements are needed. | 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 CHAPTERED | Metropolitan Water Districts. Amends Metropolitan Water District Act to set a floor where number of representatives would not drop below current level. | SUPPORT Based upon Board action on 3/12/19 | Addresses potential loss of representation in densely-populated communities with slower relative increases in assessed property values. |
| AB 1580 Levine (D) Sponsor: Author | Amended 7/1/2019 2-Year bill | Major infrastructure construction projects: oversight committees. Requires a state agency undertaking a publicly-funded infrastructure project of \$1 billion or more to form an oversight committee and develop a risk management plan to minimize cost overruns. | OPPOSE Based upon Board-adopted 2019 State Legislative Priorities and Principles | To the extent the bill is aimed at proposed Delta conveyance, it is duplicative of the Delta Conveyance Design and Construction Authority (DCA). At the direction of the Department of Water Resources, the DCA is tasked to provide oversight and risk management in order to protect the ratepayers who will pay for and benefit from the project. |

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|---|---------------------------------------|--|---|--|
| AB 1588 Gloria (D) Sponsors: San Diego County Water Authority and Otay Water District | Amended 8/20/2019 Enrolled | Drinking water and wastewater operator certification programs. This measure authorizes the State Water Resources Control Board to evaluate opportunities for providing certificate by reciprocity or certificate by examination waiver for properly qualified and experienced applicants with applicable military experience. | SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Principles | Would increase the number of certified water and wastewater operators by providing opportunities for qualified veterans. This measure is consistent with Metropolitan's own activities and support for the professional transition of individuals with applicable military experience into California's water workforce. |
| AB 1752 Petrie-Norris (D) Brough (R) Sponsor: South Coast Water District | Amended 8/12/2019 CHAPTERED | South Coast Water District. Authorizes the South Coast Water District to contract for the Doheny Ocean Desalination Project as specified, and will facilitate the use of Proposition 1 funding approved for the project. The authorization is in existence until January 1, 2025. | SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Principles | Metropolitan is committed to diversifying its water portfolio through an Integrated Water Resources Plan that emphasizes conservation and development of local supplies. This bill would help advance a local water supply project. |
| AJR 8 Quirk (D) Sponsor: Author | Amended 6/4/2019 CHAPTERED | 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 1 Atkins (D) Sponsor: Author | Amended 9/10/2019 VETOED | California Environmental, Public Health, and Workers Defense Act of 2019. Would prevent weakening of California environmental and worker safety standards that may result from weakening federal law during the tenure of the Trump Administration. | OPPOSE UNLESS AMENDED Based upon Board action on 6/11/19 | Could have unnecessary and unintended consequences on State Water Project operations by locking in federal standards based on outdated science that was in place before January 2017. Limits opportunities for public input on decisions to lock in federal standards. |

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|---|---|---|--|--|
| SB 19 Dodd (D) Sponsor: The Nature Conservancy | Amended 6/11/2019 CHAPTERED | 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 45 Allen (D) Sponsor: Author | Amended 9/10/2019 Senate Appropriations Committee | Wildfire, Drought, and Flood Protection Bond Act of 2020. Would place a wildfire and water bond totaling \$4.189 billion on the 2020 ballot for voter approval. | SUPPORT AND AMEND Based upon Board action on 6/11/19 | Would create statewide funding to restore areas damaged by wildfires, mitigate future wildfires, create healthy forests and watersheds, protect water supplies and water quality, and protect and restore rivers, streams and lakes. Amendments included funding for safe drinking water and recycled water projects, but no additional funding specifically to benefit the Voluntary Agreements for managing the Bay-Delta and the tributaries. |
| SB 62 Dodd (D) Sponsor: California Farm Bureau Federation | Amended 4/3/2019 CHAPTERED | 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 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's amendments incorporated 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
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|---|---|--|---|---|
| SB 69 Wiener (D) Sponsors: California Coastkeeper Alliance and Pacific Coast Federation of Fishermen's Associations | Amended 7/11/2019 2-year bill | Ocean Resiliency Act of 2019. Seeks to bolster the resilience of the state's marine and coastal environments to climate change and improve conditions for salmon and other commercially valuable species. | WATCH Based upon Board-adopted 2019 State Legislative Priorities and Principles | Would replace existing forestry, fishery and water quality regulatory processes with entirely different approaches in the hope of improving conditions for fish upstream of the Delta and in the ocean along the California coast. |
| SB 200 Monning (D) E. Garcia (D) Bloom (D) Sponsor: Authors | Amended 7/3/2019 CHAPTERED | Drinking Water. Create the Safe and Affordable Drinking Water Fund and continuously appropriate \$130 million each year from the Greenhouse Gas Reduction Fund until 2030. Requires the State Water Resources Control Board (SWRCB) to develop a fund expenditure plan to identify failing water systems and provide assistance to those systems. | SUPPORT Based upon Board-adopted 2019 State Legislative Priorities and Policies and Support for SB 669 (Caballero) 2019 | SB 200 would create a fund to help water systems in disadvantaged communities provide an adequate and affordable supply of safe drinking water in the near- and long- term. The funds can be used to support operations and maintenance, consolidation, replacement water, design and implementation of safe drinking water projects, and SWRCB administrative costs. |
| SB 204 Dodd (D) Sponsor: Delta Counties Caucus | Amended 5/17/2019 2-Year Bill | State Water Project: contracts. Revises the notification requirements for pending State Water Project (SWP) contract negotiations and contract amendments. Additionally, requires the California Water Commission to review and report on the progress of the design, construction, and operation of any new Delta conveyance facility as a part of its annual review of the SWP. | WATCH Based upon Board-adopted 2019 State Legislative Priorities and Policies | Amendments adhere to the author's stated purpose and delete objectionable provisions related to the Delta Conveyance joint powers authorities. Bill provides for further transparency on any future amendments to State Water Project contracts as described in Water Code Section 147.6 (c) and construction of future Delta conveyance improvements. |

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|--|--|--|--|--|
| SB 414 Caballero (D) Sponsor: Eastern Municipal Water District and California Municipal Utilities Association (CMUA) | Amended 6/25/2019 2-Year Bill | 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. |
| SB 559 Hurtado (D) Sponsor: Friant Water Authority | Amended 7/3/2019 2-Year Bill | Department of Water Resources: grant: Friant-Kern Canal. Seeks to address problems of land subsidence on the federally-owned Friant Kern Canal. | SUPPORT IF AMENDED Based upon Board-adopted 2019 State Legislative Priorities and Principles | Addresses land subsidence in the Central Valley but only focuses on impacts to the Friant-Kern Canal. Metropolitan seeking amendments to include the California Aqueduct experiencing problems of subsidence as well. |
| SB 669 Caballero (D) Sponsor: Association of California Water Agencies (ACWA) and California Municipal Utilities Association (CMUA) | Introduced 2/22/2019 2-Year Bill | 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. | SUPPORT 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. |

