



AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
District Board Room, 2890 Mosquito Road, Placerville, California
March 26, 2018 — 9:00 A.M.

Board of Directors

Michael Raffety—Division 3
President

Alan Day—Division 5
Vice President

George Osborne—Division 1
Director

Greg Prada—Division 2
Director

Dale Coco, MD—Division 4
Director

Executive Staff

Jim Abercrombie
General Manager

Brian D. Poulsen, Jr.
General Counsel

Jennifer Sullivan
Clerk to the Board

Jesse Saich
Communications

Brian Mueller
Engineering

Mark Price
Finance

Jose Perez
Human Resources

Tim Ranstrom
Information Technology

Margaret Washko
Operations

PUBLIC COMMENT: Anyone wishing to comment about items not on the Agenda may do so during the public comment period. Those wishing to comment about items on the Agenda may do so when that item is heard and when the Board calls for public comment. Public comments are limited to five minutes per person.

PUBLIC RECORDS DISTRIBUTED LESS THAN 72 HOURS BEFORE A MEETING: Any writing that is a public record and is distributed to all or a majority of the Board of Directors less than 72 hours before a meeting shall be available for immediate public inspection in the office of the Clerk to the Board at the address shown above. Public records distributed during the meeting shall be made available at the meeting.

AMERICANS WITH DISABILITIES ACT: In accordance with the Americans with Disabilities Act (ADA) and California law, it is the policy of El Dorado Irrigation District to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation for this meeting, please contact the EID ADA coordinator at 530-642-4045 or email at adacoordinator@eid.org at least 72 hours prior to the meeting. Advance notification within this guideline will enable the District to make reasonable accommodations to ensure accessibility.

CALL TO ORDER

Roll Call
Pledge of Allegiance
Moment of Silence

ADOPT AGENDA

COMMUNICATIONS

General Manager's Employee Recognition

PUBLIC COMMENT

COMMUNICATIONS

General Manager
Clerk to the Board
Board of Directors

Brief reports on community activities, meetings, conferences and seminars attended by the Directors of interest to the District and the public.

APPROVE CONSENT CALENDAR

Action on items pulled from the Consent Calendar

CONSENT CALENDAR

1. Finance (Pasquarello)

Ratification of EID General Warrant Registers for the periods ending March 6 and March 13, 2018, and Board Reimbursements for this period.

Option 1: Ratify the EID General Warrant Register as submitted to comply with Section 24600 of the Water Code of the State of California. Receive and file Board Expense Reimbursements.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

2. Clerk to the Board (Sullivan)

Approval of the minutes of the March 12, 2018 regular meeting of the Board of Directors.

Option 1: Approve as submitted.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

3. Operations / Engineering (Washko/Mueller)

Consideration to ratify Resolution No. 2017-014 to maintain the emergency declaration as a result of ongoing storm-related activities.

Option 1: Ratify Resolution No. 2017-014 (*thus maintaining the emergency declaration*).

Option 2: Decline to ratify Resolution No. 2017-014 (*thus terminating the emergency declaration*) or take other action as directed by the Board.

Option 3: Take no action (*thus terminating the emergency declaration*).

Recommended Action: Option 1 (*four-fifths vote required*).

4. Office of the General Counsel (P. Johnson)

Consideration of a resolution to authorize execution of an easement quitclaim to El Dorado County Department of Transportation. (APN 107-010-03)

Option 1: Adopt a resolution approving and authorizing execution of an Easement Quitclaim as submitted.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

END OF CONSENT CALENDAR

DIRECTOR ITEMS

5. Board of Directors (Raffety)

Board Meeting Procedures.

Recommended Action: None – Information only.

ACTION ITEMS

6. Office of the General Counsel (Poulsen)

State Legislation Update.

Option 1: Approve recommendations on proposed state legislation as the District's official positions.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

CLOSED SESSION

A. Closed session pursuant to Government Code section 54957.6 (Poulsen)

Conference with Labor Negotiators

Agency designated representatives: Directors Day and Coco

Unrepresented employee: General Counsel

B. Closed session pursuant to Government Code section 54957.6 (Abercrombie)

Conference with Labor Negotiators

Agency designated representatives: Directors Day and Coco

Unrepresented employee: General Manager

REVIEW OF ASSIGNMENTS

ADJOURNMENT

TENTATIVELY SCHEDULED ITEMS FOR FUTURE MEETINGS

Engineering

- Forebay dam remediation update, Information, April (Kessler)
- Design contract for the wastewater collection facility relocation project, Action, April (Wells)

EL DORADO IRRIGATION DISTRICT

Subject: Ratification of EID General Warrant Registers for the periods ending March 6 and March 13, 2018, and Board Reimbursements for this period.

Previous Board Action

February 4, 2002 – The Board approved to continue weekly warrant runs, and individual Board member review with the option to pull a warrant for discussion and Board ratification at the next regular Board meeting.

August 16, 2004 – Board adopted the Board Expense Payments and Reimbursement Policy.

August 15, 2007 – The Board re-adopted the Board Expense Payments and Reimbursement Policy as Board Policy 12065 and Resolution No. 2007-059.

Board Policies (BP), Administrative Regulations (AR) and Board Authority

Section 24600 of the Water Code of the State of California provides no claim is to be paid unless allowed by the Board.

Summary of Issue

The District's practice has also been to notify the Board of proposed payments by email and have the Board ratify the Warrant Registers. Copies of the Warrant Registers are sent to the Board of Directors on the Friday preceding the Warrant Register's date. If no comment or request to withhold payment is received from any Director by the following Tuesday morning, the warrants are mailed out and formal ratification of said warrants is agendaized on the next regular Board agenda.

On April 1, 2002, the Board requested staff to expand the descriptions on the Warrant Registers and modify the current format of the Warrant Registers.

On July 30, 2002, the Board requested staff to implement an Executive Summary to accompany each Warrant Register which includes all expenditures greater than \$3,000 per operating and capital improvement plan (CIP) funds.

Staff Analysis/Evaluation

Warrant registers submitted for March 6, March 13, 2018 totaling \$1,564,620.13, and Board Expense Reimbursements for these periods.

Current Warrant Register Information

Warrants are prepared by Accounts Payable; reviewed and approved by the Accounting Manager; the Director of Finance and the General Manager or their designee.

<u>Register Date</u>	<u>Check Numbers</u>	<u>Amount</u>
March 6, 2018	666112 – 666233	\$ 554,965.56
March 26, 2018	666234 – 666366	\$ 1,009,654.57

Current Board/Employee Expense Payments and Reimbursement Information

The items paid on Attachment B are expense and reimbursement items that have been reviewed and approved by the Clerk to the Board, Accounting Manager and the General Manager before the warrants are released. These expenses and reimbursements are for activities performed in the interest of the District in accordance with Board Policy 12065 and Resolution No. 2007-059.

Additional information regarding employee expense reimbursement is available for copying or public inspection at District headquarters in compliance with Government Code Section 53065.5.

Board Decision/Options

Option 1: Ratify the EID General Warrant Register as submitted to comply with Section 24600 of the Water Code of the State of California. Receive and file Board Expense Reimbursements.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

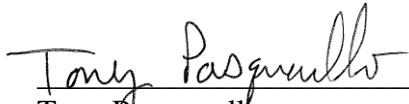
Staff/General Manager’s Recommendation

Option 1.

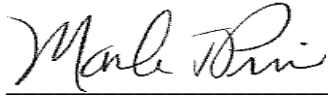
Support Documents Attached

Attachment A: Executive Summaries

Attachment B: Board Expenses/Reimbursements



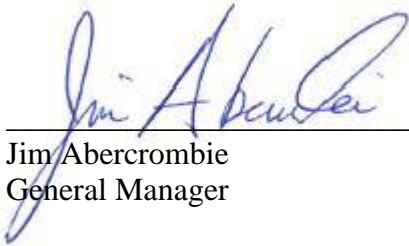
Tony Pasquarello
Finance Manager



Mark Price
Finance Director (CFO)



Jennifer Sullivan
Clerk to the Board



Jim Abercrombie
General Manager

Executive Summary for March 6, 2018 -- \$554,965.56:

This summary highlights significant disbursements made by major business activity:

Development Services (Fund 105)

- \$5,033—Domenichelli and Associates, Inc. for construction inspection services

General District Operations (Fund 110)

- \$5,186—CBT Nuggets, LLC for online IT training
- \$4,108—Columbiasoft Corporation for annual Doc Locator maintenance renewal
- \$17,113—Hunt & Sons, Inc. for card lock fuel and fuel deliveries at various locations
- \$11,903—Pace Supply Corporation for warehouse inventory
- \$3,225—Pro-Line Cleaning Services, Inc. for January janitorial services
- \$4,873—Ron Dupratt Ford for vehicle repairs and supplies

Engineering Operations (Fund 210) none to report

Water Operations (Fund 310)

- \$127,996—Doug Veerkamp General Engineering, Inc. for asphalt patching and paving services (\$142,218). Retention held \$14,222
- \$32,173—U.S. Bureau of Reclamation for Sly Park restoration fees and Folsom water deliveries
- \$34,075—Water Quality & Treatment Solutions, Inc. for water system disinfection services
- \$3,264—Westech Engineering, Inc. for rebuild kits

Wastewater Operations (Fund 410)

- \$5,169—Cintas Corporation for uniform services at DCWWTP, EDHWWTP, and Bass Lake
- \$13,505— CLS Labs for regulatory lab testing
- \$15,930—Denali Water Solutions, LLC for sludge hauling and disposal at EDHWWTP
- \$3,986—Jensen Precast for sanitary sewer pipe
- \$3,356—Powerplan for a compactor/rammer
- \$7,605—Solenis, LLC for praestol at EDHWWTP
- \$4,069—T&T Valve and Instrument, Inc. for plug valves

Recycled Water Operations (Fund 510) none to report

Hydroelectric Operations (Fund 610)

- \$4,403—P.J. Helicopters, Inc. for helicopter service to Lake Aloha
- \$4,935—Sell Lumber Corporation for lumber

Recreation Operations (Fund 710) none to report

Capital Improvement Projects (Construction Funds 140, 340, 440, 540, 640 and 740)

- \$58,720—City of Placerville for cost share reimbursement of engineering services performed by Dokken Engineering – Western Placerville Interchange (Project #16039.01)
- \$5,857—GHD, Inc. for engineering services:
 - >Project #17004.01 – Flume 5 Hazardous Mitigation (\$4,582)
 - >Project #17008.01 – Flume 9 Hazardous Mitigation (\$945)
 - >Project #17003.01 – Flume 10 Hazardous Mitigation/Canal Failure Downstream (\$330)
- \$14,913—HydroScience Engineers, Inc. for engineering design services:
 - >Project #14038.01 – EDHWWTP Dissolved Air Floatation Tank (\$1,305)
 - >Project #16040.01 – Carson Creek 2 and Business Park 3 Lift Stations Abandonment (\$9,995)
 - >Project #17020.01 – Wastewater Collection System Pipeline (\$3,613)
- \$8,465— ICM Group, Inc. for on-call construction inspection services – Reservoir 3 Tank Upgrade (Project #14003.01)
- \$47,137—Meyers, Nave, Riback, Silver & Wilson for legal representation – Camp 2 Bridge Replacement (Project #06030H.01)
- \$12,985—SKM Systems Analysis, Inc. for electrical engineering software – SCADA Software Efficiency Program (Project #17018.01)
- \$32,801—YSI, Inc. for river gauging equipment – USGS Flow Gauge Instrument (Project #17047.01)

Executive Summary for March 13, 2018 -- \$1,009,654.57:

This summary highlights significant disbursements made by major business activity:

General District Operations (Fund 110)

- \$4,122—Hunt & Sons, Inc. for motor oil, grease, and fuel deliveries at various locations
- \$6,852—Les Schwab Tire Centers of California, Inc. for tires
- \$3,844—Liebert Cassidy Whitmore for outside legal services
- \$4,096—Life Insurance Company of North America for March 2018 life insurance premiums
- \$9,500—Reeb Government Relations, LLC for March 2018 retainer
- \$9,580—Riverview International Trucks, LLC for transmission parts and repair service

Engineering Operations (Fund 210)

- \$19,950—All Pro Backflow, Inc. for backflow testing services
- \$20,183—Procure Technologies, Inc. for construction management software

Water Operations (Fund 310)

- \$7,325—Aqua Tech Company for Reservoir C cover repairs
- \$4,711—Grainger for operating and repair supplies
- \$4,127—Pace Supply Corporation for upper and lower stems and a check valve

Wastewater Operations (Fund 410)

- \$3,816—Edges Electrical Group, LLC for portable generator terminals
- \$3,367—Ferguson Enterprises, Inc. for repair parts and pipe fittings
- \$3,057—Grainger for operating and repair supplies
- \$4,830—Hach Company for a digital sensor, mount, cables, and lab supplies
- \$6,114—Keller Maritime Associates for fiberglass rolls and pipe repair kits
- \$6,709—Marcab Company, Inc. for odor control materials at EDHWWTP
- \$5,871—Polydyne, Inc. for clarifloc at EDHWWTP
- \$5,255—Sierra Tool and Cutter Company, Inc. for pump mounts
- \$6,875—Tesco Controls, Inc. for flow meter installation, startup, and testing
- \$4,562—Univar USA, Inc. for caustic soda at EDHWWTP

Recycled Water Operations (Fund 510) none to report

Hydroelectric Operations (Fund 610) none to report

Recreation Operations (Fund 710)

- \$4,800—Carsten Tree Service for tree removal

Capital Improvement Projects (Construction Funds 140, 340, 440, 540, 640 and 740)

- \$10,840—Bonkowski and Associates, Inc. for evaluation and site testing at well site
– FERC:50.2 Caples Lake Campground (Project #15016.01)
- \$8,728—Campbell Scientific, Inc. for a datalogger and pressure transducer – Project 184 SCADA Hardware Replacement (Project #14041.01)
- \$6,683—Domenichelli and Associates, Inc. for engineering design services – Moose Hall Pressure Reducing Station Upgrade (Project #17024.01)
- \$43,868—GEI Consultants, Inc. for engineering services:
 - >Project #06082H.01 – FERC:C50.1 Silver Lake (\$12,498)
 - >Project #17013.01 – Forebay Dam Modifications (\$30,991)
 - >Project #15016.01 – FERC:C50.2 Caples Lake Campground (\$379)
- \$5,241—Geocon Consultants, Inc. for geotechnical services – Rancho Ponderosa Lift Station Relocation (Project #17023.01)
- \$42,239—GHD, Inc. for engineering services:
 - >Project #11032.01 – Main Ditch-Forebay to Reservoir 1 (\$1,116)
 - >Project #14024.01 – Flume 44 Replacement (\$41,123)
- \$343,495—Preston Pipelines, Inc. for engineering services (\$361,574) – Carson Creek 2 and Business Park 3 Lift Stations Abandonment (Project #16040.01). Retention held \$18,079
- \$52,117—Resource Development Company for construction services (\$54,860) – Reservoir 3 Tank Upgrade (Project #14003.01). Retention held \$2,743
- \$53,809—TCB Industrial, Inc. for engineering services (\$56,641) – Tank 7 In-Conduit Hydro Assessment (Project #13013.01). Retention held \$2,832
- \$187,111—Weber General Engineering, Inc. for construction services (\$196,959) – Town Center Force Main Phase 2 (Project #16025.01). Retention held \$9,848
- \$21,218—Wunschel & Sons Inc. for construction services – Green Valley Bridge Relocation (Project #17035.01)
- \$4,032—Youngdahl & Associates, Inc. for on-call geotechnical services:
 - >Project #16025.01 – Town Center Force Main Phase 2 (\$3,840)
 - >Project #16040.01 – Carson Creek 2 and Business Park 3 Lift Stations Abandonment (\$192)

Board Expenses/Reimbursements
Warrant Registers dated 03/06/18 - 03/13/18

DESCRIPTION	George Osborne	Michael Raffety	Greg Prada	Dale Coco, MD	Alan Day	Total
Personal Vehicle Expense			\$43.07			\$43.07
Hotel						\$0.00
Meals or Incidentals Allowance						\$0.00
Airfare, Car Rental, Misc Travel						\$0.00
Fax, Cell or Internet Service						\$0.00
Meeting or Conference Registration						\$0.00
Meals with Others						\$0.00
Membership Fees/Dues						\$0.00
Office Supplies			\$17.12			\$17.12
Reimburse prepaid expenses						\$0.00
Miscellaneous Reimbursements						\$0.00
	\$0.00	\$0.00	\$60.19	\$0.00	\$0.00	\$60.19



MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS
District Board Room, 2890 Mosquito Road, Placerville, California
March 12, 2018 — 9:00 A.M.

Board of Directors

Michael Raffety—Division 3
President

Alan Day—Division 5
Vice President

George Osborne—Division 1
Director

Greg Prada—Division 2
Director

Dale Coco, MD—Division 4
Director

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Clerk to the Board

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Margaret Washko
Operations

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CALL TO ORDER

President Raffety called the meeting to order at 9:00 A.M.

Roll Call Board

Present: Directors Osborne, Prada, Raffety, Coco and Day

Staff

Present: General Manager Abercrombie, General Counsel Poulsen and Clerk to the Board Sullivan

Pledge of Allegiance and Moment of Silence

President Raffety led the Pledge of Allegiance followed by a moment of silence dedicated to Paul Robert Goltz, Serviceman and Vietnam War Veteran. President Raffety read an Ajax quote from Sophocles': "But when a man forgets good done to him; And the recollection of it slips away; How shall I any longer call him noble."

ADOPT AGENDA

ACTION: Agenda was adopted.

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

COMMUNICATIONS

General Manager's Employee Recognition

Awards and Recognitions

- a) Congratulations, Greg Royal. Greg has been promoted to the position of Senior Heavy Equipment Mechanic in the Fleet Maintenance Division.

PUBLIC COMMENT

None

COMMUNICATIONS

General Manager

Staff Reports and Updates

None

Clerk to the Board

None

Board of Directors

Director Coco reported on a recent meeting with Assemblyman Kiley's staff regarding proposed legislation.

APPROVE CONSENT CALENDAR

ACTION: Consent Calendar was approved.

MOTION PASSED

Ayes: Directors Osborne, Day, Prada, Raffety and Coco

CONSENT CALENDAR

1. Finance (Pasquarello)

Ratification of EID General Warrant Registers for the periods ending February 20 and February 27, 2018, and Board and Employee Expense Reimbursements for these periods.

ACTION: Option 1: Ratified the EID General Warrant Register as submitted to comply with Section 24600 of the Water Code of the State of California. Received and filed Board and Employee Expense Reimbursements.

MOTION PASSED

Ayes: Directors Osborne, Day, Prada, Raffety and Coco

2. Clerk to the Board (Sullivan)

Approval of the minutes of the February 26, 2018 regular meeting of the Board of Directors.

ACTION: Option 1: Approved as submitted.

MOTION PASSED

Ayes: Directors Osborne, Day, Prada, Raffety and Coco

3. Operations / Engineering (Washko/Mueller)

Consideration to ratify Resolution No. 2017-014 to maintain the emergency declaration as a result of ongoing storm-related activities.