Metropolitan Water District of Southern California
State Legislative Matrix
October 7, 2019

| Bill Number Author | Amended Date; Location | Title-Summary | MWD Position | Effects on Metropolitan |
|---|--------------------------------------|--|---|---|
| SB 785 Senate Natural Resources and Water Committee Sponsor: Committee | Amended 9/3/2019 CHAPTERED | 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. | SUPPORT 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. |



DISCUSSION ITEM

October 19, 2019

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

FROM: Robert Hunter, General Manager

Staff Contact: Heather Baez

SUBJECT: MWDOC LEGISLATIVE POLICY PRINCIPLES ANNUAL UPDATE

STAFF RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

BACKGROUND

At the September PAL meeting, staff presented this item for information purposes, and requested feedback. In addition to soliciting input from the Board of Directors, staff also requested input from senior staff and the member agencies through the general managers and other participating city staff via the MWDOC Member Agencies Managers and Legislative Coordinators group.

All feedback received has been incorporated to the attached document. MWDOC staff will coordinate feedback from the Committee, and bring the proposed Policy for consideration of approval at the November PAL committee meeting and final adoption at the November Board meeting.

| | | | |
|---|----------------------|---------|-----------|
| Budgeted (Y/N): N/A | Budgeted amount: N/A | Core __ | Choice __ |
| Action item amount: None | Line item: | | |
| Fiscal Impact (explain if unbudgeted): | | | |

REPORT

MWDOC maintains a set of legislative policy principles that serve as guidelines for staff and our legislative advocates on issues that are of importance to the District. The policy principles attached are a culmination of current policies and initial changes recommended by staff and member agencies.

These principles assist District staff and its legislative advocates in the evaluation of legislation that may impact the District, its member agencies, the interests of Orange County, the Metropolitan Water District of Southern California and/ or its member agencies. Having such principles in place allow the District to respond to certain types of legislation in a timely manner; however in cases where issues are not clear or have complicated implications will be presented to the Board for further guidance.

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

Changes to the 2020 Policy Principles are as follows:

NEW FOR 2020

Imported Water Supply

Added additional and updated text in four principles

Local Water Resources

Added additional text to one policy principle

Water Use Efficiency

Updated the section title to reflect distribution system water loss

Added additional text to eight policy principles

Water Quality and Environmental Impacts

Added four new policies (two support, two oppose)

Added additional text to one other policy

Water Transfers

Added "streamlines the transfer approval process" to one section

Energy

Updated one policy to reflect that AB 32, the Global Warming Solutions Act of 2006 was updated with SB 100 in 2018

Fiscal Policy

Added "voluntarily" to clarify the section on Water Rate Assistance Programs

Member Agency Recommended Additions

New policies recommended by MWDOC's member agencies are listed below.

1) *Expediently implements programs and funding previously approved by voters and the Legislature.* (SMWD) Staff note: Fits under Imported Water Supply

2) *Encourages the State to foster investments in water reliability projects.* (SMWD) Staff note: Fits under Local Water Resources

3) *Eliminates state-mandated restrictions on water reuse by allowing local agencies beneficial use of such water without limitation. Whenever possible, such legislation, regulatory and administrative actions should encourage water use efficiency through guidelines, not requirements.* (SMWD) Staff note: Fits under Local Water Resources

4) *Recognizes that recycled water and potable reuse are important components of water use efficiency and drought resiliency.* (SMWD) Staff note: Fits under Local Water Resources

5) *Is science-based and peer-reviewed; take economic impact into consideration; respect existing water rights; include reasonable time for implementation; and, be subject to Legislative oversight and review biennially.* (SMWD) Staff note: Fits under Local Water Resources

6) *Authorizes, promotes, and/or provides incentives for the development of extraordinary emergency water supplies for use by local water agencies during times of drought or water shortages.* (IRWD) Staff note: Fits under Local Water Resources

7) *Properly recognizes water agencies as a key player in emergency response to wildfires and other natural disasters, where water service is needed or may be impacted.* (IRWD) Staff note: Fits under Emergency Response

8) *Support Proposition 13 as embodied in Article XIII A of the California Constitution, and oppose the “split roll” efforts that would increase property taxes on businesses.* (Mesa Water District) Staff note: Fits under Fiscal Policy

9) *For LAFCO-initiated reorganizations, support the existing protest thresholds per the Cortese-Knox-Hertzberg Act, & Oppose changes that would make it more difficult for citizens to protest a LAFCO-initiated reorganization.* (Mesa Water District) Staff note: Fits under Governance

10) *Support exempting special districts from Cumulative Voting and Ranked Choice Voting methods and Oppose attempts to make these methods an option or a mandate for special districts elections.* (Mesa Water District) Staff note: Fits under Governance

Attached: Municipal Water District of Orange County Legislative and Regulatory Policy Principles

Additions are *italicized*

Deletions are ~~crossed through~~

Source of the recommended change is listed at the end of each policy principle

NOTE: All items will be properly numbered once the written policies have been Board approved

Municipal Water District of Orange County **Legislative and Regulatory Policy Principles**

OVERALL POLICY

Legislation and regulations addressing water resource management issues should be guided by local and regional water resource officials with knowledge and experience in addressing opportunities, threats and needs for success within the water industry. (SMWD)

IMPORTED WATER SUPPLY

It is MWDOC's policy to support legislation, ~~and regulations and administrative actions~~ that: (SMWD)

1) Balances California's competing water needs and results in a reliable supply of high-quality water for Orange County.

2) Facilitates the implementation of *a Sacramento-San Joaquin Delta Improvement program similar to the California Delta Conveyance project WaterFix and California EcoRestore initiative, ~~the~~ that addresses the* co-equal goals of reliable water supply and ecosystem restoration, and related policies that provide long term, comprehensive solutions for the San Francisco Bay/Sacramento-San Joaquin River Delta that: (SMWD)

- a) Provides reliable water supplies to meet California's short- and long- term needs;
- b) Improves the ability to transport water through the Delta either for, or supplemental to, State Water Project deliveries;
- c) Improves the quality of water delivered through the Delta;
- d) Enhances the Bay-Delta's ecological health in a balanced manner;
- e) Employs sound scientific research and evaluation to advance the co-equal goals of improved water supply and ecosystem sustainability.
- f) Expedites the *Delta Conveyance project California WaterFix and EcoRestore initiative*. (Staff)

3) Funds a comprehensive Bay-Delta solution in a manner that equitably apportions costs to all beneficiaries.

- 4) Provides conveyance and storage facilities that are cost-effective for MWDOC, ~~and its member agencies~~ *and their customers*, while improving the reliability and quality of the water supply. (SMWD)
- 5) Authorizes, ~~and appropriates,~~ *and expeditiously distributes* the federal share of funding ~~for to improve the Delta Conveyance project California WaterFix and EcoRestore initiative.~~ (Staff)
- 6) Authorizes, ~~and appropriates,~~ *and expeditiously implements* the ongoing state share of funding ~~for to improve the Delta Conveyance project or similarly effective measures California WaterFix and EcoRestore initiative.~~(SMWD)
- 7) Provides funding for Colorado River water quality and supply management efforts.
- 8) Promotes continued federal funding and coordination between states for the Colorado River Basin Salinity Control Program under the departments of Agriculture and Interior.
- 9) Protects and preserves Metropolitan's interest in binational water conservation programs.

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

- 1) Would make urban water supplies less reliable, or would substantially increase the cost of imported water without also improving the reliability and/or quality of such water.
- 2) Imposes water user fees to fund non-water supply improvements in the Delta region or user fees that are not proportional to the benefits received from a Delta region water supply improvement.
- 3) Delays or impedes implementation of the *Delta Conveyance project California WaterFix and EcoRestore initiative.* (Staff)

LOCAL WATER RESOURCES

It is MWDOC's policy to support legislation, ~~and regulation and administrative action~~ that: (SMWD)

- 1) Supports the development of, provides funding for, and authorizes and/or facilitates the expanded use of, cost effective, water recycling, potable reuse, conservation, water use efficiency, groundwater recovery and recharge, storage, brackish and ocean water desalination and surface water development projects where water supply is improved and the beneficiaries of the project pay for the portions of the project not funded by state or federal funds.
- 2) Recognizes that recycled water for both potable and non-potable reuse is a valuable resource that should be promoted and encouraged, while considering total cost elements, and regulated and permitted in a manner which promotes greater reuse throughout the county and state.

- 3) Reduces and/or streamlines regulatory burdens on augmented or alternative water supply projects, and provides protections for the use of these supplies during water supply shortages, through exemptions or provisions of credit during state mandated reductions.
- 4) Supports ecosystem restoration, increased stormwater capture where the capture avoids impact to others, and sediment management activities that are cost-effective and enhance the quality or reliability of water supplies.
- 5) Authorizes, promotes, and/or provides incentives for indirect and direct potable reuse projects and provides protections for the use of local supply projects during water shortages by exempting them from state mandated reductions.
- 6) Recognizes that the reliability and high quality of supplies to the end user is the primary goal of water suppliers.
- 7) Keeps decision-making, with regard to stormwater management and recapture, at the local or regional level.
- 8) Recognizes stormwater management and recapture, *where the capture avoids impact to other water users*, as important tools in a diversified water portfolio that can help to achieve improved water quality in local surface and groundwater supplies, and can augment surface and groundwater supplies. (Staff)
- 9) Reduces or removes regulatory hurdles that hinder the use of augmented or alternative water supplies.
- 10) Provides incentives for local or regional use of augmented or alternative water supplies.
- 11) Support the evaluation of reservoirs to provide an enhancement in water supplies.
- 12) Support administrative/legislative action and funding to add surface and/or groundwater Storage statewide.
- 13) Support administrative/legislative action and funding to add South of Delta above ground and ground water storage that is able to receive supplies from the State Water Project and Colorado River Aqueduct.
- 14) Support “beneficiaries pay” for water storage that ensure full cost recovery.
- 15) Support the inclusion of environmental infrastructure projects the Army Corps of Engineers must consider in its Report to Congress.
- 16) Allows Investor Owned Utilities to invest in redundancy and reliability projects.
- 17) Provides funding for seawater and brackish groundwater desalination studies and facilities.
- 18) Streamlines permitting of desalination facilities.

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

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

WATER USE EFFICIENCY AND DISTRIBUTION SYSTEM WATER LOSS (staff)

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

- 1) Furthers the statewide goal of increasing water use efficiency, as opposed to water conservation throughout the state.
- 2) Would allow flexibility and *fosters local and regional collaboration to develop and implement* options for compliance in achieving statewide water reduction goals. (SMWD)
- 3) Seeks to cost-effectively improve water efficiency standards and policies for water-using devices.
- 4) Provides *grants and low-interest loans* ~~loans and grants~~ to fund incentives for water conserving devices or practices. (staff)
- 5) Legislatively sets water efficiency standards provided the standards are *developed with local and regional input*, reasonable, cost effective for Orange County agencies, *and customers*, and consider unintended consequences, such as impacts to wastewater systems, reductions in recycled water supplies, demand hardening, and impacts to regional reliability and drought preparedness. (SMWD)
- 6) Reasonably improves landscape water use efficiency and Commercial, Institutional and Industrial (CII) water use efficiency programs while preserving community choice and the local economy.

- 7) Encourages regionally appropriate statewide landscape water efficiency-standards and regulations that consider land use, plant material, irrigation efficiency and climate factors.
- 8) Provides financially appropriate incentives, funding, and other assistance where needed to facilitate market transformation and gain wider implementation of water-efficient indoor and outdoor technologies and practices.
- 9) Provides incentives, funding, and other assistance where needed to facilitate water use *and energy* efficiency partnerships with the energy ~~efficiency~~ sector. (Staff)
- 10) Recognizes *and protects* past investments *of agencies and customers* in water use efficiency measures, especially from the demand hardening perspective. (SMWD)
- 11) Recognizes community growth and development when developing comparative standards for water use efficiency year-over-year.
- 12) Provides *federal and state* tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, devices, and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape. (Staff)
- 13) Creates a process for development and implementation of *locally activated* emergency drought declarations and regulations that recognizes variations among communities, regions, and counties with respect to their abilities to withstand the impacts, *water supply conditions*, and effects of drought. (Staff)

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

- 1) Fails to ensure balance in the implementation of water efficiency practices throughout the state and requirements for both urban and agricultural use.
- 2) Would repeal cost-effective efficiency standards for water-using devices.
- 3) Diminishes local agency control or flexibility in implementing water efficiency practices or standards.
- 4) Places unreasonable conservation measures on commercial, industrial and institutional customers that would negatively impact or limit the potential for economic growth.
- 5) Fails to recognize the importance of both water use efficiency and water supply development.
- 6) Fails to recognize augmented or alternative water supplies as an efficient use of water, or that fails to provide an adequate incentive for investments in such water, for potable or non-potable reuse.
- 7) Fails to consider regional and local reliability when establishing any reduction targets during water shortages.

8) Requires water efficiency standards or performance measures that are infeasible, not practical or fail to have a positive cost-benefit ratio when comparing the cost of meeting the standard or implementing the performance measure with the value of the volume of water saved.