ACTION: Option 1: Ratified Resolution No. 2017-014 (*thus maintaining the emergency declaration*).

MOTION PASSED

Ayes: Directors Osborne, Day, Prada, Raffety and Coco

4. Operations (Gibson)

Consideration to authorize the General Manager to execute an addendum to the interagency Sponsor Agreement with the California Conservation Corps in the not-to-exceed amount of \$133,160, and authorize funding of \$165,160 for fuels reduction at District facilities.

ACTION: Option 1: Authorized the General Manager to execute an addendum to the interagency Sponsor Agreement with the California Conservation Corps in the not-to-exceed amount of \$133,160, and authorize funding of \$165,160 for fuels reduction at District facilities.

MOTION PASSED

Ayes: Directors Osborne, Day, Prada, Raffety and Coco

5. Finance (Pasquarello)

Consideration to authorize funding approval for District Capital Improvement Plan (CIP) Projects: FERC C46-49 Recreation Resource Management, Project No. 06098H in the amount of \$20,000.

ACTION: Option 1: Authorized funding approval for District Capital Improvement Plan (CIP) Projects: FERC C46-49 Recreation Resource Management, Project No. 06098H in the amount of \$20,000.

MOTION PASSED

Ayes: Directors Osborne, Day, Prada, Raffety and Coco

END OF CONSENT CALENDAR

ACTION ITEMS

6. Engineering (Mutschler)

Consideration to award a professional services contract to Sage Engineering in the not-to-exceed amount of \$208,955 for design of the Flume 47C Replacement Project, and authorize funding of \$393,955; Project No. 17026.

ACTION: Option 1: Awarded a professional services contract to Sage Engineering in the not-to exceed amount of \$208,955 for design of the Flume 47C replacement, and approved funding of \$393,955; Project No. 17026.

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

CLOSED SESSION

A. Conference with General Counsel – Existing Litigation

Government Code Section 54956.9(d)(1): *Access Limited Construction v. Excavating Engineers, Inc. et al.*, Sacramento County Superior Court Case No. 34-2016-00197663-CU-BC-GDS

ACTION: The Board met and conferred with Counsel but took no reportable action.

B. Closed session pursuant to Government Code section 54957.6 (Poulsen)

Conference with Labor Negotiators

Agency designated representatives: Directors Day and Coco

Unrepresented employee: General Counsel

ACTION: The Board met and provided direction to the advisory committee but took no reportable action.

Closed Session continued

C. Closed session pursuant to Government Code section 54957.6 (Abercrombie)

Conference with Labor Negotiators

Agency designated representatives: Directors Day and Coco

Unrepresented employee: General Manager

ACTION: The Board met and provided direction to the advisory committee but took no reportable action.

REVIEW OF ASSIGNMENTS

Director Osborne requested that staff prepare a summary on the recent California Superior Court decision regarding the State Water Resources Control Board's jurisdiction over pre-1914 water rights.

ADJOURNMENT

President Raffety adjourned the meeting at 10:43 A.M.

Michael Raffety
Board President
EL DORADO IRRIGATION DISTRICT

ATTEST:

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____

EL DORADO IRRIGATION DISTRICT

Subject: Consideration to ratify Resolution No. 2017-014 to maintain the emergency declaration as a result of ongoing storm-related activities.

Previous Board Actions

February 13, 2017 – Board adopted Resolution No. 2017-007 declaring an emergency under the Public Contract Code and Public Resources Code as a result of recent and ongoing storm activities; ratified a construction contract to Doug Veerkamp General Engineering for emergency replacement of a failed section of the Town Center force main; ratified a pumping and hauling contract to Doug Veerkamp for emergency pumping of raw sewage from the El Dorado lift station; ratified a pumping and hauling contract with Advance Septic for emergency pumping of raw sewage from the Camino Heights wastewater treatment plant; and authorized and directed the General Manager and his designees to take all further actions reasonably deemed necessary to respond to the emergency.

February 27, 2017 – Board ratified Resolution No. 2017-007 to maintain the emergency declaration and ratified contracts awarded to Doug Veerkamp for landslide stabilization and Syblon Reid General Engineering Contractors (SRC) for drainage diversion, access road development, landslide stabilization and canal repair near Flumes 5 and 10.

March 13, 2017 – Board ratified Resolution No. 2017-007 to maintain the emergency declaration; ratified a professional services contract with GHD Inc. in the amount of \$150,000 for geotechnical and engineering services; awarded a construction contract to Syblon Reid Contractors in the not-to-exceed amount of \$5,780,386 and approved total project funding in the amount of \$8,855,343 for Flume 10 construction.

March 27, 2017 – Board ratified Resolution No. 2017-007 to maintain the emergency declaration.

April 10, 2017 –

- Ratified Resolution No. 2017-007 to maintain the emergency declaration;
- Ratified professional services Change Order No. 1 with GHD Inc. in the not-to-exceed amount of \$600,224;
- Ratified construction contract Change Order No. 1 for Doug Veerkamp General Engineering in the not-to-exceed amount of \$300,000;
- Approved Change Order No. 2 with GHD Inc. in the not-to-exceed amount of \$1,310,016;
- Approved a construction contract Change Order No. 1 to SRC in the not-to-exceed amount of \$4,024,404;
- Awarded a construction contract to Doug Veerkamp General Engineering in the not-to-exceed amount of \$1,462,479 for slides at Flume 45A; and
- Approved project funding of \$5,970,595 for the following projects:
 - \$3,044,560, Project No. 17004.01 (Hazard Mitigation at Flume 5);
 - \$987,030, Project No. 17008.01 (Hazard Mitigation at Flume 9);
 - \$568,588, Project No. 17007.01 (Hazard Mitigation #1 downstream Flume 45A);
 - \$1,220,417, Project No. 17007.03 (Hazard Mitigation #3 downstream Flume 45A);
 - \$150,000, Project No. 17002.01 (Town Center Force Main Emergency Replacement Phase 2 Schedule B).

May 22, 2017 – Board adopted Resolution 2017-014 to update the emergency declaration resulting from the 2017 storm activity.

June 12, 2017 – Board ratified Resolution No. 2017-014 to maintain the emergency declaration.

July 24, 2017 – Board ratified Resolution No. 2017-014 to maintain the emergency declaration as a result of the 2017 storm activity and ratified the construction contract with Mining Construction Inc. in the not-to-exceed amount of \$539,677.

August 14 and August 28, 2017 – Board ratified Resolution No. 2017-014 to maintain the emergency declaration.

September 11, 2017 – Board ratified Resolution No. 2017-014 to maintain the emergency declaration and ratified a contract amendment to GHD in the not-to-exceed amount of \$55,000 for inspection services on the Montclair Townhome sewer repair project.

October 10, 2017 – Board ratified Resolution No. 2017-014 to maintain the emergency declaration as a result of ongoing storm activities, and was updated on the status of the SAD bridge repair.

October 23, November 13 and December 11, 2017 – Board ratified Resolution No. 2017-014 to maintain the emergency declaration.

January 8, January 22, February 12, February 26, and March 12, 2018 – Board ratified Resolution No. 2017-014 to maintain the emergency declaration.

Board Policies (BP), Administrative Regulations (AR), and Board Authority

Public Contract Code section 22050(a)(1) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. Subsection (c)(1) of that statute requires the governing body to review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

Public Contract Code sections 1102, 20567, and 22050 authorize the District to forgo public bidding requirements in emergency circumstances.

Public Resources Code section 21080(b) and CEQA Guidelines section 15269 exempt emergency projects from the requirements of the California Environmental Quality Act (“CEQA”).

Summary of Issue(s)

On February 13, 2017, the Board unanimously adopted Resolution 2017-007 declaring an emergency as a result of the severe storms during January and February of 2017 and subsequently adopted Resolution 2017-014 to update the declaration. For the emergency declaration to remain in effect, the Board must find (by four-fifths vote for bidding and contracting purposes) at each regular Board meeting that the need for the emergency action still exists. The Board can do so today by ratifying Resolution No. 2017-014.

Staff Analysis/Evaluation

There have been over 40 separate storm related work tasks that have been documented since January 7, 2017. The remaining work is primarily related to the repair of the failure near Flume 10. However, due to winter conditions, ongoing construction work has been limited to inspection and maintenance of erosion control systems required by the State Water Resources Control Board. The remaining work includes completion of the final site grading, access road, Alarm 3, permanent fencing, security gate, and permanent erosion control. Resumption of this work is unknown and dependent on when the site dries out, but is expected to be complete before the end of summer 2018. As long as active construction work authorized under the emergency declaration continues, staff recommends the Board continue to maintain the emergency declaration.

Board Decisions/Options

Option 1: Ratify Resolution No. 2017-014 (*thus maintaining the emergency declaration*).

Option 2: Decline to ratify Resolution No. 2017-014 (*thus terminating the emergency declaration*) or take other action as directed by the Board.

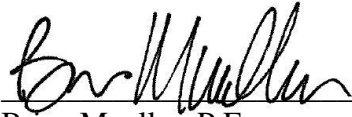
Option 3: Take no action (*thus terminating the emergency declaration*).

Staff/General Manager's Recommendation

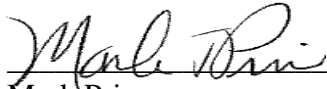
Option 1 (*four-fifths vote required*)

Supporting Documents Attached

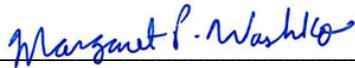
Attachment A: Resolution No. 2017-014



Brian Mueller, P.E.
Engineering Director



Mark Price
Finance Director



Margaret P. Washko, P.E.
Operations Director



Brian Poulsen
General Counsel



Jim Abercrombie
General Manager

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EL DORADO IRRIGATION DISTRICT
DECLARING AN EMERGENCY**

WHEREAS, El Dorado County received intense rainfall during the early months of 2017, saturating soils and causing collapses, soil failures, and earth movement all around the County; and

WHEREAS, multiple significant collapses of soil occurred on the District’s El Dorado Canal, resulting in the canal being taken out of service; and

Whereas, multiple slope failures occurred on District property off of 8-mile Road in Pollock Pines; and

WHEREAS, such storm activity has overwhelmed the District’s wastewater collections facilities at the El Dorado Lift Station and the Camino Heights Wastewater Treatment Plant increasing the risk of sanitary sewer overflows; and

WHEREAS, the District has encountered a break of a sanitary sewer collection main pipeline, the Town Center force main; and

WHEREAS, slope failure over a District sewer line near Montclair Road in Cameron Park has put the sewer pipeline at unacceptable risk of failure; and

WHEREAS, District staff have undertaken over 40 separate storm related work tasks since January 7, 2017 as a result of the incidents described above; and

WHEREAS, on February 13, 2017, the District’s Board of Directors adopted Resolution No. 2017-007, declaring an emergency within the meaning of several statutes included in the Government, Public Resources, and Public Contract Codes and directed the District General Manager and his designees to take all actions reasonably deemed necessary to respond to the emergency declared therein; and

WHEREAS, the District’s Board of Directors ratified Resolution No. 2017-007 at its regularly held Board meetings on February 27, March 13, March 27, and April 10; and

WHEREAS, as a result of continuously developing conditions, there exists real and reasonable potential for the District to discover and/or experience additional damage to critical infrastructure necessitating immediate repair; and

WHEREAS, all of these occurrences require prompt action to prevent or mitigate impairment to life, health, safety, property, and/or essential public services; and

///

1 WHEREAS, Government Code section 54956.5(a)(1) defines “emergency” as “a work stoppage,
2 crippling activity, or other activity that severely impairs public health, safety, or both, as determined by
3 a majority of the members of the legislative body;” and

4 WHEREAS, Government Code section 54956.5(a)(2) defines “dire emergency” as “a crippling
5 disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate
6 and significant that requiring a legislative body to provide one-hour notice before holding an
7 emergency meeting may endanger the public health, safety, or both, as determined by a majority of the
8 members of the legislative body;” and

9 WHEREAS, Public Contract Code section 1102 defines “emergency” as “a sudden, unexpected
10 occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate
11 the loss or impairment of life, health, property, or essential public services;” and

12 WHEREAS, CEQA Guidelines section 15359 defines “emergency” as “a sudden, unexpected
13 occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate
14 loss of, or damage to life, health, property, or essential public services;” and

15 WHEREAS, Government Code section 54956.5(b)(1) and (2) authorize legislative bodies to hold
16 emergency meetings in the case of an emergency or dire emergency involving matters upon which
17 prompt action is necessary due to the disruption or threatened disruption of public facilities; and

18 WHEREAS, District Board Policy 2050 authorizes the District’s General Manager to act “in
19 emergency situations where no Board Policies or Administrative Regulations exist;” and

20 WHEREAS, Public Contract Code sections 22050(a)(1) and 20567 authorize irrigation districts
21 to let contracts without notice for bids in case of an emergency; and

22 WHEREAS, Public Contract Code section 22050(b)(1) authorizes the Board of Directors, by a
23 four-fifths (4/5ths) vote, to delegate to the General Manager the authority to order any action pursuant
24 to paragraph (1) of subdivision (a); and

25 WHEREAS, District Board Policy 3060, delegates to the General Manager authority to approve
26 any and all contracts necessary to abate an emergency after first informing the President of the Board
27 of Directors and scheduling an emergency meeting of the Board of Directors at the earliest possible
opportunity; and

WHEREAS, Public Resources Code section 21080(b)(2) exempts from the California
Environmental Quality Act (CEQA) emergency repairs to public service facilities necessary to
maintain services; and

1 WHEREAS, Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c)
2 exempt from CEQA specific actions necessary to prevent or mitigate an emergency from CEQA;

3 NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Directors of the
4 El Dorado Irrigation District (Board) as follows:

5 1. The Board finds and declares that an emergency situation exists within the meaning of the
6 enactments listed below:

7 Public Contract Code section 11102

8 CEQA Guidelines section 15359

9 Public Contract Code section 20567

10 District Board Policy 3060

11 Public Contract Code section 22050(a)(1)

12 Public Resources Code section 21080(b)(2)

13 Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c)

14 2. The foregoing findings and declarations are based upon written, oral, and visual evidence,
15 including both facts and professional opinions, presented to the Board at the hearing of this
16 Resolution and upon the Minutes of the meeting at which this Resolution was adopted.

17 3. The Board hereby ratifies all actions taken by the District General Manager and his
18 designees, prior to the adoption of this Resolution, which the General Manager and his
19 designees reasonably deemed necessary to respond to the emergency declared herein.

20 4. The Board hereby delegates, authorizes, and directs the District General Manager and his
21 designees to take all further actions reasonably deemed necessary to respond to the
22 emergency declared herein. The General Manager or his designees shall report to and seek
23 ratification of the Board of Directors for each action taken in excess of their normal
24 authority, at the first regular Board of Directors meeting held after each such action.

25 5. This Resolution shall take effect immediately upon adoption, and shall supersede
26 Resolution No. 2017-007. Subject to the ratification

27 required by Public Contract Code sections 22050(b)(3), (c)(1), and (c)(2), and by Board
Policy 3060, this Resolution shall remain in full force an effect until rescinded by a
subsequent Resolution of the Board of Directors.

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1 The foregoing Resolution was introduced at a regular meeting of the Board of Directors of the
2 EL DORADO IRRIGATION DISTRICT, held on the 22nd day of May 2017, by Director Day who
3 moved its adoption. The motion was seconded by Director Prada and a poll vote taken which stood
4 as follows:

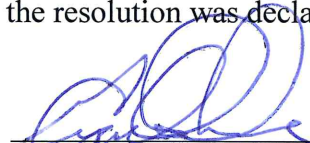
5 AYES: Directors Day, Prada, Osborne, Raffety and Coco

6 NOES:

7 ABSENT:

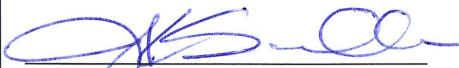
8 ABSTAIN:

9 The motion having a majority of votes "Aye", the resolution was declared to have been
10 adopted, and it was so ordered.



George W. Osborne, President
Board of Directors
EL DORADO IRRIGATION DISTRICT

11
12 ATTEST:

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14 Jennifer Sullivan
15 Clerk to the Board
16 EL DORADO IRRIGATION DISTRICT

17 (SEAL)

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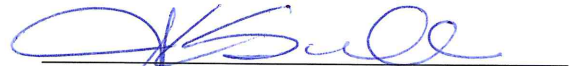
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1 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT
2 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the
3 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
4 regular meeting of the Board of Directors held on the 22nd day of May 2017.



Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

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EL DORADO IRRIGATION DISTRICT

Subject: Consideration of a resolution to authorize execution of an easement quitclaim to El Dorado County Department of Transportation. (APN 107-010-03)

Board Policies (BP), Administrative Regulations (AR), and Board Authority

Water Code Section 22500 authorizes conveyance of District property when the Board determines by resolution that the property is no longer necessary for District purposes.

Water Code Section 22502 requires all conveyances of District property to be executed by the secretary and president on behalf of the District in accordance with a resolution of the Board.

Summary of Issue(s)

State of California, Department of Transportation (Caltrans), is acquiring and expanding right-of-ways within the El Dorado Hills Boulevard, Saratoga Way (Roadway), and Highway 50 intersection (Project). The District holds an easement over a parcel within the location of the Project that the District no longer requires, and which Caltrans has requested that the District quitclaim.

Staff Analysis/Evaluation

El Dorado County's Department of Transportation (County) is working with Caltrans on the above-referenced Project. Caltrans will not accept property acquisitions which are encumbered by any type of easements, and has therefore directed the County to seek an easement quitclaim for a portion of the District's 20' foot-wide sewer easement described in the County's official records (Book 3022 at page 484) along the southern edge of the Roadway in order to transfer unencumbered property to Caltrans for expansion purposes. The District's sewer main was rerouted into the Public Utility Easement (P.U.E.) within the Roadway as part of the 2004/2005 El Dorado Hills Phase 1.2A - Saratoga Way project. Therefore, the easement referenced above is no longer necessary.

Easement Quitclaims

Easement quitclaims proposed by staff are required to be presented to District's Board of Directors for review and approval by resolution. After approval by Board, easement quitclaims are then recorded with the El Dorado County Recorder's Office.

District staff has prepared an easement quitclaim to the El Dorado County Department of Transportation. As the County and Caltrans require clear title for expansion purposes within the El Dorado Hills Boulevard and Highway 50 intersection, it is prudent to grant an easement quitclaim for a portion of District's sewer line within this Roadway.

Board Decision/Options

Option 1: Adopt a resolution approving and authorizing execution of an Easement Quitclaim as submitted.

Option 2: Take other action as directed by the Board.


Option 3: Take no action.

Staff/General Manager's Recommendation


Option 1.

Supporting Documents Attached

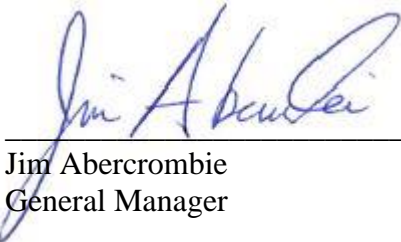
Attachment A: Proposed Resolution and Easement Quitclaim



Pat Johnson
Paralegal



Brian D. Poulsen, Jr.
General Counsel



Jim Abercrombie
General Manager

1 **RESOLUTION OF THE BOARD OF DIRECTORS OF**
2 **EL DORADO IRRIGATION DISTRICT**
3 **APPROVING AND AUTHORIZING THE EXECUTION OF AN**
4 **EASEMENT QUITCLAIM TO**
5 **EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION**
6 **ASSESSOR PARCEL NUMBER 107-010-03**

6 WHEREAS, El Dorado Irrigation District (District) acquired title to a sewer-line easement
7 located in El Dorado Hills within Assessor Parcel Number 107-010-03 (Parcel); and

8 WHEREAS, El Dorado County’s Department of Transportation (County) is working with
9 the California Department of Transportation (Caltrans) regarding an expansion project within the
10 El Dorado Hills Boulevard, Saratoga Way (Roadway) and Highway 50 intersection (Project); and

11 WHEREAS, Caltrans will not accept property acquisitions encumbered by any type of
12 easement within its Project; and

13 WHEREAS, Caltrans has directed County to seek an easement quitclaim from District for a
14 portion of the 20 foot-wide sewer easement described in County’s Official Records (Book 3022 at
15 page 484) along the southern edge of Project in order to transfer unencumbered property to
16 Caltrans for expansion purposes; and

17 WHEREAS, District holds a sewer-line easement over Parcel within the location of
18 Caltrans’ Project; and

19 WHEREAS, District no longer requires subject easement as sewer main was rerouted
20 outside of Project area; and

21 WHEREAS, District’s sewer-line easement can be quitclaimed to County per Caltrans’
22 request.

23
24 **NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Board of
25 Directors of EL DORADO IRRIGATION DISTRICT that this easement interest is no longer
26 necessary for District purposes and that the District shall dispose of any interest in the easement
27 within subject Parcel by an easement quitclaim attached hereto as Exhibit A-1.

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1 The foregoing Resolution was introduced at a regular meeting of the Board of Directors of
2 the EL DORADO IRRIGATION DISTRICT, held on the 26th day of March, 2018, by Director
3 _____, who moved its adoption. The motion was seconded by Director
4 _____, and a poll vote taken which stood as follows:

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAIN:

9 The motion having a majority of votes “Aye”, the resolution was declared to have been
10 adopted, and it was so ordered.

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Michael Raffety
President, Board of Directors of
EL DORADO IRRIGATION DISTRICT

17 ATTEST:

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19 _____
Jennifer Sullivan
Clerk to the Board

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21 {SEAL}

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1 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT
2 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the
3 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
4 regular meeting of the Board of Directors held on the 26th day of March, 2018.

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Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Exhibit 'A'

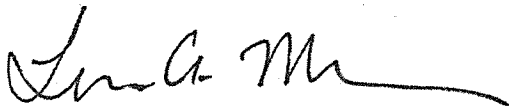
All that certain real property situate in the Northwest One-Quarter of Section 11, Township 9 North, Range 8 East, M.D.M., County of El Dorado, State of California, being a portion of Tract 1 of that certain Record of Survey filed in book 32 of surveys at page 3 official records said county and state more particularly described as follows:

All that portion of that particular 20' wide sewer easement described in that certain document filed in book 3022 at page 484 official records said county and state lying southeasterly of the northwesterly line of said Tract 1.

See Exhibit 'B' attached hereto and made a part hereof.

End of Description

The purpose of this description is for the abandonment of said easement of said Tract 1



Loren A. Massaro P.L.S. 8117
Associate Land Surveyor
Transportation Department
El Dorado County



Dated: 11. 16. 2017

Recording Requested By, & Mail To:
El Dorado Irrigation District
c/o Pat Johnson, Paralegal
2890 Mosquito Road
Placerville, CA 95667

Name: El Dorado County Department
of Transportation

Address: 2850 Fairlane Court
Placerville, CA 95667

Assessor Parcel Nos.: 107-010-03

Documentary Transfer Tax \$ 0 RTT 11911

Declarant: _____

For County Recorder's Use Only

EASEMENT QUITCLAIM

EL DORADO IRRIGATION DISTRICT does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to **EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION**, that certain real property located within the County of El Dorado, State of California, all right, title, and interest in real property and described fully in Exhibits A and B attached hereto and recorded at Book 3022 at page 484.

EL DORADO IRRIGATION DISTRICT

By: _____
Michael Raffety
President of the Board of Directors

Date: _____

By: _____
Jim Abercrombie
General Manager
EL DORADO IRRIGATION DISTRICT

Date: _____

~ Notary Acknowledgement Attached~

EXHIBIT 'B'

Situate in the Northwest One-Quarter of Section 11,
T. 9 N., R. 8 E., M.D.M.

Being a Portion of Tract 1 Record of Survey 32-3
County of El Dorado, State of California

November 2017



NORTH
SCALE 1"=100'



PORTION OF O.R. 3022-484
LYING SOUTHEASTERLY OF
THE NORTHWESTERLY
LINE OF TRACT 1 (TO BE
ABANDONED)

O.R. 3022-484
20' WIDE SEWER EASEMENT (E.I.D.)

SARATOGA

ARROWHEAD
DRIVE

WAY

OLD SARATOGA WAY

EL DORADO COUNTY
TRACT 1 R.S. 32-3



EL DORADO IRRIGATION DISTRICT

SUBJECT: Board Meeting Procedures.

Previous Board Action

None

Board Policies (BP), Administrative Regulations (AR), and Board Authority

BP 12020 states the Board's role is to provide oversight and direct the implementation of the District's mission. The Board will do so by deciding and monitoring policy and fiscal matters. Board members will use the following methods to address their concerns – advise the General Manager, work through Board committees, present specific recommendations to the whole Board for action. Board members shall be guided by a desire to achieve and support the District's mission in a constructive manner.

BP 12040 states in all actions as a Board member, the first commitment is to the betterment of the District and the community. In the performance of these duties, Board members shall be aware of, and comply with the Constitutions of the State and Nation, the California Water Code, other laws pertaining to the services provided by the District, and the established policies of the District. As elected representatives Board members can neither relinquish nor delegate their responsibilities to any other individual or group.

In addition to giving consideration to the wants and needs of their individual constituency, each Board member shall consider the District as a whole.

Board members shall present concerns and concepts through the process of Board debate and, if in the minority, the Board member shall respect the divergent opinions presented.

Board members shall devote sufficient time, thought, and study to proposed actions to make informed decisions.

BP 12080 requires that "Meetings shall be conducted within the guidelines of any regularly adopted agenda."

AR 12082 sets for the normal order of business for Board meetings.

BP 12090 states that the President shall act as the presiding officer at all meetings of the Board.

Summary of Issue(s)

Recently, Director Prada shared complaints with staff about the conduct of certain activities during Board meetings, including reports from the members of the Board of Directors, the Board President's delivering a "quote of the day," and dedications of moments of silence. Staff informed the Board President of Director Prada's concerns and President Raffety asked that these concerns be discussed by the full Board. Staff scheduled this item for Board consideration and will take direction from the Board.

To help guide the Board’s deliberations, the Ralph M. Brown Act generally prohibits any action or discussion of items not on the posted agenda. (Gov. Code, section 54954.2(a)(3).) However, The Act allows a Board Member to “make a brief announcement, or make a brief report on his or her own activities.” (*Ibid.*) As a guideline for Board Member reports, the Board Meeting agendas provide an opportunity for “*Brief reports on community activities, meetings, conferences and seminars attended by the Directors of interest to the District and the public.*”

Board Decisions/Options

No action. Information only.

Support Documents Attached

Attachment A: Email from Director Prada dated March 12, 2018

Attachment B: AR 12082

Attachment C: BP 12090



Jennifer Sullivan
Clerk to the Board

 for

Michael Raffety
Board President

Sullivan, Jennifer

Subject: FW: Board meeting and minutes issues

From: Prada, Greg

Sent: Monday, March 12, 2018 12:29 PM

To: Poulsen, Brian <bpoulsen@eid.org>

Subject: Board meeting and minutes issues

Brian,

I am troubled with several issues regarding the regular conduct of our board meetings and with board meeting minutes:

- 1) Director Coco habitually bends the rules regarding what is allowable communication in Director reports. I think you should coach him and hold him accountable for adhering to the rules.
- 2) President Raffety's quotes of the day have unclear purpose and are inconsistent with board meeting procedure.
- 3) Dedication of Moments of Silence should not be at the whim of the Board President. We should not be forcing the Board and Public to pay homage to persons or causes deemed worthy by a single individual. I believe that regular Moments of Silence as an item on the Board Agenda should be eliminated and only done selectively for broadly embraced public issues.
- 4) In no case should Meeting Minutes memorialize quotes of the day or dedication of Moments of Silence. At minimum, I believe you should so notify the Clerk to the Board.

Please consider my foregoing thoughts and influence board meeting change of practice should you deem appropriate.

Thanks.

Greg



AR 12082 Order of Business

Approved: December 12, 2006
Revised: November 4, 2010
Revised: May 15, 2014
Revised: February 14, 2017

The normal order of business for Board meetings shall be as follows. When the General Manager's Report includes employee recognition, that portion of the Report shall occur immediately after adoption of the agenda. The President of the Board has the prerogative to alter the order of items 5 through 16 to enhance public participation or meeting efficiency, except that time-specific items shall not be called prior to their noticed time.

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Adopt Agenda
5. Public Comment
6. General Manager's Report
7. Clerk to Board Communications
8. Board of Directors' Communications
9. Approve Consent Calendar
10. Action on Items Pulled from Consent Calendar
11. Public Hearings
12. Workshops
13. Information Items
14. Director Items
15. Action Items
16. Closed Session
17. Review of Assignments
18. Adjournment

BP 12090 Board Officers

Adopted: July 19, 2004
Updated: December 11, 2006
Supersedes:

- A. The officers of the Board shall consist of a President and Vice President.
- B. The President and Vice President shall be elected to one-year terms by members of the Board at the first regular meeting in December of each year during Board non-election years, or either a designated meeting in December or first meeting the following month in election years. The President and Vice President shall take office immediately following the election. Vacancies shall be filled in the same manner, at a regular meeting following the time the vacancy occurs. No officer shall serve more than two consecutive years in the same position, unless elected by a four-fifths vote of the Board.
- C. The President shall act as the presiding officer at all meetings of the Board.
- D. The Vice President shall preside and exercise all duties of the President in his/her absence, or by direction of the President. In the absence of both the President and Vice President, and temporary President shall be elected by the Board to act as President until the return of the President or Vice President.

EL DORADO IRRIGATION DISTRICT

SUBJECT: State Legislation Update.

Previous Board Action

Over the past fourteen years, the Board has taken positions on State legislation.

Board Policies (BP), Administrative Regulations (AR) and Board Authority

Board Policy 12020: The Board oversees and directs the implementation of the District's mission by deciding and monitoring policy and fiscal matters.

Summary of Issues

In cooperation with District staff, state legislative advocate Bob Reeb of Reeb Government Relations, LLC has analyzed proposed state legislation, and presently recommends that the District take positions on 51 bills that could affect its interests.

Staff Analysis/Evaluation

This year is the second-half of the latest two-year legislative cycle in Sacramento (2017-2018). As usual, hundreds of bills have been introduced and legislative hearings are underway. Legislative advocate Bob Reeb has presently identified 51 bills that warrant the District's participation or monitoring. Some of these bills are presently either placeholder "spot" bills with no substantive content, or they amount to works in progress. Mr. Reeb will continue to monitor these bills for substantive amendments and recommend positions on these bills as it becomes necessary. Other bills have reached a point where they are clearly adverse or (occasionally) favorable to the District's interests. On this legislation, Mr. Reeb recommends specific positions ranging on a spectrum from "oppose" to "support."

The bills Mr. Reeb has identified cover a wide range of subject matter, including, water supply planning and conservation, drinking water and wastewater regulation, land use, human resources and labor issues, public contracts, public records, renewable resources, and other relevant subjects. Of the 51 bills, 30 appear to currently be spot bills.

A summary of the bills, and the recommended District position for each, follows. A summary and analysis of each bill are available in Mr. Reeb's attached legislative report. Bills may be viewed by clicking on the live links in Mr. Reeb's report; hard copies are available upon request.

Also attached is the Budget Trailer Bill that seeks to impose a water fee on urban water customers, similar to the fee proposed in Senate Bill 623. Mr. Reeb will discuss these proposed water fees at the Board meeting.

In addition to the water fee legislation, there are a number of bills related to water planning and conservation (AB 1668 and SB 606), which Mr. Reeb will discuss at the Board meeting. Attached to this agenda item summary is a 2-page document that summaries the concerns of water agencies, such as the District, who remain opposed to the AB 1668 and SB 606.

Mr. Reeb will be present at the Board meeting to review the bills and current events in the Capitol, and to answer any questions.

List of Legislative Bills and Recommended District Position:

- **AB 196** (Bigelow) Greenhouse Gas Reduction Fund: water supply and wastewater systems – **Support**
- **AB 1668** (Friedman) Water management planning – **Oppose unless Amended**
- **AB 1750** (McCarty) Elected officials: sexual harassment settlement agreements: liability – **Watch**
- **AB 1870** (Reyes) Employment discrimination: unlawful employment practices – **Oppose**
- **AB 1918** (Garcia, Eduardo) Office of Sustainable Outdoor Recreation – **Watch**
- **AB 1937** (Santiago) Public Employment – **Watch**
- **AB 1945** (Garcia, Eduardo) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan – **Watch**
- **AB 2017** (Chiu) Public employers: employee organizations – **Watch**
- **AB 2042** (Steinorth) Residential graywater reuse systems: incentives – **Watch**
- **AB 2071** (Bloom) Accessory dwelling units: improvements: liability – **Watch**
- **AB 2241** (Rubio) Sustainable water use and demand reduction: legislative findings and declarations – **Watch**
- **AB 2242** (Rubio) Urban water management planning – **Watch**
- **AB 2258** (Caballero) Local government – **Watch**
- **AB 2266** (Bigelow) Urban water management planning – **Watch**
- **AB 2282** (Eggman) Salary history information – **Watch**
- **AB 2305** (Rodriguez) Local public employee labor relations – **Watch**
- **AB 2317** (Eggman) Whistleblower protection: state and local independent contractors - **Not Favor unless Amended**
- **AB 2320** (Brough) Local agency formation: spheres of influence: municipal service review – **Watch**
- **AB 2371** (Carrillo) Water use sustainability: irrigation – **Watch**
- **AB 2401** (Flora) Public contracts: skilled and trained workforce – **Watch**
- **AB 2516** (Eggman) Dams: reservoir restrictions – **Watch**
- **AB 2678** (Irwin) Information Practices Act of 1977 – **Watch**
- **AB 2692** (Arambula) Water: infrastructure funding – **Watch**
- **AB 2764** (Chau) Public contracts – **Watch**
- **AB 2782** (Friedman) California Environmental Quality Act – **Watch**
- **AB 2809** (Patterson) California Renewables Portfolio Standard Program: hydroelectric generation facilities – **Oppose unless Amended**
- **AB 2814** (Gray) California Renewables Portfolio Standard Program: hydroelectric generation facilities – **Oppose unless Amended**
- **AB 2815** (Gray) Water rights: appropriations of water - **Watch**
- **AB 2900** ((Committee on Environmental Safety and Toxic Materials) Proposed new public water system: preliminary technical report – **Watch**
- **AB 2937** (Nazarian) The California Water Plan – **Watch**
- **AB 2939** (Ting) Accessory dwelling units – **Watch**
- **AB 2957** (Gallagher) Safe and reliable water supplies – **Watch**
- **AB 3034** (Low) Public contracts – **Watch**
- **AB 3035** (Rubio) Water Supply – **Watch**
- **AB 3045** (Gallagher) Natural Resources Agency: Division of Safety of Dams – **Watch**
- **AB 3062** (Harper) Recycled water: recycling criteria – **Watch**
- **AB 3155** (Cooper) Public works: definition – **Watch**

- **AB 3206** (Friedman) Water conservation: water meters: accuracy and performance standards – **Oppose**
- **AB 3214** (Fong) Water appropriations: permits – **Watch**
- **AB 3242** (Committee on Labor and Employment) Public works: labor compliance – **Watch**
- **ACA 21** (Mayes) State infrastructure: funding: California Infrastructure Investment Fund - **Support**
- **SB 606** (Skinner) Water management planning – **Oppose unless Amended**
- **SB 623** (Monning) Water quality: Safe and Affordable Drinking Water Fund - **Oppose unless Amended**
- **SB 831** (Wieckowski) Land use: accessory dwelling units - **Oppose unless Amended**
- **SB 934** (Allen) Water quality: minor violations – **Watch**
- **SB 952** (Anderson) Water conservation: local water supplies – **Watch**
- **SB 966** (Wiener) Onsite treated nonpotable water systems - **Oppose unless Amended**
- **SB 979** (Cannella) Water Quality, Supply, and Infrastructure Improvement Act of 2014 – **Watch**
- **SB 998** (Dodd) Water shutoffs: urban and community water systems – **Oppose**
- **SB 1085** (Skinner) Local public employee labor relations – **Watch**
- **SB 1140** (Berryhill) State Water Resources Control Board - **Watch**

Board Decisions/Options

Option 1: Approve recommendations on proposed state legislation as the District’s official positions.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Staff/General Manager Recommendation

Option 1.

Supporting Documents Attached

Attachment A: Reeb Government Relations’ legislative report titled El Dorado Irrigation District 2017-2018 Regular Session, Second Year – Wednesday, March 14, 2018

Attachment B: Budget Trailer Bill: Safe and Affordable Drinking Water Act, dated February 1, 2018

Attachment C: Water Agencies’ Summary of Requested & Proposed Amendments to AB 1668/SB 606, dated March 6, 2018



Elizabeth Leeper
Deputy General Counsel



Jim Abercrombie
General Manager

**El Dorado Irrigation District
2017-18 Regular Session, Second Year - Wednesday, March 14, 2018**

AB 196 (Bigelow R) Greenhouse Gas Reduction Fund: water supply and wastewater systems.

Current Text: Amended: 3/6/2017 [html](#) [pdf](#)

Introduced: 1/19/2017

Last Amend: 3/6/2017

Status: 9/1/2017-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 7/17/2017)(May be acted upon Jan 2018)

Is Urgency: N

Is Fiscal: Y

Location: 9/1/2017-S. 2 YEAR

Summary: The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Existing law requires moneys from the fund to be allocated for the purpose of reducing greenhouse gas emissions in this state and satisfying other purposes. Existing law authorizes specified investments, including water use and supply, if the investment furthers the regulatory purposes of the act and is consistent with law. This bill would authorize the use of the moneys in the fund for electric pump efficiency, water and wastewater systems, pump and pump motor efficiency improvements, and drinking water transmission and distribution systems' water loss if the investment furthers the regulatory purposes of the act and is consistent with law.

Notes 1: The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms to regulate emissions of greenhouse gases. Moneys deposited in the Greenhouse Gas Reduction Fund (GGRF) are available upon appropriation for the purpose of reducing greenhouse gas emissions. Existing law authorizes specified investments, including water use and supply, if the investment furthers the regulatory purposes of the act and is consistent with law.