9) Creates a “one-size-fits-all” approach to emergency drought declarations and regulations that ignores variations among communities, regions, and counties with respect to their ability to withstand the impacts, *water supply conditions*, and effects of drought. (Staff)

WATER QUALITY AND ENVIRONMENTAL IMPACTS

It is MWDOC's policy to support:

1) Legislation that protects the quality of surface water and groundwater including the reduction of salt loading to groundwater basins.

2) Funding that helps agencies meet state and federal water quality standards.

3) The establishment and/ or implementation of standards for water-borne contaminants based on sound science and with consideration for cost-effectiveness.

4) A science-based regulatory process that has been established under the Safe Drinking Water Act is the best approach for any consideration and development of drinking water regulations to address any contaminant or family of contaminants, including per- and polyfluoroalkyl (PFAS). (Staff)

5) The investment in the development of analytical methods to more reliably and accurately measure various contaminants, including PFAS, in drinking water. (Staff)

4) Administrative/legislative actions to improve clarity and workability of CEQA, and eliminate other duplicative state processes.

5) Streamlining or exempting water, recycled water, wastewater projects, and/or environmental restoration projects, from the California Environmental Quality Act (CEQA).

6) Provides liability protections to public water districts, and related wholesale water providers, seeking to consolidate *with or serve as the administrator for* troubled water systems that cannot consistently demonstrate that they are able to provide safe, clean and reliable water supplies to their customers. (Staff)

It is MWDOC's policy to oppose:

1) Legislation that could compromise the quality of surface water and groundwater supplies.

2) Legislation that establishes and/ or implements standards for water-borne contaminants without regard for sound science or consideration for cost effectiveness.

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

4) *Legislation or regulation that would mandate an unscientifically supported federal or state maximum contaminant level, or mandating an artificial deadline for promulgating a maximum contaminant level for drinking water.* (Staff)

5) *Legislation, regulation or other policy that would hold drinking water and wastewater facilities liable for PFAS contamination caused by third parties; or that does not clearly state that the party directly responsible for the PFAS pollution is solely liable for the costs associated with the contamination cleanup.* (Staff)

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

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

1) Compromises the existing governance structure and the representation of member agencies on the Metropolitan Water District Board of Directors.

2) Would restrict MET's rate-making ability.

WATER TRANSFERS

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

1) Encourages and facilitates voluntary water transfers.

2) Provides appropriate protection or mitigation for impacts on the environment, aquifers, water-rights holders and third-parties to the transfer including those with interests in the facilities being used.

3) Encourages transfers, *or streamlines the transfer approval process*, which augment existing water supplies, especially in dry years. (Staff)

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

1) Undermines the operations and maintenance of the conveyance system conveying the water.

2) Interferes with the financial integrity of a water utility or compromises water quality.

3) Increases regulatory or procedural barriers to water transfers at the local or state level.

WATER INFRASTRUCTURE FINANCING AND PROJECT FUNDING

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

- 1) Employs a "beneficiary pays" principle that establishes a clear nexus between the costs paid to the direct benefit received. Likewise, those who do not benefit from a particular project or program should not be required to pay for them.
- 2) Establishes grants or other funding opportunities for local and regional water projects, including but not limited to infrastructure projects.
- 3) Considers local investments made in infrastructure, programs, mitigation and restoration in determining appropriate cost shares for water infrastructure, and project investments.
- 4) Reduces the cost of financing water infrastructure planning and construction, such as tax-credit financing, tax-exempt municipal bonds, Water Resources Development Act (WRDA), Water Infrastructure Finance Innovation Act (WIFIA), the Environmental Infrastructure Accounts, the Title XVI Water Reclamation and Reuse Project, and other funding mechanisms.

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

- 1) Establishes a fee or tax that does not result in a clear and proportional benefit to the District, its member agencies, and their customers.
- 2) Would reduce the total available water infrastructure financing measures such as WIFIA, state-revolving funds, and others.

ENERGY

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

- 1) Facilitates the development and expansion of clean, and cost effective renewable energy in California, including hydropower.
- 2) Supports water supply reliability as the primary focus of water agencies and energy intensity of water supplies as a secondary factor.
- 3) Recognizes the role and value of the water industry investment in water use efficiency and therefore recognizes WUE efforts towards greenhouse gas reduction, including funding such activities.
- 4) Recognizes hydroelectric power as a clean, renewable energy source and that its generation and use meets the greenhouse gas emission reduction compliance requirements called for in the Global Warming Solutions Act of 2006 (AB 32) and SB 100).
Staff
- 5) Facilitates voluntary and cost effective local investments in renewable energy, energy management and storage, and energy efficiency which improve the water-energy nexus and reduce local agency costs.

FISCAL POLICY

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

- 1) Requires the federal and state governments to provide a subvention to reimburse local governments for all mandated costs or regulatory actions.
- 2) Allows member agencies to *voluntarily* offer localized Water Rate Assistance Programs that comply with Proposition 218 of California's Constitution and/or are funded either voluntarily or via non-restricted/non-water-rates revenues. (Staff)

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

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

GOVERNANCE

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

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

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

- 1) Imposes unnecessarily broad burdens upon all local governments.

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

PUBLIC EMPLOYEE PENSION REFORM

It is MWDOC's policy to support legislation that:

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

EMERGENCY RESPONSE

It is MWDOC's policy to support legislation that:

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

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

- 1) Reduces a water utility's ability represent itself in any component of the disaster preparedness cycle, especially the response and recovery section staff.

1) Negatively impacts water and wastewater utility's ability to prepare, mitigate or respond to emergencies in order to provide fire suppression, drinking water and wastewater services.

MEMBER AGENCY RECOMMENDED ADDITIONS (NEW POLICIES)

1) *Expediently implements programs and funding previously approved by voters and the Legislature.* (SMWD) Staff note: Fits under Imported Water Supply

2) *Encourages the State to foster investments in water reliability projects.* (SMWD) Staff note: Fits under Local Water Resources

3) *Eliminates state-mandated restrictions on water reuse by allowing local agencies beneficial use of such water without limitation. Whenever possible, such legislation, regulatory and administrative actions should encourage water use efficiency through guidelines, not requirements.* (SMWD) Staff note: Fits under Local Water Resources

4) *Recognizes that recycled water and potable reuse are important components of water use efficiency and drought resiliency.* (SMWD) Staff note: Fits under Local Water Resources

5) *Is science-based and peer-reviewed; take economic impact into consideration; respect existing water rights; include reasonable time for implementation; and, be subject to Legislative oversight and review biennially.* (SMWD) Staff note: Fits under Local Water Resources

6) *Authorizes, promotes, and/or provides incentives for the development of extraordinary emergency water supplies for use by local water agencies during times of drought or water shortages.* (IRWD) Staff note: Fits under Local Water Resources

7) *Properly recognizes water agencies as a key player in emergency response to wildfires and other natural disasters, where water service is needed or may be impacted.* (IRWD) Staff note: Fits under Emergency Response