AB 196 would authorize the use of the moneys in the fund for electric pump efficiency improvements in water and wastewater systems as well as projects that reduce drinking water transmission and distribution system water loss.

EID's water delivery system area ranges from 500 feet in elevation at the Sacramento County line to more than 4,000 feet in the Sierra Nevada range. The system requires 181 pressure-regulating zones to operate reliably and more than 1,200 miles of pipe, 27 miles of ditches, five treatment plants, 34 storage reservoirs, and 38 pumping stations. The reliable delivery of high-quality water is a complex task that requires constant vigilance and millions of dollars invested in state-of-the-art treatment plants and equipment.

The transmission, treatment and distribution of water and wastewater is an energy-intensive enterprise--consuming about 20% of all electricity used in California (30% of the state's non-power plant natural gas). Repairing or increasing the efficiency of the electric motors (pumps) that are relied on to move and treat water and wastewater will reduce the use of electricity. Also, reducing water loss in water distribution systems is a state goal for which targets are being developed based on the passage of SB 555 (Wolk, Chapter 679, Statutes of 2015). Reducing water loss reduces the amount of water that must be treated and distributed, which results in lower electricity use. These types of investments will also benefit water and wastewater system ratepayers by relieving upward pressure on water rates at the local level, supporting state efforts to maintain affordability for low income households.

State agencies included saving water amongst their mid-term strategies in response to the Governor's Executive Order B-30-15. The 2015 additional achievable energy efficiency ("AAEE") savings includes savings from future updates of building codes and appliance standards and utility efficiency programs expected to be implemented after 2015. While the focus on potential savings at the consumer level is appropriate, the California Energy Commission goal of doubling energy efficiency by 2030 must include state investment in increasing the energy efficiency of water and wastewater systems. AB 196 would help focus the allocation of GGRF toward an important area of potential energy savings.

The most recent version of AB 196 includes amendments proposed by the District. The bill is currently held in the Senate Appropriations Committee. The Governor's Department of Finance opposes the

legislation, arguing that its provisions are not necessary, that the Legislature may appropriate GGFR monies for the purposes specified in the legislation. Reeb Government Relations is working with Assembly Member Bigelow to request that the Legislature include funding for those purposes in the FY 2018-19 State Budget. Assembly Member Bigelow has submitted a budget request to the Assembly Budget Subcommittee No. 3. No action has been taken on that request to date, but it is very early in the legislative budget review process.

Current Position: Support

Recommended Position: Support

AB 1668 **(Friedman D) Water management planning.**

Current Text: Amended: 9/8/2017 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amend: 9/8/2017

Status: 9/15/2017-From committee: Do pass and re-refer to Com. on RLS. (Ayes 5. Noes 0.) (September 15). Re-referred to Com. on RLS.

Is Urgency: N

Is Fiscal: Y

Location: 9/15/2017-S. RLS.

Summary: (1)Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. Existing law requires each urban retail water supplier to develop urban water use targets and an interim urban water use target, as specified. This bill would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water, as provided, and performance measures for commercial, industrial, and institutional water use on or before June 30, 2021. The bill would require the department, in coordination with the board, to conduct necessary studies and investigations and make recommendations, no later than October 1, 2020, for purposes of these standards and performance measures. The bill, until January 1, 2025, would establish 55 gallons per capita daily as the standard for indoor residential water use, beginning January 1, 2025, would establish 52.5 gallons per capita daily as the standard for indoor residential water use, and beginning January 1, 2030, would establish 50 gallons per capita daily as the standard for indoor residential water use. The bill would require the department, in coordination with the board, to conduct necessary studies and investigations to jointly recommend to the Legislature a standard for indoor residential water use that more appropriately reflects best practices. The bill would impose civil liability for a violation of an order or regulation issued pursuant to these provisions, as specified. This bill contains other related provisions and other existing laws.

Notes 1: This bill is one of two successor bills to legislation introduced last year in response to the draft document released last November titled "Making Water Conservation a California Way of Life" that would implement Governor Brown's Executive Order B-37-16. The report was released in its final form in April 2017.

This bill would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water and performance measures for commercial, industrial, and institutional water use on or before June 30, 2021. The bill would require the department, in coordination with the board, to conduct necessary studies and investigations and make recommendations, no later than October 1, 2020, for purposes of these standards and performance measures. The bill, until January 1, 2025, would establish 55 gallons per capita daily as the standard for indoor residential water use, beginning January 1, 2025, would establish 52.5 gallons per capita daily as the standard for indoor residential water use, and beginning January 1, 2030, would establish 50 gallons per capita daily as the standard for indoor residential water use. The bill would require the department, in coordination with the board, to conduct necessary studies and investigations to jointly recommend to the Legislature a standard for indoor residential water use that more appropriately reflects best practices. The bill would impose civil liability on an urban retail water supplier for a violation of an order or regulation issued by the State Water Resources Control Board, as specified.

This bill would establish standards and practices for the following water uses: (A) Indoor residential use; (B) Outdoor residential use; (C) Commercial, industrial and institutional (CII) water use; and (D) Water losses.

The department, in coordination with the board, would be required to conduct necessary studies and investigations and, no later than October 1, 2020, recommend for adoption by the board in accordance with this chapter appropriate variances for unique uses that can have a material effect on an urban retail water supplier's urban water use objective. The adoption of variances by the board is not mandatory. Of interest to the Agency, appropriate variances may include the significant use of

evaporative coolers.

The department, in coordination with the board, would be required to conduct necessary studies and investigations and recommend, no later than October 1, 2020, guidelines and methodologies for the board to adopt that identify how an urban retail water supplier calculates its urban water use objective. The guidelines and methodologies shall address, as necessary, all of the following: (a) Determining the irrigable lands within the urban retail water supplier's service area; (b) Updating and revising methodologies for calculating the population in an urban retail water supplier's service area using landscape area data provided by the department or alternative data; (c) Incorporating precipitation data and climate data into estimates of a urban retail water supplier's outdoor irrigation budget for its urban water use objective; (d) Estimating changes in outdoor landscape area and population, and calculating the urban water use objective, for years when updated landscape imagery is not available from the department.; and (e) Determining acceptable levels of accuracy for the supporting data and the urban water use objective.

AB 1668 is currently in the Senate Rules Committee. The Senate Natural Resources & Water Committee and the Senate and Assembly authors' staff hosted listening sessions last December on four topics, including the Model Water Efficient Landscaping Ordinance, CII water audits and performance measures, variances, and the timing and burden imposed on public water systems to report to state agencies. The purpose of the listening sessions, according to session hosts, was to give those entities with concerns regarding this bill and its companion measure--SB 606--an opportunity to share their perspectives in a less formal forum. The topics were selected by the committee and authors' staffs.

The authors have settled on amendments to both AB 1668 and SB 606, and recently shared them with ACWA and member agencies that remain opposed to the bills. A budget trailer bill remains an option for seeking passage of these new mandates, according to the representatives of the Brown Administration.

I have included in the legislative report materials a 2-page document that summarizes the concerns held by the Agency and other ACWA and California Municipal Utilities Association members that remain opposed to AB 1668 and SB 606.

Current Position: Oppose unless Amended

Recommended Position: Oppose unless Amended

AB 1750 (McCarty D) Elected officials: sexual harassment settlement agreements: liability.

Current Text: Introduced: 1/3/2018 [html](#) [pdf](#)

Introduced: 1/3/2018

Status: 1/4/2018-From printer. May be heard in committee February 3.

Is Urgency: N

Is Fiscal: N

Location: 1/3/2018-A. PRINT

Summary: The Government Claims Act governs the liability and immunity of public entities and their officers and employees, claims and actions against public entities and their officers and employees, insurance indemnification, and the defense of public officers and employees. This bill would express the intent of the Legislature to enact legislation that would require an elected official to reimburse a public entity that pays any compromise or settlement of a claim or action involving conduct that constitutes sexual harassment, if an investigation reveals evidence supporting the claim of sexual harassment against the elected official.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--elected officials and civil settlements.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 1870 (Reyes D) Employment discrimination: unlawful employment practices.

Current Text: Introduced: 1/12/2018 [html](#) [pdf](#)

Introduced: 1/12/2018

Status: 1/13/2018-From printer. May be heard in committee February 12.

Is Urgency: N

Is Fiscal: Y

Location: 1/12/2018-A. PRINT

Summary: Existing law, the California Fair Employment and Housing Act, makes specified employment

and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the period to 3 years for which complaints alleging unlawful employment or housing practices may be filed with the department, as specified.

Notes 1: Existing law, the California Fair Employment and Housing Act, makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill extends the period from 1 year to 3 years for which complaints alleging unlawful employment or housing practices may be filed with the Department.

According to District Human Resources staff, this bill could significantly increase investigation and legal costs incurred by the District. Passage will make it more difficult for employers to defend against claims of harassment under FEHA. If the legal test for harassment that rises to the level of violation of law has to be either sufficiently severe and/or pervasive, such egregious behavior and/or acts should compel the aggrieved person to file a timely report so that an employer can promptly investigate such complaints. Much can change in three years from an act or acts of alleged harassment, employees leave, management changes, people retire, memories fade, witness' move, documentation may become lost or destroyed; expanding the time to three years will place additional burdens for an employer to mount an affirmative and/or other meaningful defense against such claims. This bill, therefore does not sufficiently balance the good faith efforts and responsibilities of employers with the rights of employees.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 1918 **(Garcia, Eduardo D) Office of Sustainable Outdoor Recreation.**

Current Text: Amended: 3/12/2018 [html](#) [pdf](#)

Introduced: 1/23/2018

Last Amend: 3/12/2018

Status: 3/13/2018-Re-referred to Com. on W.,P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 2/5/2018-A. W.,P. & W.

Calendar: 3/20/2018 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, GARCIA, Chair

Summary: Existing law requires the Director of the Department of Parks and Recreation to keep up to date a comprehensive plan for the development of the outdoor recreation resources of the state for purposes of the federal Land and Water Conservation Fund Act of 1965. Existing law establishes in the Natural Resources Agency the Blue Ribbon Committee for the Rehabilitation of Clear Lake, for the purposes of discussion, reviewing research, planning, and providing oversight regarding the health of Clear Lake. This bill would establish in the agency the Office of Sustainable Outdoor Recreation. The bill would require the office to undertake certain activities such as promoting economic development and job growth in the outdoor recreation economy of the state. The bill would also require the office to create an advisory committee to provide advice, expertise, support, and service to the office.

Notes 1: VisitCalifornia.com, California Welcome Centers, California Department of Parks & Recreation, Expedia Viewfinder, Outbound.com, the EID web page and many, many more sources provide information on outdoor recreational options for California residents and tourists. The question this bill raises is whether an additional office within the Natural Resources Agency is necessary to increase the numbers of visitors to outdoor recreational locations. The good news is that local agencies like the District would be eligible to serve on the advisory committee.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 1937 **(Santiago D) Public employment.**

Current Text: Introduced: 1/25/2018 [html](#) [pdf](#)

Introduced: 1/25/2018

Status: 1/26/2018-From printer. May be heard in committee February 25.

Is Urgency: N

Is Fiscal: N

Location: 1/25/2018-A. PRINT

Summary: Existing law, the Meyers-Milias-Brown Act, authorizes public employees, as defined, to form, join, and participate in the activities of employee organizations for the purpose of representation on matters of employer-employee relations. Existing law requires a public employer to deduct dues or service fees paid to a recognized employee organization as required by an agency shop arrangement between the recognized employee organization and the employer. Existing law requires that agency fee obligations continue in effect as long as the employee organization is the recognized bargaining representative, as specified. This bill would make a nonsubstantive change to the requirement that agency fee obligations continue in effect as long as the employee organization is the recognized bargaining representative, as described above.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--employer-employee relations.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 1945 (Garcia, Eduardo D) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan.

Current Text: Introduced: 1/29/2018 [html](#) [pdf](#)

Introduced: 1/29/2018

Status: 1/30/2018-From printer. May be heard in committee March 1.

Is Urgency: N

Is Fiscal: N

Location: 1/29/2018-A. PRINT

Summary: The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. This bill would make a nonsubstantive change to that provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--preparation of the State's Greenhouse Gas Reduction Fund investment plan.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2017 (Chiu D) Public employers: employee organizations.

Current Text: Amended: 3/6/2018 [html](#) [pdf](#)

Introduced: 2/5/2018

Last Amend: 3/6/2018

Status: 3/7/2018-Re-referred to Com. on P.E., R., & S.S.

Is Urgency: N

Is Fiscal: Y

Location: 2/12/2018-A. P.E.,R. & S.S.

Summary: Existing law prohibits a public employer, as defined, from deterring or discouraging public employees from becoming or remaining members of an employee organization. Under existing law, a public employer is defined, for these purposes, to include counties, cities, districts, the state, schools, transit districts, the University of California, and the California State University, among others. Existing law grants the Public Employment Relations Board jurisdiction over violations of these provisions. This bill would additionally prohibit a public employer from deterring or discouraging prospective public

employees, as defined, from becoming or remaining members of an employee organization.

Notes 1: District staff believes that there is no associated burden on EID and that this bill seems like a logical extension given existing prohibitions.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2042 (Steinorth R) Residential graywater reuse systems: incentives.

Current Text: Introduced: 2/6/2018 [html](#) [pdf](#)

Introduced: 2/6/2018

Status: 2/7/2018-From printer. May be heard in committee March 9.

Is Urgency: N

Is Fiscal: N

Location: 2/6/2018-A. PRINT

Summary: Under existing law, graywater is defined as untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination, as specified. Existing law requires the Department of Water Resources, in consultation with specified entities, to adopt standards for the installation of graywater systems for, among other things, residential buildings. This bill would express the intent of the Legislature to enact legislation to extend financial incentives to single-family and multi-family homeowners to incentivize the purchase of residential graywater reuse systems.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--incentivizing the installation of onsite wastewater treatment systems.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2071 (Bloom D) Accessory dwelling units: improvements: liability.

Current Text: Introduced: 2/7/2018 [html](#) [pdf](#)

Introduced: 2/7/2018

Status: 2/22/2018-Referrred to Coms. on L. GOV. and JUD.

Is Urgency: N

Is Fiscal: N

Location: 2/22/2018-A. L. GOV.

Summary: The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones, as specified. That law requires the ordinance to, among other things, impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. This bill would provide that a public entity, including, but not limited to, a city, county, or city and county; public officer, including, but not limited to, a member of the legislative body of a city, county, or city and county; or an employee of a public entity, is not liable for any personal injury, death, property damage, or inverse condemnation, that has arisen from or is related to the use of an accessory dwelling unit and that is proximately caused by any utility system, including, but not limited to, a water system or electrical system equipment, that the public entity owns, operates, or maintains if the legislative body of a local agency has permitted the water, electrical system equipment, or accessory dwelling unit, to remain in the same location as it existed prior to January 1, 2018. The bill would limit the application of this provision to specified accessory dwelling units constructed prior to January 1, 2018 that, at the time of the personal injury, death, property damage, or inverse condemnation, the owner was attempting to bring into compliance with applicable local agency rules, regulations, or ordinances.

Notes 1: This legislation would protect public entities, elected officials, and public employees from liability arising from establishment of accessory dwelling units near existing utilities. That said, the protection afforded to the entities and persons would only apply to the use of an accessory dwelling unit that meets both of the following circumstances:

(1) The accessory dwelling unit was constructed prior to January 1, 2018 pursuant to an ordinance

adopted pursuant to Section 65852.2 as that section read on December 31, 2017; and (2) The owner of the accessory dwelling unit, at the time of the personal injury, death, property damage, or inverse condemnation, was attempting to bring the accessory dwelling unit into compliance with applicable local agency rules, regulations, or ordinances. It is unclear whether the legislation would be of any benefit to the District given the limitations set forth in the bill.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2241 (Rubio D) Sustainable water use and demand reduction: legislative findings and declarations.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-A. PRINT

Summary: Existing law requires the State Water Resources Board to implement and administer various water conservation and demand reduction programs in the state. Existing law makes legislative findings and declarations regarding the need to reduce urban water use statewide by 20% and to effectively measure a water supplier's efforts to reduce urban water use in its service area. This bill would make nonsubstantive changes in those legislative findings and declarations.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--water conservation and urban water suppliers.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2242 (Rubio D) Urban water management planning.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-A. PRINT

Summary: Existing law declares that certain provisions relating to urban water management planning are intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water. Existing law makes related legislative findings and declarations. This bill would make a nonsubstantive change in those findings and declarations.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--urban water management planning.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2258 (Caballero D) Local government.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-A. PRINT

Summary: Existing law requires a local agency formation commission in each county to encourage the orderly formation and development of local agencies based upon local conditions and circumstances, among other things. Existing law requires the county auditor to apportion, as specified, the net operating expenses of the local agency formation commission among the county, cities, and special districts within the commission's jurisdiction. This bill would make a nonsubstantive change to that

provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--the apportionment of expenses for local agency formation commissions.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2266 (Bigelow R) Urban water management planning.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-A. PRINT

Summary: Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan and to update its plan once every 5 years on or before December 31 in years ending in 5 and zero, except as specified. Existing law declares that these provisions relating to urban water management planning are intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies meet existing and future demands for water. Existing law makes related legislative findings and declarations. This bill would make a nonsubstantive change in those findings and declarations.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--urban water management planning.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2282 (Eggman D) Salary history information.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-A. PRINT

Summary: Existing law prohibits an employer from relying on the salary history information of an applicant for employment as a factor in determining whether to offer an applicant employment or what salary to offer an applicant, except in specified circumstances. This bill would make a nonsubstantive change to this provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--employment and salary history information.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2305 (Rodriguez D) Local public employee labor relations.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-A. PRINT

Summary: Existing law, the Meyers-Milias-Brown Act, authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing to represent themselves on matters of employer-employee relations. Existing law also grants these public employees the right to refuse to join or participate in those activities and to represent themselves individually in their employment relations. This bill would make nonsubstantive changes to these provisions.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--local agency employee labor relations.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2317 (Eggman D) Whistleblower protection: state and local independent contractors.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: Y

Location: 2/13/2018-A. PRINT

Summary: Existing law prohibits an employer, as defined, or any person acting on behalf of the employer, as defined, from, among other things, preventing an employee from, or retaliating against an employee for, providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of a law, regardless of whether disclosing the information is part of the employee's job duties. A violation of these provisions is a crime. This bill would extend the protections afforded to employees under these provisions to independent contractors working for state and local government who are tasked with monitoring, and receiving complaints from, facilities, services, and programs operated by state and local government. This bill contains other related provisions and other existing laws.

Notes 1: Section 1102.5 was added to the Labor Code in 1937 to protect employees from retaliation in the event that an employee wishes to speak out against an employer for a policy violation. The law provides that the employer cannot prevent the employee from reporting an alleged violation, nor can an employer retaliate thereafter.