8) *Support Proposition 13 as embodied in Article XIII A of the California Constitution, and oppose the "split roll" efforts that would increase property taxes on businesses.* (Mesa Water District) Staff note: Fits under Fiscal Policy

9) *For LAFCO-initiated reorganizations, support the existing protest thresholds per the Cortese-Knox-Hertzberg Act, & Oppose changes that would make it more difficult for citizens to protest a LAFCO-initiated reorganization.* (Mesa Water District) Staff note: Fits under Governance

10) *Support exempting special districts from Cumulative Voting and Ranked Choice Voting methods and Oppose attempts to make these methods an option or a mandate for special districts elections.* (Mesa Water District) Staff note: Fits under Governance



INFORMATION ITEM
October 21, 2019

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

FROM: **Robert Hunter, General Manager**
Staff Contact: Damon Micalizzi

SUBJECT: OC WATER SUMMIT PLANNING UPDATE

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

The Municipal Water District of Orange County (MWD OC) is the lead agency for the 2020 OC Water Summit. The hotel has been booked, and the OC Water Summit Committee is currently discussing the event theme as well as potential speakers. Some topics of interest include a discussion on climate change, environmental, human, and industrial effects on water quality, and upcoming big dollar projects to name a few.

The 2020 OC Water Summit will be held at the Disney Grand Californian Hotel on May 31, 2020, and will be emceed once again by NBC4 weathercaster Fritz Coleman.

The Summit ad hoc committee meeting schedule is set as follows:

- Monday, October 28, 2019, 8:30 am
- Monday, December 9, 2019, 8:30 am
- Monday, January 27, 2020, 8:30 am
- Monday, February 24, 2020, 8:30 am
- Monday, April 27, 2020, 8:30 am

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



INFORMATION ITEM

October 21, 2019

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

FROM: **Robert Hunter, General Manager**

Staff Contact: Tiffany Baca

SUBJECT: **California Environmental Literacy Initiative**

STAFF RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

People have always depended on resources from the environment for survival, as well as for the successful growth and stabilization of their communities. These resources include the water we need for domestic, agricultural, and industrial uses. The California Environmental Literacy Initiative (CAELI) is a public-private partnership working to increase access to relevant and impactful environment-based learning for all of California's K-12 students. By using the environment as context for learning, students gain real-world knowledge, asking questions and solving problems in their own back yards that they can touch and feel. The proposed structure for integrating environmental literacy into the classroom requires critical thinking and inquiry, allowing students to see where they fit into the world, and where they can have a positive influence at home, at school, at work, and in their communities. This shift in how environment-based education programs are presented not only helps expand students' critical thinking skills, but also helps prepare them for citizenship, producing motivated, self-directed learners who are more inclined to accept

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

leadership roles and that are better prepared for academic and career success.

Over the past several months, the Municipal Water District of Orange County (MWDOC or District) Public Affairs (PA) staff has been working with the CAELI Leadership Council, Orange County Department of Education (OCDE) - which includes Inside the Outdoors (ITO) - and the State Education and Environment Roundtable (SEER) to learn more about what environmental literacy means, and where Community-Based Organizations (CBOs) can provide leadership and direction as Next Generation Science Standards (NGSS) trainings are being rolled out throughout the state (see attachment 1). Through this process, a training plan has been developed that places MWDOC in a leadership position to achieve environmental literacy in education programs and traditional classrooms across Orange County. To date, MWDOC PA and OCDE staff have secured 92% of the total cost to implement the Orange County plan for environmental literacy.

DETAILED REPORT

CALIFORNIA EDUCATION STANDARDS AND ENVIRONMENTAL LITERACY

In 2002, the California State Board of Education formally adopted academic standards for English Language Arts, Mathematics, Science, and History-Social Science. In 2003, the State recognized that these standards contained only a small amount of academic content about California's environmental resources, and called for state agencies to develop and implement several initiatives to increase environmental literacy of students in K-12.

In 2004, a set of statewide [Environmental Principles and Concepts \(EP&Cs\)](#) were adopted. Between 2006 and 2010, curriculum was developed using the EP&Cs as a foundation for environmental content taught to students throughout the K-12 system. In 2016, EP&Cs were integrated into the revised California History-Social Science and new California Science frameworks.

CAELI is a public-private partnership that was created as a system of support for teachers and students to integrate the environment into classroom instruction, providing access to local standards-based and environment-based lessons, trainings, tools, and materials that support and reinforce NGSS and EP&Cs. A primary goal of the initiative is to develop and guide students to become citizens who are inquisitive, eager, and equipped for the responsibility of lifelong environmental and community stewardship.

MWDOC'S SCHOOL PROGRAMS AND ENVIRONMENTAL LITERACY TRAINING PLAN

Since 1973, MWDOC has provided water education to Orange County children through its long-established and well-respected school program. This year, for the first time ever, MWDOC is offering a program that addresses all grade levels from K-12, bridging the gaps from basic water knowledge to biology and water quality, and ultimately, to water resources management and water supply projects. The CAELI process *enhances the baseline program currently offered*, guiding students to identify patterns and systems in their own communities, reinforcing the concepts of interconnectivity and interdependency between people and natural systems, while also gathering evidence to argue points and solve problems.

Together, with the help, support, and guidance of OCDE, SEER, and the CAELI Leadership Council, a comprehensive training plan for environmental literacy has been drafted with MWDOC leading the way for implementation in Orange County. To date, **funding has been secured for 92% of the plan.**

THE PLAN

The MWDOC training plan to integrate environmental literacy into Orange County classroom instruction will be overseen and led by Dr. Gerald Lieberman, Director of SEER- and internationally recognized authority on school program improvement with over 38 years of experience working with state and national education agencies. Dr. Lieberman works to provide professional development for teachers and school district staff, designs and develops curriculum, plans and evaluates education programs, and provides leadership and guidance on environment-based education. Since 2013, Dr. Lieberman has been an active partner in California's implementation and dissemination of new standards and frameworks for Science, History-Social Science, and Health. Dr. Lieberman received his Ph.D. and M.A. from Princeton University and his B.A. from U.C.L.A.

Step 1. MWDOC Education Program Plan

SEER and ITO will lead work sessions with MWDOC PA education/school program staff to provide expertise, guidance, and recommendations for integration of EP&Cs into the current MWDOC school program offerings. Through this process, the group will analyze the current lesson plans for all grade levels, review and restructure program goals, and develop learning outcomes and classroom activities that support a comprehensive education plan that aligns MWDOC priorities with state education standards and frameworks.

Step 2. Educator Training

SEER and ITO will lead an in-depth, three-day training for MWDOC staff, education contractors Discovery Cube Orange County and Bolsa Chica Conservancy, other identified Orange County CBOs, and a handful of Orange County classroom teachers. This training will include an introduction to CAELI, EP&Cs, and other related academic frameworks, and will also align identified learning outcomes to individual environment-based education programs.