The author of this legislation is concerned that this section does not apply to independent contractors who may risk their contracts if they were to disclose that an employer may be violating the law. The author cites an example of a position commonly held by independent contractors, that of Patient Rights Advocates (PRAs), whose job is to oversee that patients in psychiatric facilities understand their rights, attend their civil hearings, and receive proper care. This job entails many duties, one of which is to receive and respond to patient complaints of abuse or neglect. With reasonable cause, a PRA would reach out to state regulatory officials to report a violation, and should they be contracted with the very facility they must report allegations against, they would not have legal protection from retaliation.

AB 2317 would extend whistleblower protections for employees to independent contractors in "watchdog roles" who work in state and local government facilities. According to the author, this bill would protect independent contractors with state and local government from retaliation in the event that they disclose that their contracted employer may have violated a law or regulation.

District staff believes that the proposed language in this bill is ambiguous and therefore, problematic. The bill seeks to extend whistleblower protections to independent contractors tasked with "monitoring, and receiving complaints from, facilities, services, and programs operated by state and local government." This language invites argument about which contractors have "monitoring" responsibilities. At a minimum, District staff believes the language needs greater specificity to protect against abuse.

Current Position: Not Yet Considered

Recommended Position: Not Favor unless Amended

AB 2320 (Brough R) Local agency formation: spheres of influence: municipal service review.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-A. PRINT

Summary: Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Existing law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. This bill would make a nonsubstantive change to this provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--local agency formation commissions and municipal service reviews.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2371 (Carrillo D) Water use sustainability: irrigation.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 2/15/2018-From printer. May be heard in committee March 17.

Is Urgency: N

Is Fiscal: N

Location: 2/14/2018-A. PRINT

Summary: Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update its model water-efficient landscape ordinance by regulation and prescribes various requirements for the updated model ordinance. This bill would state the intent of the Legislature to enact legislation that would improve water use sustainability in California's outdoor irrigation practices.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--outdoor irrigation standards.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2401 (Flora R) Public contracts: skilled and trained workforce.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 2/15/2018-From printer. May be heard in committee March 17.

Is Urgency: N

Is Fiscal: N

Location: 2/14/2018-A. PRINT

Summary: Existing law authorizes a public entity to require a bidder, contractor, or other entity to use a skilled and trained workforce to complete a contract or project, and requires that the commitment to use a skilled and trained workforce be made in an enforceable agreement that meets specified requirements. Existing law defines several terms for the purposes of those provisions. This bill would make nonsubstantive changes to those definitions.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--public contracts.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 2516](#) (Eggman D) Dams: reservoir restrictions.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/5/2018-Referred to Com. on W.,P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 3/5/2018-A. W.,P. & W.

Summary: Existing law requires the Department of Water Resources to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Existing law authorizes the department to impose reservoir restrictions and to levy property liens on an owner of a dam who fails to comply with certain provisions relating to dam safety or any approval, order, rule, regulation, or requirement of the department. This bill would require the department to post, and update quarterly, on its Internet Web site a report containing the name of each reservoir subject to a restriction, the effective date of the reservoir restriction, the reason for the restriction, and actions that would allow the restriction to be removed. The bill, if no reservoir restrictions are in effect, would require the department to post this fact on its Internet Web site.

Notes 1: This bill would require the posting of specified information on the Internet relating to restrictions on a dam that are imposed pursuant to dam safety inspections conducted by the Department of Water Resources, Division of Safety of Dams. The information is likely available under a Public Records Act request, but this bill would make it easier for downstream residents, emergency response agencies, and others to view the information.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 2678](#) (Irwin D) Information Practices Act of 1977.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 2/16/2018-From printer. May be heard in committee March 18.

Is Urgency: N

Is Fiscal: N

Location: 2/15/2018-A. PRINT

Summary: The Information Practices Act of 1977 requires an agency, as defined, to maintain in its records only personal information that is relevant and necessary to accomplish a purpose of the agency required or authorized by law. Existing law regulates the disclosure of personal information under these provisions, as specified. This bill would state the intent of the Legislature to enact legislation relating to information security practices.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--information security practices.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 2692](#) (Arambula D) Water: infrastructure funding.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 2/16/2018-From printer. May be heard in committee March 18.

Is Urgency: N

Is Fiscal: N

Location: 2/15/2018-A. PRINT

Summary: Under existing law, various measures, including legislative and initiative general obligation bond acts and budget act appropriations, provide funding for water resources projects, facilities, and programs. This bill would state the intent of the Legislature to enact legislation to establish a permanent source of water infrastructure funding.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the

legislation given the subject matter.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 2764](#) (Chau D) Public contracts.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: Existing law states the objectives of the Legislature in enacting the Public Contract Code. This bill would make a nonsubstantive change to that provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--public contracts.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 2782](#) (Friedman D) California Environmental Quality Act.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Existing law exempts from compliance under CEQA housing projects that satisfy specified criteria. This bill would make a nonsubstantive change to definitions that apply in connection with the latter provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--exemptions under the California Environmental Quality Act.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 2809](#) (Patterson R) California Renewables Portfolio Standard Program: hydroelectric generation facilities.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Coms. on U. & E. and NAT. RES.

Is Urgency: N

Is Fiscal: Y

Location: 3/8/2018-A. U. & E.

Calendar: 4/4/2018 1:30 p.m. - State Capitol, Room 437 ASSEMBLY UTILITIES AND ENERGY, HOLDEN, Chair

Summary: Existing law establishes the California Renewables Portfolio Standard Program, which requires the Public Utilities Commission to implement annual procurement targets for the procurement of eligible renewable energy resources, as defined, for all retail sellers, as defined, and requires local publicly owned electric utilities to adopt and implement a renewable energy resources procurement

plan to achieve the targets and goals of the program. The existing definition of an eligible renewable energy resource includes small hydroelectric generation facilities of 30 megawatts or less that meet specified criteria. This bill would revise the definition of an eligible renewable energy resource for the purposes of the California Renewables Portfolio Standard Program to include hydroelectric generation facilities of greater than 30 megawatts, as specified. The bill would also make conforming changes.

Notes 1: This bill would change hydroelectric power generation qualifications for the California Renewable Portfolio Standard. It was introduced in response to legislation introduced last year that would have required California to obtain 100 percent of its energy from renewable generation resources by 2040. Accomplishing such a goal would strand hydroelectric power generation assets above 30 MW since such assets are not eligible power generation resources under the State's current RPS provisions.

Unfortunately, should this legislation become law, it could result in a significant or total devaluation of the District's FERC Project 184 generation assets. The District typically forecasts about \$8 million in annual hydroelectric power generation revenue. The generation amount is dependent on the water year type. In 2011 which was a "wet" year, EID generated \$11.8 million in such revenue.

If this bill becomes law and the definition changes for renewable energy to greater than 30 megawatts, it would hurt EID's ability to market its hydropower generation. There would be more hydroelectric generation facilities that would be considered renewable energy providers and it would hurt EID's chances to obtain a reasonable price for the electricity it produces. EID would be competing with more and larger entities that have an economies of scale where their cost to produce power is less than the costs EID incurs to generate power. EID has one powerhouse that produces 21 megawatts and is operated by a crew of 4 hydroelectric technicians. The larger hydroelectric facilities have multiple powerhouses with teams of workers that specialize in different aspects of generation. To keep costs down, EID's hydroelectric technicians conduct all the work needed at the powerhouse from electrical to mechanical to plumbing work.

District hydroelectric power generation revenue enables the District to contribute revenue to its water enterprise, which thereby allows EID to charge less in water rates than it would otherwise need to do to meet the revenue requirements of its cost of service. Beginning in 2017, the EID Board of Directors established a discretionary fund whereby revenues in excess of the budgeted hydroelectric power generation revenue could be used to fund OPEB liabilities, a water rate assistance program, and other expenditure programs.

District staff is planning to reach out to other Mountain County hydroelectric generation facility owners to engage in dialogue regarding this bill. Absent amendments that would protect small hydroelectric power generators that currently meet the RPS requirements; e.g., set up a two-tier power purchase approach--current RPS assets would be required to utilized first, the District should oppose this bill.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 2814 (Gray D) California Renewables Portfolio Standard Program: hydroelectric generation facilities.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Coms. on U. & E. and NAT. RES.

Is Urgency: N

Is Fiscal: Y

Location: 3/8/2018-A. U. & E.

Calendar: 4/4/2018 1:30 p.m. - State Capitol, Room 437 ASSEMBLY UTILITIES AND ENERGY, HOLDEN, Chair

Summary: Existing law establishes the California Renewables Portfolio Standard Program, which requires the Public Utilities Commission to implement annual procurement targets for the procurement of eligible renewable energy resources, as defined, for all retail sellers, as defined, and requires local publicly owned electric utilities to adopt and implement a renewable energy resources procurement plan to achieve the targets and goals of the program. The existing definition of an eligible renewable energy resource includes small hydroelectric generation facilities of 30 megawatts or less that meet specified criteria. This bill would revise the definition of an eligible renewable energy resource for the purposes of the California Renewables Portfolio Standard Program to include hydroelectric generation facilities of greater than 30 megawatts, as specified. The bill would also make conforming changes.

Notes 1: This bill would change hydroelectric power generation qualifications for the California

Renewable Portfolio Standard. It was introduced in response to legislation introduced last year that would have required California to obtain 100 percent of its energy from renewable generation resources by 2040. Accomplishing such a goal would strand hydroelectric power generation assets above 30 MW since such assets are not eligible power generation resources under the State's current RPS provisions.

Unfortunately, should this legislation become law, it could result in a significant or total devaluation of the District's FERC Project 184 generation assets. The District typically forecasts about \$8 million in annual hydroelectric power generation revenue. The generation amount is dependent on the water year type. In 2011 which was a "wet" year, EID generated \$11.8 million in such revenue.

If this bill becomes law and the definition changes for renewable energy to greater than 30 megawatts, it would hurt EID's ability to market its hydropower generation. There would be more hydroelectric generation facilities that would be considered renewable energy providers and it would hurt EID's chances to obtain a reasonable price for the electricity it produces. EID would be competing with more and larger entities that have an economies of scale where their cost to produce power is less than the costs EID incurs to generate power. EID has one powerhouse that produces 21 megawatts and is operated by a crew of 4 hydroelectric technicians. The larger hydroelectric facilities have multiple powerhouses with teams of workers that specialize in different aspects of generation. To keep costs down, EID's hydroelectric technicians conduct all the work needed at the powerhouse from electrical to mechanical to plumbing work.

District hydroelectric power generation revenue enables the District to contribute revenue to its water enterprise, which thereby allows EID to charge less in water rates than it would otherwise need to do to meet the revenue requirements of its cost of service. Beginning in 2017, the EID Board of Directors established a discretionary fund whereby revenues in excess of the budgeted hydroelectric power generation revenue could be used to fund OPEB liabilities, a water rate assistance program, and other expenditure programs.

District staff is planning to reach out to other Mountain County hydroelectric generation facility owners to engage in dialogue regarding this bill. Absent amendments that would protect small hydroelectric power generators that currently meet the RPS requirements; e.g., set up a two-tier power purchase approach--current RPS assets would be required to utilized first, the District should oppose this bill.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 2815 (Gray D) Water rights: appropriations of water.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Existing law requires the board to consider and act upon all applications for permits to appropriate water. Existing law provides that in relation to applications, permits, or licenses to appropriate water, the terms stream, lake or other body of water, or water refers only to surface water and to subterranean streams flowing through known and definite channels. This bill would make nonsubstantive changes in the latter provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--the appropriation of water rights.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2900 (Committee on Environmental Safety and Toxic Materials) Proposed new public water system: preliminary technical report.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Com. on E.S. & T.M.

Is Urgency: N

Is Fiscal: Y

Location: 3/8/2018-A. E.S. & T.M.

Calendar: 3/20/2018 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: Existing law, the California Safe Drinking Water Act, imposes on the State Water Resources Control Board various responsibilities and duties relating to providing a dependable, safe supply of drinking water. The act prohibits a person from operating a public water system unless he or she first submits an application to the state board and receives a permit, as specified. The act requires a proposed new public water system to first submit a preliminary technical report to the state board at least 6 months before initiating construction of any water-related improvement that includes, among other things, the name of each public water system for which any service area boundary is within 3 miles of the proposed new public water system's service area and discussions of the feasibility of each of the adjacent public water systems supplying domestic water to the proposed new public water system's service area. The act makes it a misdemeanor for a person to knowingly make a false statement or representation in a report submitted, maintained, or used for purposes of compliance with the act. This bill would authorize the state board to approve the preliminary technical report and allow construction to proceed before the end of the 6-month period. The bill would require the preliminary technical report additionally to include the type of each public water system with a service boundary within 3 miles and would instead require discussions of each adjacent community water system's feasibility of supplying domestic water to the proposed new service area. Because a false statement in the report could be a crime under the provision described above, this bill would impose a state-mandated local program by expanding the scope of a crime. This bill contains other related provisions and other existing laws.

Notes 1: Legislation introduced by policy committees is supposed to be limited to noncontroversial provisions; e.g., the annual Senate Governance & Finance omnibus legislation. It has been the District's experience, however, that provisions have been added in committee bills--sometimes late in the legislative session--that escape detection by interested parties. Although this particular legislation does not pose any concerns for the District, it should be closely monitored as it progresses through session this year.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2937 (Nazarian D) The California Water Plan.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: Existing law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as The California Water Plan. This bill would make nonsubstantive changes to that requirement.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--preparation of the California Water Plan Update.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 2939 (Ting D) Accessory dwelling units.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Coms. on H. & C.D. and L. GOV.

Is Urgency: N

Is Fiscal: Y

Location: 3/8/2018-A. H. & C.D.

Summary: The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth standards the ordinance is required to impose, including, among others, maximum unit size, parking,

and height standards. Existing law requires the local agency to ministerially approve an application for a building permit to create within a single-family zone one accessory dwelling unit per lot if the unit is contained within the existing space of a single-family residence or accessory structure. In this instance, existing law authorizes a city to require owner-occupancy for either the primary residence or the accessory dwelling unit. This bill would require the local agency to ministerially approve an application for a building permit to create within a multifamily zone at least one accessory dwelling unit within an existing multifamily structure with at least 5 residential units if specified conditions are met. The bill would prohibit an application ministerially approved pursuant to this provision from having a limit on the number of accessory dwelling units created within the existing residential units or accessory structures or both. By increasing the duties of local officials, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes 1: This legislation would make accessory dwelling units within existing multi-family residential units, as specified, a ministerial act by a local agency like a city or county. District staff is reviewing the potential impact of this bill based on a concern that affordable housing advocates or existing multi-family property owners might 'game the system' to avoid the per-unit (apartment) connection fee that EID currently uses for multi-family projects.

Proponents of easing local land use restrictions regarding accessory dwelling units (aka 'granny flats') have over the past three years sought to limit the ability of local public utility service providers to recover costs relating to inspections, service connections or the imposition of capacity charges. EID has opposed efforts to limit utilities from recovering the reasonable cost of providing service to real property.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 2957](#) (Gallagher R) Safe and reliable water supplies.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: The California Constitution declares that the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the right to the use of water does not extend to the waste or unreasonable use, method of use, or method of diversion of water. This bill would state the intent of the Legislature to enact legislation that would offer incentives to encourage innovation to ensure Californians have access to safe and reliable water supplies.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--safe drinking water.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 3034](#) (Low D) Public contracts.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: Existing law requires specified records to be maintained with respect to public work and public purchases. Existing law makes those provisions inapplicable to maintenance work, work occasioned by emergency, and work costing less than \$15,000. This bill would make a nonsubstantive change to this provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive

amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--public contracts. This bill would amend a chapter in the Government Code relating to accounting for costs for a public works project, defined as including the construction of any bridge, road, street, highway, ditch, canal, dam, tunnel, excavation, building or structure within the State by day's labor or force account. The District is covered under this Government Code chapter as are all other local agencies and political subdivisions of the state.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 3035](#) (Rubio D) Water supply.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: Existing law authorizes local and regional public agencies that are authorized by law to serve water to the persons or entities within the service area of the agency to sell, lease, exchange, or otherwise transfer water for use outside the agency, as specified. Existing law makes findings and declarations relating to local or regional level water management decisions. This bill would make a nonsubstantive change in the latter provision.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--the sale of water outside of the boundaries of the District.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 3045](#) (Gallagher R) Natural Resources Agency: Division of Safety of Dams.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/12/2018-Referred to Com. on W.,P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 3/12/2018-A. W.,P. & W.

Summary: Existing law provides that all dams and reservoirs in the state are under the jurisdiction of the Department of Water Resources. Existing law requires the department to supervise the construction, enlargement, alteration, repair, maintenance, operation, and removal of dams and reservoirs for the protection of life and property. Existing law makes it unlawful to construct, enlarge, repair, alter, remove, maintain, or operate any dam or reservoir except upon approval by the department, as prescribed. This bill would establish within the Natural Resources Agency the Division of Safety of Dams. The bill would transfer authority over dams and reservoirs from the department to the division.

Notes 1: This bill would transfer the Division of Safety of Dams from the Department of Water Resources to the Natural Resources Agency. The department falls under the agency in the state organizational chart. The author is concerned that DWR, as the owner and operator of Oroville Dam, may not be as diligent as an independent third party regarding the conduct of inspections and the enforcement of dam safety standards. It is unlikely, however, that transferring responsibility to higher up in the chain of command would address the concerns held by the author, whose Assembly District includes Oroville Dam and whose family was subjected to an emergency evacuation in the Winter of 2017 due to the failure of the dam's spillway and threatened failure of the emergency overflow structure.

Current Position: Not Yet Considered

Recommended Position: Watch

[AB 3062](#) (Harper R) Recycled water: recycling criteria.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board to establish uniform statewide recycling criteria for each varying type of use of recycled water if the use involves the protection of public health. The act defines recycling criteria to mean the levels of constituents of recycled water, and the means for assurance of reliability under the design concept that will result in recycled water that is safe for the uses to be made. This bill would make nonsubstantive changes to that definition.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--recycled water.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 3155 **(Cooper D) Public works: definition.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/12/2018-Referral to Com. on L. & E.

Is Urgency: N

Is Fiscal: Y

Location: 3/12/2018-A. L. & E.

Summary: Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Existing law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would expand the meaning of the term "public works" to include warranty work, and would include warranty work within the definition of "construction" as it is used to define "public works." By expanding the definition of "public works," the bill would expand the scope of a crime. The bill would also make technical, nonsubstantive changes. This bill contains other related provisions and other existing laws.

Notes 1: This bill would expand the definition of "public works" to include "warranty work". District legal staff is a bit perplexed by this bill as it seems like "warranty work" would already be subsumed with the existing definition of public works. Reeb Government Relations has sought additional background on the purpose of the legislation, but the author has yet to provide such background.

Current Position: Not Yet Considered

Recommended Position: Watch

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

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: Y

Location: 2/16/2018-A. PRINT

Summary: (1) Existing law requires the State Energy Resources Conservation and Development Commission to establish design and construction standards and energy and water conservation design standards that increase efficiency in the use of energy and water for new residential and new nonresidential buildings to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy. Existing law requires the commission to establish minimum levels of operating efficiency to promote the use of energy and water efficient appliances, including landscape irrigation equipment. This bill would require the commission, on or before January 1, 2020, to adopt regulations setting standards for the accuracy of water meters purchased, repaired, or reconditioned on and after the effective date of those regulations, including water meters installed pursuant to the Water Measurement Law, described in (2). The bill would allow a water purveyor to install a water meter possessed by that water purveyor before the effective date of the regulations for a time period deemed appropriate by the commission. This bill contains other related provisions and other existing

laws.

Notes 1: This bill continues the trend in the State Capitol to focus on single-issue public water system management issues that result in upward pressure on water rates without a concomitant benefit based on the expenditure of ratepayer revenue. Moreover, asking the State Water Board to develop regulations for testing and monitoring is sure to lead to burdensome and costly requirements on water purveyors that is likely disproportionate to any benefit gained. Agency management and the board of directors should be left alone to determine annual budgets and capital improvement plans that reflect the most cost-effective expenditure of rate system revenue.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 3214 (Fong R) Water appropriations: permits.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2018-A. PRINT

Summary: Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Existing law requires the board to consider and act upon all applications for permits to appropriate water. This bill would make a nonsubstantive change to those provisions.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--the appropriation of water rights.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 3242 (Committee on Labor and Employment) Public works: labor compliance.

Current Text: Introduced: 2/21/2018 [html](#) [pdf](#)

Introduced: 2/21/2018

Status: 2/22/2018-From printer. May be heard in committee March 24.

Is Urgency: N

Is Fiscal: N

Location: 2/21/2018-A. PRINT

Summary: Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects. Existing law generally requires that not less than the general prevailing rate of per diem wages be paid to workers employed on public works projects, and imposes misdemeanor penalties for a willful violation of this requirement. Existing law authorizes the awarding body for a public works project to not require the payment of the general prevailing rate of per diem wages on public works projects of specified sizes and types of work, including construction projects of \$25,000 or less, if the awarding body elects to initiate and enforce a labor compliance program containing specified requirements for every public works project under its authority, as specified. This bill would make technical, nonsubstantive changes to those provisions.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--public works.

Current Position: Not Yet Considered

Recommended Position: Watch

ACA 21 (Mayes R) State infrastructure: funding: California Infrastructure Investment Fund.

Current Text: Introduced: 1/3/2018 [html](#) [pdf](#)

Introduced: 1/3/2018

Status: 1/4/2018-From printer. May be heard in committee February 3.

Is Urgency:

Is Fiscal: Y

Location: 1/3/2018-A. PRINT

Summary: Existing provisions of the California Constitution establish the Budget Stabilization Account in the General Fund and require the Controller, on or before October 1 of the 2015–16 fiscal year and each fiscal year thereafter, to transfer from the General Fund to the Budget Stabilization Account amounts that include a sum equal to 1.5% of the estimated amount of General Fund revenues for that fiscal year. This measure would amend the California Constitution to create the California Infrastructure Investment Fund in the State Treasury. The measure would require the Controller, beginning in the 2019–20 fiscal year, to transfer from the General Fund to the California Infrastructure Investment Fund in each fiscal year an amount equal to up to 2.5% of the estimated General Fund revenues for that fiscal year, as provided. The measure would require, for the 2019–20 fiscal year and each fiscal year thereafter, the amounts in the fund to be allocated, upon appropriation by the Legislature, for specified infrastructure investments, including the funding of deferred maintenance projects.

Notes 1: This proposed constitutional amendment would require General Fund revenue to be set aside for purposes of funding state infrastructure. Such a set aside could be used for projects on a pay-as-you-go basis as compared to issuing revenue bonds or general obligation bonds. The latter results in about \$2 in General Fund expenditures to pay principal and interest payments over 30 years for every \$1 of bonds issued.

There was limited debate on this measure during a recent ACWA State Legislative Committee meeting. Some argued that ACWA should support this measure as an alternative to the water tax contained in SB 623 and as being discussed in the context of establishing a low-income rate assistance program. Others argued that the Legislature should not be further restricted in how it determines the expenditure of general funds. In the end, the State Legislative Committee approved a "watch" position on this measure.

The Legislature has not prioritized the expenditure of General Fund revenue for water infrastructure, instead relying on the issuance of State General Obligation Bonds. Such hit and miss funding leads to a so-called feast and famine cycle of state investment in water infrastructure. Instead, the Legislature, the Brown Administration and prior governors have looked to the imposition of a public goods charge or fee (tax) on urban water customers to generate a stable and predictable source of revenue to pay for state water infrastructure investment priorities. Assembly Member Bigelow is a coauthor of this measure.

Current Position: Not Yet Considered

Recommended Position: Support

SB 606

(Skinner D) Water management planning.

Current Text: Amended: 9/6/2017 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amend: 9/6/2017

Status: 9/13/2017-Assembly Rule 96 suspended. Withdrawn from committee. Ordered to third reading.

Is Urgency: N

Is Fiscal: Y

Location: 9/13/2017-A. THIRD READING

Calendar: 3/15/2018 #16 ASSEMBLY THIRD READING FILE - SENATE BILLS

Summary: (1)Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. Existing law requires each urban retail water supplier to develop urban water use targets and an interim urban water use target, as specified. Assembly Bill 1668 of the 2017-18 Regular Session, if enacted, would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water and would establish specified standards for per capita daily indoor residential water use. The bill would require an urban retail water supplier to calculate an urban water use objective no later than July 1, 2022, and by July 1 every year thereafter, and its actual urban water use by those same dates. The bill would require an urban retail water supplier to submit a report to the department for these purposes by those dates. The bill would authorize the board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, as specified. This bill contains other related provisions and other existing laws.

Notes 1: This is the second of two bills that would implement recommendations in the Brown Administration's "Making Water Conservation a Way of Life" framework, released in April 2017.

Notable, this bill would require an urban retail water supplier to calculate an urban water use objective no later than July 1, 2022, and by July 1 every year thereafter, and its actual urban water use by those same dates.

The bill would authorize the board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective. The bill would impose civil liability for a violation of an order or regulation issued pursuant to these provisions.

In relation to urban water management planning, this bill would require an urban water supplier to prepare, adopt, and periodically review a water shortage contingency plan, as prescribed, and as part of its urban water management plan. The bill would require a water shortage contingency plan to consist of certain elements, including, among other things, annual water supply and demand assessment procedures, standard water shortage levels, shortage response actions, and communication protocols and procedures. The bill would require an urban water supplier to make the water shortage contingency plan available to its customers and any city or county within which it provides water supplies no later than 30 days after adoption.

The bill also would require an urban water supplier to conduct an annual water supply and demand assessment and submit an annual water shortage assessment report to DWR with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan by June 1 of each year. The bill would require an urban water supplier to follow, where feasible and appropriate, the procedures and implement determined shortage response actions in its water shortage contingency plan.

Finally, existing law authorizes the governing body of a distributor of a public water supply to declare a water shortage emergency condition to prevail within the area served by the distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. This bill would instead require the governing body of a distributor of a public water supply to declare a water shortage emergency condition whenever it finds and determines the above-described circumstances.

AB 1668 is currently in the Senate Rules Committee. The Senate Natural Resources & Water Committee and the Senate and Assembly authors' staff hosted listening sessions last December on four topics, including the Model Water Efficient Landscaping Ordinance, CII water audits and performance measures, variances, and the timing and burden imposed on public water systems to report to state agencies. The purpose of the listening sessions, according to session hosts, was to give those entities with concerns regarding this bill and its companion measure--AB 1668--an opportunity to share their perspectives in a less formal forum. The topics were selected by the committee and authors' staffs.

The authors have settled on amendments to both AB 1668 and SB 606, and recently shared them with ACWA and member agencies that remain opposed to the bills. A budget trailer bill remains an option for seeking passage of these new mandates, according to the representatives of the Brown Administration.

I have included in the legislative report materials a 2-page document that summarizes the concerns held by the District and other ACWA and California Municipal Utilities Association members that remain opposed to AB 1668 and SB 606.

Current Position: Oppose unless Amended

Recommended Position: Oppose unless Amended

SB 623

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

Current Text: Amended: 8/21/2017 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amend: 8/21/2017

Status: 9/1/2017-From committee: Without recommendation. (Ayes 11. Noes 0.) (September 1) Re-referred to Com. on RLS.

Is Urgency: N

Is Fiscal: Y

Location: 9/1/2017-A. RLS.

Summary: (1)Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Safe and Affordable Drinking Water Fund in the

State Treasury and would provide that moneys in the fund are continuously appropriated to the state board. The bill would require the board to administer the fund to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, bequests, and settlements from parties responsible for contamination of drinking water supplies. The bill would require the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to the provision of safe and affordable drinking water consistent with a fund implementation plan adopted annually by the state board, as prescribed. The bill would require the state board annually to prepare and make available a report of expenditures of the fund and to adopt annually, after a public hearing, an assessment of funding need that estimates the anticipated funding needed for the next fiscal year to achieve the purposes of the fund. The bill would require, by January 1, 2019, the state board, in consultation with local health officers and other relevant stakeholders, to make available a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program. By creating a new continuously appropriated fund, this bill would make an appropriation. This bill contains other related provisions and other existing laws.

Notes 1: As introduced, this legislation included a substantive provision in that it would create a new fund in the State General Fund to address safe drinking water programs. The problem with the bill is that it did not indicate the source of revenue that would be transferred to the new fund, nor did it provide details as to expenditures. In the closing weeks of the legislative session last year, the bill was amended to include authorization of a tax on urban water customers. The revenue generated from the water tax would flow to the State of California to be expended on capital projects and operations and maintenance expenditures to bring small community water systems into compliance with safe drinking water laws and regulations, as well as to provide financial assistance to private well owners that experience water quality problems. The District joined ACWA and a majority of its members in opposing the bill unless amended.

Governor Brown's Department of Finance has released a budget trailer bill that contains provisions substantially similar to SB 623. Both bills would raise about \$140 million annually, with \$110 million coming from the tax on urban water customers. The tax could be increased by the State Water Resources Control Board in the future. Both SB 623 and the budget trailer bill will require a two-thirds majority of both the Senate and Assembly to pass the Legislature.

Current Position: Oppose unless Amended

Recommended Position: Oppose unless Amended

SB 831

(Wieckowski D) Land use: accessory dwelling units.

Current Text: Amended: 3/13/2018 [html](#) [pdf](#)

Introduced: 1/4/2018

Last Amend: 3/13/2018

Status: 3/13/2018-From committee with author's amendments. Read second time and amended. Referred to Com. on T. & H.

Is Urgency: N

Is Fiscal: Y

Location: 1/16/2018-S. T. & H.

Summary: The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth standards the ordinance is required to impose, including, among others, maximum unit size, parking, and height standards. Existing law authorizes a local agency, special district, or water corporation to require a new or separate utility connection between the accessory dwelling unit and the utility and authorizes a fee to be charged, except as specified. Existing law requires a local agency to submit an ordinance adopted for the creation of accessory dwelling units to the Department of Housing and Community Development and authorizes the department to review and comment on the ordinance. This bill would delete the requirement that the area be zoned to allow single-family or multifamily use. The bill would revise the standards for the local ordinance to, among other things, include a prohibition on considering the square footage of a proposed accessory dwelling unit when calculating an allowable floor-to-area ratio for the lot. The bill would specify that if a local agency does not act on an application for a accessory dwelling unit within 120 days, then the application shall be deemed approved. The bill would prohibit a local agency from requiring offstreet parking spaces be replaced when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit. The bill would prohibit another local ordinance, policy, or regulation from being the basis for the delay of the issuance of a building permit or use permit for an accessory

dwelling unit. The bill would delete provisions authorizing a local agency to require owner occupancy by the permit applicant and authorizing a local agency, special district, or water corporation to require an applicant to install a separate utility connection for the accessory dwelling unit and would state that an accessory dwelling unit shall not be considered a new residential use for purposes of calculating fees and shall not be subject to impact fees, connection fees, capacity charges, or any other fees levied by those entities. The bill would authorize the department, upon submission of an adopted ordinance for the creation of accessory dwelling units, to submit written findings to the local agency regarding whether the ordinance complies with statutory provisions. The bill would authorize the department to adopt guidelines to implement uniform standards or criteria to supplement or clarify the terms, references, or standards set forth in statute and would exempt the adoption of those guidelines from the Administrative Procedure Act. The bill would also specify the applicable building code standards for accessory dwelling units constructed before January 1, 2018. By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes 1: This legislation is another in a continuing series of bills over the past three years intended to encourage the construction of accessory dwelling units as part of the State's commitment to address the affordable housing crisis it faces. This bill, however, repeals a provision of two earlier bills that was subject to negotiation between housing advocates and public utility providers. Specifically, this bill would delete provisions under current law that authorize a local agency, special district, or water corporation to require an applicant to install a separate utility connection for the accessory dwelling unit (when it is a separate unit from the primary residence on the parcel) and would state that an accessory dwelling unit shall not be considered a new residential use for purposes of calculating fees and shall not be subject to impact fees, connection fees, capacity charges, or any other fees levied by those entities. This is an unnecessary intrusion on public utility fee authority; shifts the burden of paying for system capacity to new single family homes and businesses, and would even eliminate the ability of a public utility to impose inspection fees related to the new unit.

Current Position: Not Yet Considered

Recommended Position: Oppose unless Amended

SB 934

(Allen D) Water quality: minor violations.

Current Text: Introduced: 1/25/2018 [html](#) [pdf](#)

Introduced: 1/25/2018

Status: 2/8/2018-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 1/25/2018-S. RLS.

Summary: The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board and the California regional water quality control boards to conduct inspections and utilize other enforcement measures for violations of specified law relating to water quality. The act requires the state board and the regional boards to determine the types of violations that are minor violations and requires the state board to implement the minor violation provisions through adoption of regulations or state policy for water quality control, as prescribed. This bill would make nonsubstantive changes to the provision relating to minor violations.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--water quality violations.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 952

(Anderson R) Water conservation: local water supplies.

Current Text: Introduced: 1/30/2018 [html](#) [pdf](#)

Introduced: 1/30/2018

Status: 2/8/2018-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 1/30/2018-S. RLS.

Summary: Existing provisions of the California Constitution declare the policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of

these waters is to be exercised with a view to the reasonable and beneficial use of the waters in the interest of the people and for the public welfare. Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. This bill would state the intent of the Legislature to enact legislation that would require the State Water Resources Control Board to recognize local water agency investment in water supply and will ensure that local agencies receive sufficient credit for these investments in meeting any water conservation or efficiency mandates.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--water conservation. The introduction of this bill is in response to discussion and debate last year on AB 1668 and SB 606, which focused on driving down gallons per capita per day urban water use without regard to water supply investments and debt service commitments already entered into by urban retail water suppliers.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 966 **(Wiener D) Onsite treated nonpotable water systems.**

Current Text: Introduced: 1/31/2018 [html](#) [pdf](#)

Introduced: 1/31/2018

Status: 2/8/2018-Referred to Com. on EQ.

Is Urgency: N

Is Fiscal: Y

Location: 2/8/2018-S. E.Q.

Summary: Existing law requires the State Water Resources Control Board to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. This bill would, on or before December 1, 2022, require the state board, in consultation with the California Building Standards Commission, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water, as provided. The bill would authorize the state board to contract with public or private entities regarding the content of the standards and would exempt those contracts from, among other provisions, review and approval of the Department of General Services. The bill would require a local jurisdiction, as defined, that elects to establish a program for onsite treated nonpotable water systems to, among other things, adopt, through ordinance, a local program that includes the risk-based water quality standards established by the state board. The bill would prohibit an onsite treated nonpotable water system from being installed except under a program established by a local jurisdiction in compliance with the bill's provisions.

Notes 1: This legislation is similar to the author's SB 740 from last year, which was held on the Senate Appropriations Committee Suspense File. The issue raised by this bill for the District and similarly situated local agencies is whether a city or county could allow the installation of onsite wastewater treatment systems in areas that recycle wastewater and put it to beneficial use. This issue was raised by ACWA and others last year. SB 740 at one time provided that a local jurisdiction would have to comply with the practices set forth in the framework. Later, the bill provided that a local jurisdiction was not required to adopt the practices set forth in the framework. Still later, the bill provided that a local jurisdiction shall comply with the regulations adopted if the local jurisdiction allows the onsite recycling of water and subsequent uses of that recycled water. The District would need the authority under this bill to block a city or county from authorizing the installation of onsite systems within its service territory where customers discharge wastewater into the community wastewater system that eventually is relied on for the District's recycled water treatment plant and subsequent use.

Current Position: Not Yet Considered

Recommended Position: Oppose unless Amended

SB 979 **(Cannella R) Water Quality, Supply, and Infrastructure Improvement Act of 2014.**

Current Text: Introduced: 2/1/2018 [html](#) [pdf](#)

Introduced: 2/1/2018

Status: 2/14/2018-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/1/2018-S. RLS.

Summary: Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014,

approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$810,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. The bond act requires \$200,000,000 of that amount to be available for grants for multibenefit stormwater management projects. This bill would make a nonsubstantive change in those grant provisions.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--appropriation of Proposition 1 funds for integrated regional water management projects.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 998

(Dodd D) Water shutoffs: urban and community water systems.

Current Text: Introduced: 2/5/2018 [html](#) [pdf](#)

Introduced: 2/5/2018

Status: 3/12/2018-Set for hearing April 3.

Is Urgency: N

Is Fiscal: Y

Location: 2/22/2018-S. E. U., & C.

Calendar: 4/3/2018 9 a.m. - Room 3191 SENATE ENERGY, UTILITIES AND COMMUNICATIONS, HUESO, Chair

Summary: Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on residential service shutoff available in English, Spanish, or any other language spoken by at least 5% of the people residing in its service area. The bill would require the policy to include certain components and be available on the system's Internet Web site and be provided annually to customers in writing. The bill would make a violation of these provisions punishable by a civil penalty issued by the board or the commission, as appropriate, in an amount not to exceed \$500 for each day in which the violation occurs. The bill would eliminate existing notice and other requirements relating to the termination of residential service for commission-regulated urban and community water systems and instead would apply the provisions of this bill to those systems. This bill would prohibit an urban and community water system from shutting off residential service until a payment by a customer has been delinquent for at least 60 days. The bill would require an urban and community water system to contact the customer named on the account and provide the customer with the urban and community water system's policy on residential service shutoff no less than 3 business days before shutoff, as prescribed. The bill would prohibit an urban and community water system from shutting off residential service until the system notifies the local health department and the local health department assesses that a shutoff at the residence would not pose a grave threat to the health and safety of the residents, except as provided. By imposing new duties on local health departments, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes 1: This legislation comes forward from discussions surrounding the creation of a low-income rate assistance program in California that would provide urban water rate reductions for households that earn 200% federal poverty level. Social and environmental justice groups raised concerns regarding water service terminations for nonpayment during discussions hosted by the State Water Resources Control Board. Little relevant data was provided by these groups, but apparently Senator Dodd feels compelled to address the concern.

This bill would unnecessarily burden public water systems and local health officers with a bureaucratic and time-consuming approach to termination of service actions. The presumption here is that public water systems turn off service without any prior interaction with the customer and fail to consider the circumstances of the individual ratepayer. This legislation proposes a 'one-size-fits-all' approach that will likely encourage more customers to withhold payment for service. Delinquency amounts will skyrocket by the very nature of the delay in payment that would be required under this legislation.