Participants will be asked to bring a water education activity from their current program, and will work alongside classroom teachers to revise it, incorporating EP&Cs into grade-level appropriate curriculum and pre-post visit activities. Participants will then share their revised activities, and work with mentors to ensure that both CBOs/contractors and teachers have the knowledge and resources they need to implement new, thought-provoking, environment-based education and activities into the classroom.

To date, several CBOs have been identified and approached about their interest in participating in a training plan that introduces a new, impactful way of learning for Orange County students. A few examples of CBOs that are eager to participate are the Wyland Foundation, Orange County Transportation Authority, and OC Coastkeeper.

Step 3. Educator Workshop – Offered in partnership with OC STEM

SEER and ITO will lead a two-day workshop for Orange County teachers to provide instruction and guidance on how to roll-out the learning model developed during Step 2 – Educator Training. Orange County teachers will be introduced to EP&Cs and related

academic frameworks, and learn how to partner with water agencies and other CBOs to provide local environment-based curriculum and activities for students.

NOTE: OCDE will promote the workshop to teachers.

Step 4. Water District Training Presentation

SEER and ITO will provide a presentation to Southern California water districts to share the learning model created in Steps 1-3, and will offer strategies to adapt and promote the revised programs.

Total Cost for the Training Plan – Steps 1-4, \$22,800. Breakdown:

- Cost for services rendered by ITO - \$4,800
Funding commitments received: \$3,000 provided in-kind / \$1,800 covered by Ten Strands- fully funded.
- Cost for services rendered by SEER - \$18,000
Funding commitments received: \$3,000 provided in-kind / \$3,200 covered by Ten Strands / \$10,000 covered by Metropolitan Water District of Southern California.
- OC STEM: in-kind provided for promotion, venue, and workshop materials

Total Cost to MWDOC: \$1,800

NEXT STEPS

MWDOC PA staff will continue to work with OCDE, SEER, and the CAELI Leadership Council to utilize the MWDOC school program and the included training plan as a catalyst for achieving environmental literacy for *all Orange County students*. This comprehensive, environment-based education plan will address the instructional shifts required by CA NGSS, will implement EP&Cs into current program offerings countywide, and will secure a leadership position for MWDOC in education across the county, state, and nation.

CA NGSS STATEWIDE ROLLOUT

ENVIRONMENTAL LITERACY



ABOUT THE TRAINING

The California Next Generation Science Standards (NGSS) Statewide Rollout: Environmental Literacy is a two-day professional learning geared toward grade K-12 academic coaches, administrators, curriculum leads, and teacher leaders. Participants will experience grade appropriate learning sequences with an environmental literacy focus and examples of local environmental phenomena. A variety of community-based partners will feature resources that use the environment as a context for supporting student learning and CA NGSS implementation. It is recommended that districts send teams of four to six, which include at least one administrator.

Check-in for the two-day Rollout begins at 7:30 a.m. followed by a continental breakfast. Sessions run from 8 a.m. - 3:30 p.m. both days. Cost of training is \$250 per attendee. Fee includes all materials, continental breakfast and lunch both days.

Payment can be made by check or credit card. All payments must be received prior to the Rollout location date you are attending. NO purchase orders are accepted. NO participant cancellation refunds.

For questions or more information, please contact Amy Kennedy at akennedy@sjcoe.net or (209) 468-9027.

REGISTER

<https://cvent.me/91EIL>

SEPTEMBER 30 - OCTOBER 1, 2019

Host: San Joaquin County Office of Education (SJCOE)
Location: SJCOE Wentworth Education Center, Stockton

OCTOBER 8-9, 2019

Host: San Diego County Office of Education
Location: Marina Village Conference Center, San Diego

OCTOBER 22-23, 2019

Host: Los Angeles County Office of Education
Location: Almansor Court, Alhambra

OCTOBER 24-25, 2019

Host: San Mateo County Office of Education
Location: San Mateo County Office of Education, Redwood City

OCTOBER 28-29, 2019

Host: Tulare County Office of Education
Location: Tulare County Office of Education, Visalia

NOVEMBER 5-6, 2019

Host: Ventura County Office of Education (VCOE)
Location: VCOE Conference and Educational Services Center, Camarillo

NOVEMBER 5-6, 2019

Host: Sacramento County Office of Education (SCOE)
Location: SCOE Conference Center, Mather

NOVEMBER 21-22, 2019

Host: San Bernardino and Riverside County Offices of Education
Location: West End Educational Service Center, Rancho Cucamonga

DECEMBER 2-3, 2019

Host: Tehama County Department of Education
Location: Tehama County Department of Education, Red Bluff

DECEMBER 11-12, 2019

Host: Orange County Department of Education
Location: Orange County Department of Education Conference Center, Costa Mesa

DECEMBER 16-17, 2019

Host: Imperial County Office of Education
Location: Imperial Valley College, Imperial

Presented by the California County Superintendents Educational Services Association/County Offices of Education, K-12 Alliance @WestEd, California Science Project, and the California Science Teachers Association.



SESSION DETAILS

DAY 1

Opening: Call to Action

Environmental learning and science go hand in hand in providing youth with rich opportunities to connect to local environments, see the relevance of science in their lives, build scientific and environmental literacy, and provide empowering opportunities to engage as members and change makers of their communities. Youth from the local community present a call to action to inspire educators in positively shaping the world of today and tomorrow by providing opportunities for such powerful learning.

K-8 | EDUCATORS

Grade Span Lessons and Debrief

Utilizing California's Environmental Principles and Concepts (EP&C) as a focus, participants experience a phenomenon-based grade-span appropriate learning sequence (K-2, 3-5, 6-8) that includes explorations and sense-making strategies leading to an explanation of the phenomenon. Understanding the phenomenon combined with EP&Cs allows students to further identify actions that can be taken to positively impact the local environment. The deep debrief of the learning sequence includes analysis and discussion of the design elements connecting learning not only to the EP&Cs but also to the three dimensions of CA NGSS, the needs of diverse learners, and the CA Standards for English and Language Arts and Literacy, English Language Development, and Mathematics Standards as appropriate.

K-8 | ADMINISTRATORS

Introduction to Observation Tool and Debrief

K-8 Administrators will be introduced to a classroom observation tool to use as they observe a grade span lesson. In the afternoon, they will debrief what they noticed and discuss how they can instructionally support their teachers. High School Administrators will participate in the High School Summit to better understand instructional shifts and to learn from those high schools that are successfully integrating NGSS and Environmental Literacy for all students.

9-12 | EDUCATORS AND ADMINISTRATORS

High School Summit

Environmental Literacy is an integral part of addressing the NGSS in high school science instruction. This day-long session aims to provide an example of how the EP&Cs have been intentionally included into the curriculum for the Chemistry in the Earth System course. The sample lesson has a chemistry focus, but can serve as a model for other Life Science and Physical Science courses being offered in California. In addition, we will have a panel discussion, Q&A, and time to work in subject specific collaborative groups to think about how the EP&Cs can be addressed in your subject area.

DAY 2

Opening: Classroom Showcase

Inspiration from classrooms across California showcase the power of connecting science with environmental learning. When classroom instruction utilizes locally relevant environmentally focused phenomena, the NGSS vision of *all standards all students* becomes reality. Participants will debrief the potential for increases in student engagement, academic achievement, equitable access to science, and opportunities to make science authentically and culturally relevant.

MORNING SESSIONS

K-12 | EDUCATORS AND ADMINISTRATORS

Making Phenomena Local

Phenomena-based instruction is a primary feature of the NGSS classroom. In this session, participants will identify examples of local, relevant environmental phenomena to support student learning.

K-12 | EDUCATORS AND ADMINISTRATORS

Community-Based Partners

Fostering student engagement in investigations of their communities supports one of the key instructional shifts called for by NGSS and the new Science Framework—science that is relevant to local communities and student interests. Participants will actively engage with local organizations to discuss and examine ideas for collaboration as thought partners, in providing students access to three-dimensional learning experiences, enhancing in-school and out-of-school learning opportunities.

AFTERNOON SESSIONS

K-12 | EDUCATORS

Planning from Phenomena to Action

Use a local, environmental phenomena as a lens to develop a learning sequence with a focus on the CA EP&Cs. Using a local environmental phenomenon, participants will learn a process to develop a student action centered SE.

K-12 | ADMINISTRATORS

Supporting CA NGSS and Environmental Literacy

Administrators will discuss their visions for global citizenry, how to use leverage points in the system, e.g., CAST, dashboard, LCAP and other resources to begin planning action steps toward that vision.

Presented by the California County Superintendents Educational Services Association/County Offices of Education, K-12 Alliance @WestEd, California Science Project, and the California Science Teachers Association.





INFORMATION ITEM
October 21, 2019

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

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 School Programs—Shows That Teach, Discovery Cube Orange County, and Bolsa Chica Conservancy—are continuing to book visits for the 2019/2020 school year. New this year, the MWDOC Public Affairs (PA) staff worked closely with school program contractors to implement a shared Google Calendar so that the MWDOC Board of Directors and participating member agencies can now view school program visits as soon as they are scheduled. Login information for the calendar was sent to the MWDOC Board of Directors and participating member agencies in September 2019.

SCHOOL PROGRAM GOALS AND OBJECTIVES

To administer a water-focused education program that offers Orange County students in grades K-12 an opportunity to connect with, and learn from, their local ecosystems. Program contractors for all grade levels will use a [Next Generation Science Standards \(NGSS\) three-dimensional learning model](#) to guide students to solve environmental

| | | | |
|---|----------------------------|------|----------|
| Budgeted (Y/N): Y | Budgeted amount: \$437,561 | Core | Choice X |
| Action item amount: | Line item: 63-7040 | | |
| Fiscal Impact (explain if unbudgeted): | | | |

problems affecting their local communities, enhance their ability to become responsible environmental stewards. Students will also be able to identify California water supply sources, and will learn more about how to apply water efficient practices at home and at school.

- **Elementary School Program (K-2) Objective:** Students will understand the relationship between natural and human social systems and how humans affect, depend on, and benefit from natural resources, like water. Healthy ecosystems are critical to sustain all life.
- **Elementary School Program (3-6) Objective:** Students will understand the connection between humans and natural systems and how human activities and decisions can alter the water cycle, habitats, and the overall health of ecosystems. Healthy ecosystems are essential to all life.
- **Middle School Program (7-8) Objective:** Students will learn that the quality, quantity, and reliability of water is directly and indirectly influenced by human activity and the health of natural systems. Students will understand the challenges in delivering a safe and reliable source of drinking water to Orange County.
- **High School Program (9-12) Objective:** Students will understand that the health and care of natural systems are essential to all life and to the functioning of our economies and cultures. Students will also learn how to make informed decisions that can affect and drive changes in opinions, policies, and laws as well as be introduced to career pathways in the water industry.

SHOWS THAT TEACH – ELEMENTARY SCHOOL (K-2)

“H2O, Where Did You Go?” is a fun, educational, and interactive assembly-style program that uses music, humor, and audience participation to engage students in water science topics such as the water cycle, water supply resources, and conservation. This exciting program provides fundamental water knowledge to students in grades K-2, building a solid foundation for all other future MWDOC Water Education School Programs students may participate in throughout their formal education period.

In the month of September, Shows That Teach visited six (6) schools across the county reaching more than 1,000 students in grades K-2. To date, more than 4,400 students have been booked to receive the MWDOC Elementary School Program (grades K-2) for the 2019/2020 school year.



“Very fun, informative, and age appropriate...Thank you!”

– Kindergarten teacher, Country Hills Elementary

“The students were engaged the whole time...The presenters were professional and personable. I would definitely have them again. All the kids were singing the songs after they left.” - 1st grade teacher, Christ Lutheran Elementary

“The students learned about water in a new way. My students really enjoyed it!”

- 2nd grade teacher, Christ Lutheran Elementary

DISCOVERY CUBE OC – ELEMENTARY (3-6) & MIDDLE SCHOOL (7-8)

Through Discovery Cube Orange County (DCOC), the MWDOC Elementary School Program (grades 3-6) reached more than 1,600 students in September, and just over 7,400 students have been booked for the remainder of the 2019/2020 school year so far.

Through grade-specific assemblies, students in grades 3-6 are given valuable instruction on local climate, water resources, and ways to be water efficient. Students are tested on their water awareness with a keypad device before an assembly program begins and at the conclusion of the program to measure concept retention. The following keypad response data demonstrates the average increase in student understanding after attending the September 2019 Elementary School Program assemblies:

- **Third Grade:** Students are tested on local climate and the ability of plants and organisms to survive in a particular climate. Students demonstrated a **2.02%** average increase in understanding from the pre- to post-test. (**59.31%** scoring correctly on the pre-test and **61.51%** on the post-test).
- **Fourth Grade:** Students are tested on the local ecosystem, water sources, and water use efficiency. Students demonstrated a **31.25%** average increase in understanding from the pre- to post-test. (**34.99%** scoring correctly on the pre-test and **66.24%** on the post-test).
- **Fifth Grade:** Students are tested on how the water cycle cleans and recycles freshwater supply and water use efficiency. Students demonstrated a **35.14%** average increase in understanding from the pre- to post-test. (**36.45%** scoring correctly on the pre-test and **71.59%** on the 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 **30.83%** average increase in understanding from the pre- to post-test. (**50.54%** scoring correctly on the pre-test and **80.87%** on the post-test).