And, should nonpayment become a greater issue in terms of the percentage of customers experiencing payment challenges, the financial position of the public water system could be weakened to some extent.

Current Position: Not Yet Considered

Recommended Position: Oppose

SB 1085 (Skinner D) Local public employee labor relations.

Current Text: Introduced: 2/12/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Status: 2/22/2018-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/12/2018-S. RLS.

Summary: Existing law, the Meyers-Milias-Brown Act, authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. Existing law also grants these public employees the right to refuse to join or participate in those activities and the right to represent themselves individually. Existing law permits employee organizations to establish reasonable membership restrictions to make reasonable provisions for the dismissal of individuals from membership. This bill would make nonsubstantive changes in these provisions.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--local public employee labor relations.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 1140 (Berryhill R) State Water Resources Control Board.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/22/2018-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2018-S. RLS.

Summary: Existing law declares that to provide for the orderly and efficient administration of the water resources in the state, it is necessary to establish the State Water Resources Control Board to exercise the adjudicatory and regulatory functions of the state in the field of water resources. Existing law declares the intent of the Legislature to combine the water rights, water quality, and drinking water functions of the state government to provide for coordinated consideration of water rights, water quality, and safe and reliable drinking water. This bill would make nonsubstantive changes to these declarations.

Notes 1: This legislation contains only nonsubstantive provisions and will require substantive amendments before it can be referred to a policy committee. The District should closely monitor the legislation given the subject matter--the regulation of water rights by the State Water Resources Control Board.

Current Position: Not Yet Considered

Recommended Position: Watch

Total Measures: 51

Total Tracking Forms: 51

SAFE AND AFFORDABLE DRINKING WATER ACT
February 1, 2018

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

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

Article 10.5. Safe Drinking Water Fee/or Confined Animal Facilities Excluding Dairies

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

(a) "Confined animal facilities excluding dairies" includes, but is not limited to, bovine operations, poultry operations, swine operations, and other livestock operations. "Confined animal facilities excluding dairies" does not mean milk cow dairies.

(b) "Fee" means the safe drinking water fee/or confined animal facilities excluding dairies.

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

596. (a) The secretary shall convene a working group composed of representatives of confined animal facilities excluding dairies to determine the actual risk, if any, to groundwater from discharges of nitrate from confined animal facilities excluding dairies.

(b) Beginning January 1, 2021, the secretary shall establish a safe drinking water fee for confined animal facilities excluding dairies payable annually to the secretary by each confined animal facility excluding a dairy in an amount commensurate with the actual risk to groundwater from discharges of nitrate as determined by the working group. The fee shall not exceed one thousand dollars (\$1,000) per facility per year. The secretary shall adopt regulations to implement and administer this section by January 1, 2021.

(c) This section shall remain in effect only until January 1, 2036, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2036, deletes or extends that date.

597. (a) No later than January 1, 2035, the secretary shall convene a working group with representatives of confined animal facilities excluding dairies to determine the actual risk, if any, to groundwater from confined animal facilities excluding dairies.

(b) Beginning July 1, 2036, the secretary shall establish a safe drinking water fee for confined animal facilities excluding dairies payable annually to the secretary by each confined animal facility excluding a dairy in an amount commensurate with the actual risk to groundwater from discharges of nitrate determined by the working group.

(c) The secretary may adjust the fee established pursuant to subdivision (b) through emergency regulation as necessary to meet but not exceed the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code. An emergency regulation adopted pursuant to this subdivision shall be adopted by the secretary in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the secretary pursuant to this subdivision shall remain in effect until revised by the secretary.

(d) The fee collected pursuant to subdivision (b) of this section, in combination with the dairy safe drinking water fee collected pursuant to Section 62215, shall total the sum of three million dollars (\$3,000,000), or 30 percent of the funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code, whichever is less.

(e) Notwithstanding subdivisions (c) and (d), the fee collected pursuant to subdivision (b) shall not exceed one thousand dollars (\$1,000) per facility per year.

(f) This section shall become operative on January 1, 2034.

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

599. The Legislature may not increase the fees established under section 596 and 597 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

SEC. 2. Article 6.5 (commencing with Section 14615) is added to Chapter 5 of Division 7 of the Food and Agricultural Code, to read:

Article 6.5. Fertilizer Safe Drinking Water Fee

14615. (a) It is the intent of the Legislature to require licensees of bulk fertilizing materials, and to authorize licensees of packaged fertilizing materials, to pass the fertilizer safe drinking water fee on to the end user of the fertilizer.

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

(1) "Bulk fertilizing material" has the same meaning as applies to "bulk material" in Section 14517.

(2) "Fertilizing material" has the same meaning as defined in Section 14533.

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

(4) "Packaged" has the same meaning as defined in Section 14551.

14616. (a) In addition to the assessments provided in Section 14611, a licensee whose name appears on the label of bulk or packaged fertilizing materials shall pay to the secretary a fertilizer safe drinking water fee of six mills (\$0.006) per dollar of sales for all sales of fertilizing materials to be deposited into the fund.

(b) This section shall remain in effect only until January 1, 2034, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2034, deletes or extends that date.

14616. (a) In addition to the assessments provided in Section 14611, a licensee whose name appears on the label of bulk or packaged fertilizing materials shall pay to the secretary a fertilizer safe drinking water fee of two mills (\$0.002) per dollar of sales for all sales of fertilizing materials to be deposited into the fund.

(b)(1) After January 1, 2036, the secretary may adjust the fertilizer safe drinking water fee through emergency regulation as necessary to meet but not exceed 70 percent of the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code, or the sum of seven million dollars (\$7,000,000), whichever is less. By October 1 of each year, the secretary shall notify all licensees of the amount of the fertilizer safe drinking water fee to be assessed in the following calendar year.

(2) An emergency regulation adopted pursuant to this subdivision shall be adopted

by the secretary in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the secretary pursuant to this subdivision shall remain in effect until revised by the secretary.

(c) This section shall become operative on January 1, 2034.

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

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

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

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

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

(2) Beginning July 1, 2021, the secretary may retain up to 2 percent of the moneys collected pursuant to this article for reasonable costs associated with the implementation and enforcement of this article.

14618. The Legislature may not increase the fees established under section 14616 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

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

Article 14.5. Dairy Safe Drinking Water Fee

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

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

- (1) "Fee" means the dairy safe drinking water fee.
- (2) "Manufacturing milk" has the same meaning as defined in Section 32509.
- (3) "Market milk" has the same meaning as defined in Section 32510.
- (4) "Milk" includes market milk and manufacturing milk.

62216. (a) Beginning January 1, 2021, each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of \$0.01355 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.

(b) The secretary shall adopt regulations necessary for the proper administration and enforcement of this section by January 1, 2021.

(c) This section shall remain in effect only until January 1, 2036, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2036, deletes or extends that date.

62216. (a) Each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of \$0.00678 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.

(b) The secretary may adjust the fee through emergency regulation as necessary to meet but not exceed 30 percent of the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code, or the sum of three million dollars (\$3,000,000), whichever is less. An emergency regulation adopted pursuant to this subdivision shall be adopted by the secretary in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the secretary pursuant to this subdivision shall remain in effect until revised by the secretary.

(c) When setting the amount of the fee pursuant to subdivision (b), the secretary shall consider the amount of funding being collected by the safe drinking water fee for confined animal facilities excluding dairies pursuant to Section 597 and shall reduce the dairy safe drinking water fee by the amount collected by the safe drinking water fee for confined animal facilities excluding dairies. In no event shall the dairy safe drinking water fee and the safe drinking water fee for confined animal facilities excluding dairies exceed 30 percent of the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code or the sum of three million dollars (\$3,000,000), whichever is less.

(d) The secretary shall adopt regulations necessary for the proper administration and enforcement of this section.

(e) This section shall become operative on January 1, 2036.

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

(b) The secretary shall remit the moneys paid to him or her pursuant to this article to the State Water Resources Control Board for deposit into the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

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

(2) Beginning July 1, 2021, the secretary may retain up to 2 percent of the moneys collected pursuant to this article for reasonable costs of the secretary associated with the implementation and enforcement of this article.

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

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

handled, or manufactured.

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

62218. The Legislature may not increase the fees established under section 62216 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

SEC. 4. Chapter 4.6 (commencing with Section 116765) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER

Article 1. Legislative Findings and Declarations 116765. The Legislature finds and declares all of the following:

(a) Section 106.3 of the Water Code declares that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

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

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

(d) Hundreds of community water systems in the state cannot charge rates and fees that are affordable and sufficient to recover the full operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis due to a combination of low income levels of customers, high treatment costs for contaminated water sources, and a lack of economies of scale that result in high unit costs for water

service. Many schools that serve as their own regulated public water systems and have contaminated water sources cannot afford the full operation and maintenance costs required to provide water that meets federal and state drinking water standards.

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

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

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

(h) The state small water systems and individual domestic wells face a serious threat of contamination because they often draw their water from shallow groundwater sources and have fewer or no chemical monitoring requirements.

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

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

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

Article 2. Definitions

116766. For the purposes of this chapter:

- (a) "Administrator" has the same meaning as defined in Section 116686.
- (b) "Board" means the State Water Resources Control Board.
- (c) "Community water system" has the same meaning as defined in Section 116275.
- (d) "Customer" means a purchaser of water from a community water system who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.
- (e) "Disadvantaged community" has the same meaning as defined in Section 116275.
- (f) "Domestic well" means a groundwater well used to supply water for the domestic needs of an individual residence or water systems that are not public water systems and that have no more than four service connections.
- (g) "Eligible applicant" means a public water system, including, but not limited to, a mutual water company; a public utility; a public agency, including, but not limited to, a local educational agency that owns or operates a public water system; a nonprofit organization; a federally recognized Indian tribe; a state Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List; an administrator; or a groundwater sustainability agency.
- (h) "Fund" means the Safe and Affordable Drinking Water Fund established pursuant to Section 116767.
- (i) "Fund implementation plan" means the fund implementation plan adopted pursuant to Section 116769.
- (j) "Groundwater sustainability agency" has the same meaning as defined in Section 10721 of the Water Code.
- (k) "Low-income household" means a household with an income that is less than 80 percent of the statewide median household income.
- (l) "Nontransient noncommunity water system" has the same meaning as defined in Section 116275.
- (m) "Public water system" has the same meaning as defined in Section 116275.
- (n) "Replacement water" includes, but is not limited to, bottled water, vended water, point-of-use, or point-of-entry treatment units.
- (o) "Safe drinking water" has the same meaning as defined in Section 116681.

(p) "Service connection" has the same meaning as defined in Section 116275.

(q) "Small community water system" has the same meaning as defined in Section 116275.

(r) "State small water system" has the same meaning as defined in Section 116275.

(s) "Vended water" has the same meaning as defined in Section 111070.

Article 3. Safe and Affordable Drinking Water Fund

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

116768. (a) The board shall administer the fund for the purposes of this chapter to provide a source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The board shall prioritize the use of this funding to assist disadvantaged communities and low-income households served by a state small water system or domestic well. In order to maximize the use of other funding sources for capital construction projects when available, the board shall prioritize use of this funding for costs other than those related to capital construction costs, except for capital construction costs associated with consolidation and service extension to reduce the ongoing unit cost of service and to increase sustainability of drinking water infrastructure and service delivery. Beginning January 1, 2019, an expenditure from the fund shall be consistent with the annual fund implementation plan.

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

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

(2) The development, implementation, and sustainability of long-term solutions, including, but not limited to, technical assistance, planning, construction, and

operation and maintenance costs associated with replacing, repairing, blending, or treating contaminated or failing drinking water sources, creating and maintaining natural means of treating and improving sustainable water quality, consolidating water systems, or extending drinking water services to other public water systems, domestic wells, or state small water systems. Technical assistance and planning costs may include, but are not limited to, analyses to identify, and efforts to further, opportunities to reduce the unit cost of providing drinking water through organizational and operational efficiency improvements, system consolidation and service extension, implementation of new technology, and other options and approaches to reduce costs.

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

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

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

(c) The board may expend moneys from the fund for reasonable costs associated with administration of the fund. Beginning July 1, 2021, the board may expend no more than 5 percent of the annual revenues from the fund for reasonable costs associated with administration of the fund.

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

(1) Provide for the deposit of both of the following moneys into the fund:

(A) Federal contributions.

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

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

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

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

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

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

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

(1) That funds are used to secure the long-term sustainability of drinking water service and infrastructure, and natural means and green infrastructure solutions that contribute to sustainable drinking water, including, but not limited to, requiring adequate technical, managerial, and financial capacity of eligible applicants as part of funding agreement outcomes. Funding shall be prioritized to implement consolidations and service extensions when feasible, and administrative and managerial contracts or grants entered into pursuant to Section 116686 where applicable. Funds shall not be used to delay, prevent, or avoid the consolidation or extension of service to public water systems where it is feasible and the least-cost alternative. The board may set appropriate requirements as a condition of funding, including, but not limited to, a system technical, managerial, or financial capacity audit, improvements to reduce costs and increase efficiencies, an evaluation of alternative treatment technologies, and a consolidation or service extension feasibility study. As a condition of funding, the board may require a domestic well with nitrate contamination where ongoing septic system failure may be causing or contributing to contamination of a drinking water source to conduct an investigation and project to address the septic system failure if adequate funding sources are identified and accessible.

(2) That funds are not used to subsidize large-scale nonpotable use, to the extent feasible.

(f) In administering the fund, the board shall ensure that all moneys deposited into the fund from the fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code, the dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code and the safe drinking water fee for confined animal livestock facilities excluding dairies established by Article 10.5 (commencing with Section 595) of Chapter 3 of Part I of Division I of the Food and Agricultural Code shall be used to address nitrate-related contamination issues.

(g) At least once every 10 years, the board shall conduct a public review and assessment of the Safe and Affordable Drinking Water Fund to determine all of the following:

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

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

(3) If the safe and affordable drinking water fee imposed by Article 5 (commencing with Section 116771) may be reduced based on past and projected future changes to the fund.

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

(h) Neither the board nor any employee of the board may be held liable for any act that is necessary to carry out the purposes of this chapter. Nor shall the board nor any authorized person be deemed to have incurred or be required to incur any obligation to provide additional funding or undertake additional action solely as a result of having undertaken an action pursuant to this chapter.

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

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

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

(1) Identification of systems and populations potentially in need of assistance, including all of the following:

(A) A list of systems that consistently fail to provide an adequate supply of safe drinking water. The list shall include, but is not limited to, all of the following:

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

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

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

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

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

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

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

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

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

(2) The board shall work with a multi-stakeholder advisory group that shall be open to participation by representatives of entities paying into the fund, public water systems, technical assistance providers, local agencies, nongovernmental organizations, residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells, and the public, to establish priorities and guidelines for the fund implementation plan and policy handbook.

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

Article 4. Information on High Risk Areas

116770. (a)(1) By January 1, 2020, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a map of aquifers that are at high risk of containing contaminants and that exceed primary federal and state drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map at least annually based on any newly available data.

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

(b)(1) By January 1, 2020, a local health officer or other relevant local agency shall provide to the board all results of, and data associated with, water quality testing performed by certified laboratories for a state small water system or domestic well that was collected after January 1, 2014, and that is in the possession of the local health officer or other relevant local agency.

(2) By January 1, 2021, and by January 1 of each year thereafter, all results of, and data associated with, water quality testing performed by a certified laboratory for a state small water system or domestic well that is submitted to ~~the~~ a local health officer or other relevant local agency shall also be submitted directly to the board in electronic format.

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

Article 5. Safe and Affordable Drinking Water Fee

116771. (a)(1) Beginning July 1, 2019, and until July 1, 2021, except as provided in subdivisions (d) and (e), there is hereby imposed a safe and affordable drinking water fee for the purposes authorized in this chapter on each customer of a community water system as follows:

(A) For a customer with a water meter that is less than or equal to one inch in size, the fee shall be ninety-five cents (\$0.95) per month.

(B) For a customer with a water meter that is greater than one inch and less than or equal to two inches in size, the fee shall be four dollars (\$4) per month.

(C) For a customer with a water meter that is greater than two inches and less than or equal to four inches in size, the fee shall be six dollars (\$6) per month.

(D) For a customer with a water meter that is greater than four inches in size, the fee shall be ten dollars (\$10) per month.

(E) For a customer without a water meter, the fee shall be ninety-five cents (\$0.95) per month.

(F) For a customer that has multiple meters serving a single address, the total fees shall not exceed ten dollars (\$10) per month.

(2)(A) A customer that self-certifies under penalty of perjury to the community water system collecting the fee that he or she meets either of the following criteria shall be exempt from the payment of the fee:

(i) The customer's household income is equal to or less than 200 percent of the federal poverty level.

(ii) The customer operates a deed-restricted multifamily housing development that is required to provide housing exclusively to tenants with household incomes equal to or less than 200 percent of the federal poverty level.

(B) A community water system shall not be held criminally or civilly liable for failing to collect fees from customers who claim a self-certified exemption or for collecting fees from customers who could claim a self-certified exemption but do not provide adequate or timely notice to the community water system that he or she meets a criterion to be exempt.

(3)(A) A customer that is already enrolled in a program offered by a community water system that is designed specifically to reduce the cost of water service incurred by customers who meet established income guidelines is exempt from the payment of the fee.

(B) A connection or meter that is used exclusively for fire flow or uses nonpotable water, including, but not limited to, recycled water, is exempt from the fee.

(b)(1)(A) Beginning July 1, 2021, except as provided in subdivisions (d) and (e) and Section 116772, there is hereby imposed a safe and affordable drinking

water fee on each customer according to a fee schedule established by the board for the purposes of the Safe and Affordable Drinking Water Fund.

(B) Notwithstanding any other provision of this section, the fee schedule shall not exceed the amounts established in paragraph (1) of subdivision (a).

(C) The board shall review and revise the fee schedule each fiscal year as necessary to not exceed the anticipated funding need in the most recent assessment of funding need.

(D)(i) The fee schedule shall exempt any connection or meter that is used exclusively for fire flow or utilizes nonpotable water, including, but not limited to, recycled water.

(ii) By July 1, 2021, the board, in consultation with the Public Utilities Commission, shall adopt regulations to exempt households with incomes equal to or less than 200 percent of the federal poverty level from the fee established in the fee schedule pursuant to this subdivision. The Public Utilities Commission shall provide consultation, as well as relevant data, from the California Alternate Rates for Energy or CARE program established pursuant to Section 739.1 of the Public Utilities Code and from the water utility low-income rate payer assistance programs developed pursuant to Section 739.8 of the Public Utilities Code to the board to aid in development and implementation of the regulations for exemption pursuant to this clause.

(2)(A) Beginning July 1, 2023, the fee schedule shall be set at an amount that does not result in the total uncommitted amount in the fund exceeding two times the anticipated funding need in the most recent assessment of funding need.

(B) Notwithstanding any other provision of this section, the fee schedule shall not exceed the amounts established in paragraph (1) of subdivision (a).