Currently, DCOC is working with Brea Junior High School on dates and schedules for the middle school program. To date, DCOC has made contact with all eligible middle schools and will continue their outreach efforts for additional schools to receive the program.

BOLSA CHICA CONSERVANCY – HIGH SCHOOL (9-12)

To date, Bolsa Chica Conservancy has completed all three (3) visits at both Santa Ana High School and Mission Viejo High School.

The multi-visit program provides a hands-on, science-based learning station and interactive activities for students in grades 9-12.

- **Session 1:** Students learn about watersheds, California water supply and resources such as the State Water Project, Bay Delta and its ecosystems, using local, relatable ecosystems like the Bolsa Chica Wetlands as a point of reference.
- **Session 2:** Students participate in an interactive, hands-on visit by the Windows to Our Wetlands (WOW) bus and mobile classroom. Students receive an introduction to scientific sampling using laboratory equipment to test various indicators of water quality in water collected from the Bolsa Chica Wetlands and a local water source near or on the school premises. Additionally, students receive instruction for conducting a school water audit.

- **Session 3:** Students present on what they have learned through the program with an in-class presentation to their peers, demonstrating an understanding of what it takes for purveyors of their drinking water to get it to their homes — clean, healthy, and ready to use from the tap.

The Session 3 student presentations at both Santa Ana High School and Mission Viejo High School covered multiple topics from each session of the program including water quality, water sustainability, water conservation, the importance of wetlands as it relates to water quality, and results from their school water audit identifying areas where water savings can be improved. At the conclusion of each series of visits, program contractors evaluated content prepared for the oral presentations for accuracy and retention, and provided feedback to the teachers and students on-site.



"The program was informative and the students learned valuable information in regards to water conservation."

— AP Biology teacher, Santa Ana High School

"The water quality station was really cool... [and] the presentation element was a nice way to end...Overall this was a very positive experience and I truly hope we can do this again next year with more of my classes."

— Honors Biology teacher, Mission Viejo High School

Public & Governmental Affairs Activities Report
September 11, 2019 – October 9, 2019

| | |
|--------------------------------|---|
| Member Agency Relations | <p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Met with Mesa Water about Forest to Faucets • Provided landscaping books and giveaway items for City of Westminster • Provided Photos to San Clemente for an upcoming newsletter <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> • Sent out follow-up email and information regarding the next SB 998 (water shutoffs) Working Group Meeting scheduled for October 14 • Provided an update on SB 998 implementation to the OC MET Managers group |
| Community Relations | <p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Prepared presentation on Colorado River for Villa Park Rotary Club • Worked with Hashtag Pinpoint and Water Emergency Response Organization of Orange County to direct, produce, and film promotional video for National Preparedness Month • Attended Irvine Ranch Outdoor Education Center's EarthFest event and brought Ricky Raindrop • Attended Bolsa Chica Conservancy's Coastal Cleanup Day and brought Ricky Raindrop |
| Education | <p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Provided High School Program information to City of Santa Ana • Finalized Ricky Raindrop Education Booklet design • Coordinated and confirmed Trinity Lutheran Elementary School Programs visits with contractors and City of Anaheim • Provided Elementary School Program (3-6) visit information to City of Anaheim • Provided High School Program information to Santa Margarita Water District • Attended High School Program visit to Mission Viejo High School • Notified MWDOC Board of Directors and participating member agencies of September school program visits in their service areas • Worked with school program contractors to create a shared Google Calendar that shows school program visits as they are scheduled • Provided access to shared school program Google Calendar to MWDOC Board of Directors and participating member agencies • Provided school program historical student count data to City of Westminster • Participated in Metropolitan Member Agency Education Coordinator's Meeting |

| | |
|-------------------------|---|
| | <ul style="list-style-type: none"> • Provided Elementary School Programs information to Moulton Niguel Water District • Secured new clinic dates and locations for the MWDOC Girl Scouts Water Resources and Conservation Patch Program • Offered participating member agencies the opportunity to submit agency slide for school program presentations • Provided information to Girl Scouts of Orange County regarding Coastal Cleanup Day event hosted At the request of Irvine Ranch Water District |
| Media Relations | <p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Published news release announcing six regional honors awarded to MWDOC by the Orange County Public Relations Society of America at the 44th Annual PROTON Awards Gala • Attended California Association of Public Information Officials workshop including a tour of the NBC 4 newsroom |
| Special Projects | <p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Developed graphics for new Water Loss Control Van • Created flyers for the following Water Use Efficiency programs: Turf Removal, Landscape Design Assistance (LDAP), and Landscape Maintenance Assistance (LMAP) • Created door hangers and flyers (for LBCWD service area) for Water Use Efficiency's Pressure Regulation & Leak Detection Program • Staffed Director Barbre's September 27-29 Hoover Dam and Colorado River Aqueduct • Currently working on itineraries, trip logistics, guest and Director requirements for the following inspection trips: <ul style="list-style-type: none"> ○ October 18-19 State Water Project Director Ackerman ○ November 8-10 State Water Project and Central Valley Agriculture Director Barbre ○ November 15-17 Hoover Dam and Colorado River Aqueduct Director McKenney ○ December 6 Southern California Infrastructure Tour Co-Hosted with ACC-OC • Updated Website to be ADA Compliant <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> • Submitted documents to OC LAFCO for MWDOC's upcoming comprehensive MSR • Staffed the WACO Planning Meeting • Sent out the invitation for the next ISDOC Quarterly Luncheon scheduled for October 24 • Collected RSVPs for the Delta Stewardship Council Meeting • Participated in a conference call with the October WACO speakers (Topic: What Happens Upriver) • Attended the Delta Stewardship Council Meeting |

| | |
|----------------------------|--|
| | <ul style="list-style-type: none"> Staffed the ISDOC Executive Committee Meeting |
| Legislative Affairs | <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> Participated in the ACWA Federal Affairs Drinking Water Subcommittee Meeting Participated in the ACWA Federal Affairs Committee Meeting in Sacramento Circulated MWDOC's Legislative and Regulatory Policy Principles to the Board of Directors and our member agencies for feedback At the request of Assembly Member Cottie Petrie-Norris's office, sent a letter to Governor Newsom requesting his signature on AB 1752 (South Coast Water District) and circulated the coalition letter to the signatories Along with Director Yoo Schneider, attended a meeting with Assembly Member Cottie Petrie-Norris. Representatives from Mesa Water, OCWD, OCSD, IRWD, and SCWD also attended Along with Director Yoo Schneider, attended a meeting with Director Chuck Gibson and Jim Leach to discuss ways our agencies can efficiently coordinate on external affairs Participated in the ACWA/CMUA OEHHA Human Right to Water Working Group Meeting |