(C) For purposes of this paragraph, "total uncommitted amount in the fund" does not include moneys in the fund from the fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code until January 1, 2033, and, until January 1, 2035, does not include moneys in the fund from the dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code or the safe drinking water fee for confined animal livestock facilities excluding dairies established by Article 10.5 (commencing with Section 595) of Chapter 3 of Part I of Division I of the Food and Agricultural Code.

(c) A community water system shall collect the fee imposed by subdivisions (a) and (b) from each of its customers and may retain an amount, as approved by the board, as reimbursement for the reasonable costs incurred by the public water system associated with the collection of the fee. Until July 1, 2021, the amount retained by a community water system as reimbursement shall not exceed 4 percent of the amount collected and beginning July 1, 2021, the amount retained as reimbursement shall not exceed 2 percent of the amount collected. For small community water systems, reasonable community water system administrative cost reimbursement shall not exceed five hundred dollars (\$500) or 4 percent of the total revenue collected, whichever is greater. The community water system shall remit the remainder to the board on an annual schedule.

(d) A community water system with fewer than 200 service connections and its customers shall be exempt from the requirements of this section. The board may approve an exemption for a community water system with 200 or more service connections and its customers from the requirements of this section if the board finds that the amount required to be remitted to the board pursuant to this section would be de minimis.

(e) Notwithstanding any other provision of this article, a fee shall not be imposed pursuant to this article on a person or entity that is itself a community water system if that community water system is purchasing water from another community water system to supply its own customers that are themselves being assessed the fee.

(f) All moneys remitted to the board under this article shall be deposited in the Safe and Affordable Drinking Water Fund.

116772. (a) A community water system may apply to the board to authorize the community water system to use an alternative method to calculate the amount owed by each customer for the charge imposed by Section 116771 by submitting an application, in a form prescribed by the board, that demonstrates both of the following:

(1) That the method required by statute, regulation, or fee schedule adopted by the board would be impractical for the community water system to collect.

(2) That the method proposed by the community water system would provide a level of total revenue equivalent to the revenue the community water system would transmit to the board pursuant to the applicable fee schedule and that the method is consistent with the fee restrictions in this article, including, but not limited to, amount maximums and exemptions.

(b) The board shall review any application submitted pursuant to subdivision (a) to determine if the proposed alternative is consistent with this article. If the board denies

the application, that denial shall be in writing and shall not be reviewable. If the board approves the application, the community water system may use the alternative method for an amount of time prescribed by the board, not to exceed five years.

(c) There is not a limit on the number of applications the board may approve pursuant to this section to establish or renew an alternative method of fee calculation.

116773. (a) The board, in consultation with the California Department of Tax and Fee Administration, shall administer and collect the fees imposed by this article in accordance with the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code).

(b) For purposes of administration of the fee imposed by this article, the following references in the Fee Collection Procedures Law shall have the following meanings:

(1) "Board" or "State Board of Equalization" means the State Water Resources Control Board.

(2) "Fee" means the safe and affordable drinking water fee imposed pursuant to this article.

(3) "Feepayer" means a customer liable to pay the fee.

(c) The board, in consultation with the California Department of Tax and Fee Administration, may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article, including, but not limited to, collections, reporting, refunds, and appeals.

(d) The initial regulations adopted by the board to implement this article shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not rely on the statutory declaration of emergency in subdivision (e).

(e) Except as provided in subdivision (d), the regulations adopted pursuant to this section, any amendment to those regulations, or subsequent adjustments to the annual fees or adoption of fee schedule, shall be adopted by the board as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the board, or adjustments to the annual fees made by the board pursuant to this section, shall remain in effect until revised by the board.

116774. The Legislature may not increase the fees established under section 116771 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

SEC. 5. Section 13050 of the Water Code is amended to read:

13050. As used in this division:

- (a) "State board" means the State Water Resources Control Board.
- (b) "Regional board" means any California regional water quality control board for a region as specified in Section 13200.
- (c) "Person" includes any city, county, district, the state, and the United States, to the extent authorized by federal law.
- (d) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.
- (e) "Waters of the state means any surface water or groundwater, including saline waters, within the boundaries of the state.
- (f) "Beneficial uses" of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.
- (g) "Quality of the water" refers to chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.
- (h) "Water quality objectives" means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.
- (i) "Water quality control" means the regulation of any activity or factor which may affect the quality of the waters of the state and includes the prevention and correction of water pollution and nuisance.

(j) "Water quality control plan" consists of a designation or establishment for the waters within a specified area of all of the following:

- (1) Beneficial uses to be protected.
- (2) Water quality objectives.
- (3) A program of implementation needed for achieving water quality objectives.

(k) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(l) (1) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:

- (A) The waters for beneficial uses.
 - (B) Facilities which serve these beneficial uses.
- (2) "Pollution" may include "contamination."

(m) "Nuisance" means anything which meets all of the following requirements:

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (3) Occurs during, or as a result of, the treatment or disposal of wastes.

(n) "Recycled water" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

(o) "Citizen or domiciliary" of the state includes a foreign corporation having substantial business contacts in the state or which is subject to service of process in this state.

(p)(1) "Hazardous substance" means either of the following:

(A) For discharge to surface waters, any substance determined to be a hazardous substance pursuant to Section 311(b)(2) of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(B) For discharge to groundwater, any substance listed as a hazardous waste or hazardous material pursuant to Section 25140 of the Health and Safety Code, without regard to whether the substance is intended to be used, reused, or discarded, except that "hazardous substance" does not include any substance excluded from Section 311(b)(2) of the Federal Water Pollution Control Act because it is within the scope of Section 311(a)(1) of that act.

(2) "Hazardous substance" does not include any of the following:

(A) Nontoxic, nonflammable, and noncorrosive stormwater runoff drained from underground vaults, chambers, or manholes into gutters or storm sewers.

(B) Any pesticide which is applied for agricultural purposes or is applied in accordance with a cooperative agreement authorized by Section 116180 of the Health and Safety Code, and is not discharged accidentally or for purposes of disposal, the application of which is in compliance with all applicable state and federal laws and regulations.

(C) Any discharge to surface water of a quantity less than a reportable quantity as determined by regulations issued pursuant to Section 311(b)(4) of the Federal Water Pollution Control Act.

(D) Any discharge to land which results, or probably will result, in a discharge to groundwater if the amount of the discharge to land is less than a reportable quantity, as determined by regulations adopted pursuant Section 13271, for substances listed as hazardous pursuant to Section 25140 of the Health and Safety Code. No discharge shall be deemed a discharge of a reportable quantity until regulations set a reportable quantity for the substance discharged.

(q)(1) "Mining waste" means all solid, semisolid, and liquid waste materials from the extraction, beneficiation, and processing of ores and minerals. Mining waste includes, but is not limited to, soil, waste rock, and overburden, as defined in Section 2732 of the Public Resources Code, and tailings, slag, and other processed waste materials, including cementitious materials that are managed at the cement manufacturing facility where the materials were generated.

(2) For the purposes of this subdivision, "cementitious material" means cement, cement kiln dust, clinker, and clinker dust.

(r) "Master recycling permit" means a permit issued to a supplier or a distributor, or both, of recycled water, that includes waste discharge requirements prescribed pursuant to Section 13263 and water recycling requirements prescribed pursuant to Section 13523.1.

(s)(1) "Agricultural operation" means either of the following:

(A) A discharger that satisfies both of the following conditions:

(i) The discharger is an owner, operator, or both, of land that is irrigated to produce crops or pasture for commercial purposes or a nursery.

(ii) The discharger is enrolled or named in an irrigated lands regulatory program order adopted by the state board or a regional board pursuant to Section 13263 or 13269.

(B) A discharger that satisfies both of the following conditions:

(i) The discharger is an owner, operator, or both of a facility that is used for the raising or harvesting of livestock.

(ii) The discharger is enrolled or named in an order adopted by the state board or a regional board pursuant to Section 13263 or 13269 that regulates the discharges of waste from a facility identified in clause (i) to protect ground and surface water.

(2) "Agricultural operation" does not include any of the following:

(A) An off-farm facility that processes crops or livestock.

(B) An off-farm facility that manufactures, synthesizes, stores, or processes fertilizer.

(C) Any portions of land or activities occurring on those portions of land that are not covered by an order adopted by the state board or a regional board identified in clause (ii) of subparagraph (A) or clause (ii) of subparagraph (B) of paragraph (1).

SEC. 6.

Article 4.5 (commencing with Section 13278) is added to Chapter 4 of Division 7 of the Water Code, to read:

Article 4.5. Discharges of Nitrate to Groundwater from Agricultural Operations

13278. (a) For the purposes of this article, the Legislature finds all of the following:

(1) Implementation of currently known best management practices for some crops under some circumstances can reduce but not always completely prevent nitrogen in organic and synthetic fertilizers that transform to nitrate from reaching groundwater at concentrations above the water quality objectives established pursuant to this division.

(2) It is acknowledged that discharges of nitrate from agricultural operations could reach groundwater and could cause or contribute to exceedances of drinking water standards for nitrate, and could cause conditions of pollution or nuisance in those waters as defined and applied in accordance with this division, or both.

(3) Nitrate pollution of groundwater impacts drinking water sources for hundreds of thousands of Californians and it is necessary to protect current and future drinking water users from the impacts of nitrate pollution.

(4) Despite progress in controlling discharges of nitrogen that lead to nitrate formation, some groundwater sources of drinking water will continue to be adversely impacted by nitrate and it is important to have in place a program for mitigating these impacts.

(5) The regional boards will continue to regulate discharges to reduce nitrogen loading and protect beneficial uses of water and groundwater basins; the state board, regional boards, and courts will ensure compliance with those orders; and dischargers will pay for mitigation of nitrate pollution by funding projects that provide both immediate and long-term drinking water solutions for affected communities and affected domestic wells.

(b) The Legislature declares its intent in establishing this article to limit certain enforcement actions that a regional board or the state board could otherwise initiate during a 15-year period against an agricultural operation that meets specified requirements, while maintaining the overall framework of this division to protect beneficial uses, implement water quality objectives in waters of the state, and regulate activities and factors that affect water quality to attain the highest water quality that is reasonable.

13278.1. (a) An agricultural operation shall not be subject to enforcement undertaken or initiated by the state board or a regional board, under Chapter 5 (commencing with Section 13300), for causing or contributing to an exceedance of a water quality objective for nitrate in groundwater or for causing or contributing to a condition of pollution or nuisance for nitrate in groundwater if an agricultural operation that discharges or threatens to discharge, or has discharged or previously threatened to discharge, nitrate to groundwater meets all of the following requirements:

(1) The agricultural operation is in compliance with all applicable provisions prescribed by a regional board or the state board in an order adopted pursuant to

Section 13263 or 13269, including, but not limited to, the following:

- (A) Requirements to implement best practicable treatment or control.
- (B) Requirements to implement best efforts.
- (C) Monitoring and reporting requirements.
- (D) Applicable timelines.

(2) The agricultural operation is in compliance with an applicable program of implementation for achieving groundwater quality objectives for nitrate that is part of an applicable water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(3) The requirement contained in paragraph (1) excludes any provision contained in an order adopted under Section 13263 or 13269 that prohibits in general terms a discharge from causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(b)(1) An agricultural operation is not in compliance with the requirement in paragraph (1) of subdivision (a) if the agricultural operation has been subject to an enforcement order under Chapter 5 (commencing with Section 13300) within the preceding 12 months for violation of an order adopted under Section 13263 or 13269 authorizing discharges from agricultural operations.

(2) Paragraph (1) does not apply to an enforcement order issued after January 1, 2016, and before January 1, 2019, inclusive, alleging that a discharge from an agricultural operation caused or contributed, or threatened to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater, conditions of pollution or nuisance for nitrate in groundwater, or both.

(c) Except as otherwise provided in subdivision (d), both of the following apply to a discharge of nitrogen to groundwater by an agricultural operation that occurs when the discharger is in compliance with the requirements of paragraph (1) of subdivision (a):

(1) The discharge of nitrogen to groundwater shall not be admissible in a future enforcement action against the agricultural operation by the state board or a regional board, pursuant to Chapter 5 (commencing with Section 13300), to support a claim that the agricultural operation is causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or

a condition of pollution or nuisance for nitrate in groundwater.

(2) The discharge of nitrogen to groundwater shall not be considered by the state board or a regional board to apportion responsibility and shall not be used by any person to diminish responsibility in any enforcement action initiated pursuant to Chapter 5 (commencing with Section 13300) with respect to discharges of nitrogen, regardless of source, that did not occur in compliance with the mitigation requirements of paragraph (1) of subdivision (a).

(d) Nothing in this section alters the state board's or a regional board's authority to do both of the following:

(1) To require or conduct investigations, to require reports on or to establish other requirements for best practicable treatment or control or best efforts, or to require monitoring and reporting requirements to protect water quality.

(2) To take or initiate enforcement action pursuant to Chapter 5.5 (commencing with Section 13370), without regard to whether the agricultural operation met the requirements of paragraph (1) of subdivision (a) at any time.

(c) This section shall not be deemed to change or alter a water quality objective that is part of a water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240). (f) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

13278.2. (a) An agricultural operation shall not be subject to enforcement undertaken or initiated by the state board or a regional board, under Section 13304, for creating or threatening to create a condition of pollution or nuisance for nitrate in groundwater if an agricultural operation that discharges or threatens to discharge, or has discharged or previously threatened to discharge, nitrate to groundwater meets all of the following requirements:

(1) The agricultural operation is in compliance with all applicable provisions prescribed by a regional board or the state board in an order adopted pursuant to Section 13263 or 13269, including, but not limited to, the following:

(A) Requirements to implement best practicable treatment or control.

(B) Requirements to implement best efforts.

(C) Monitoring and reporting requirements.

(D) Applicable timelines.

(2) The agricultural operation is in compliance with an applicable program of implementation for achieving groundwater quality objectives for nitrate that is part of an applicable water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(3) The requirement contained in paragraph (1) excludes any provision contained in an order adopted under Section 13263 or 13269 that prohibits in general terms a discharge from causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(b) An agricultural operation is not in compliance with the mitigation requirement in paragraph (1) of subdivision (a) if the agricultural operation has been subject to an enforcement order under Chapter 5 (commencing with Section 13330) within the preceding 12 months for violation of an order adopted under Section 13263 or 13269 authorizing discharges from agricultural operations.

(c) Except as otherwise provided in subdivision (d), both of the following apply to a discharge of nitrogen to groundwater by an agricultural operation that occurs when the discharger is in compliance with the requirements of paragraph (1) of subdivision (a):

(1) The discharge of nitrogen to groundwater shall not be admissible in a future enforcement action against the agricultural operation by the state board or a regional board, pursuant to Section 13304 to support a claim that the agricultural operation is causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(2) The discharge of nitrogen to groundwater shall not be considered by the state board or a regional board to apportion responsibility and shall not be used by any person to diminish responsibility in any enforcement action initiated pursuant to) Section 13304 with respect to discharges of nitrogen to groundwater, regardless of source, that did not occur in compliance with the requirements of paragraph (1) of subdivision (a).

(d) Nothing in this section alters the state board's or a regional board's authority to do both of the following:

(1) To require or conduct investigations, to require reports on or to establish other requirements for best practicable treatment or control or best efforts, or to require monitoring and reporting requirements to protect water quality.

(2) To take or initiate enforcement action pursuant to Chapter 5.5 (commencing with Section 13370), without regard to whether the agricultural operation met the requirements of paragraph (1) of subdivision (a) at any time.

(e) This section shall not be deemed to change or alter a water quality objective that is part of a water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(f)(1) This section shall become operative on January 1, 2029.

(2) This section shall remain in effect only until January 1, 2034, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2034, deletes or extends that date.

13278.3. By January 1, 2028, the state board shall conduct a public review of regulatory and basin plan amendment implementation programs to evaluate progress toward achieving water quality objectives with respect to nitrate in groundwater and assess compliance with adopted timelines, monitoring requirements, and implementation of best practicable treatment or control.

13278.4. Nothing in this article limits the liability of a discharger under any other law, including, but not limited to, Part 3 (commencing with Section 3479) of Division 4 of the Civil Code.

13278.5. As long as the safe drinking water fee for confined animal facilities excluding dairies pursuant to Article 10.5 (commencing with Section 595) of Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, the fertilizer safe drinking water fee pursuant to Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code, and the dairy safe drinking water fee pursuant to Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code are in effect, the Legislature may not amend the provisions in this article except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

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

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

Summary of Requested Amendments (Sept. 2017) & Authors' Proposed Amendments (Mar. 2018)

Issue	Description of Requested Amendments (Sept. 2017)	Description of Author's Proposed Amendments (Mar. 2018)
Indoor Water Use Standard	That the legislation require the evaluation of and report on the impacts of reducing the indoor water use standard below 55 GPCD on water, wastewater and recycling/reuse systems, infrastructure, operations and supplies.	As proposed to be amended, the bill would require state agencies to study the impacts of reducing the indoor standards and authorize them to recommend standards for indoor use to the Legislature by 1/1/2021 that are higher than the bill's 2025 standard of 52.5 GPCD and the 2030 standard of 50 GPCD. (§10609.4, pp. 17-18.)
Outdoor Water Use Standard	<p>That the language in the legislation be clarified so that there is no confusion as to what the "principles" of MWELO mean and what factors the SWRCB shall consider when setting the standards for both outdoor residential and outdoor CII water use.</p> <p>Factors that should be considered in setting the standards include, but are not limited to, the amount of water different plant types need to remain healthy; levels of irrigation system efficiency; the composition of existing urban landscapes, including swimming pools, spas and other water features; evapotranspiration; the unique water needs of special landscapes, including landscapes irrigated with recycled water; and the impacts of soil and water quality on water needs, etc.</p>	<p>As proposed to be amended, the bill would define "principles of the model water efficient landscape ordinance" as "<i>those provisions of the model water efficient landscape ordinance applicable to the establishment or determination of the amount of water necessary to efficiently irrigate <u>a landscape</u>. Such provisions include, but are not limited to, all of the following:</i></p> <p>(a) <i>Evapotranspiration adjustment factors, as applicable.</i></p> <p>(b) <i>Landscape area.</i></p> <p>(c) <i>Maximum applied water allowance.</i></p> <p>(d) <i>Reference evapotranspiration.</i></p> <p>(e) <i>Special landscape areas, including the type water used for irrigating the landscape.</i>"</p> <p>(AB 1668, §10609.9, p. 19, <i>emphasis added</i>.)</p> <p>The proposed amendments do not specify values for the technical components of the outdoor standard, such as the existing MWELO standard for areas irrigated with recycled water, nor do they identify a reference landscape for the outdoor standard; e.g., "existing landscapes."</p>
Water Loss	<p>That the legislation exclude water loss from the urban retail water use objective as existing law already addresses this issue. Under SB 555, the SWRCB is required to adopt rules requiring urban retail water suppliers to meet performance standards for the volume of water losses.</p> <p>Also, that water use and loss cause by a disaster (e.g. fire or earthquake) be expressly excluded from the compliance calculation.</p>	<p>No change. (§10609.12, p. 20.)</p> <p>The proposed amendments would authorize the SWRCB to waive the requirements for a period of up to five years for any urban retail water supplier whose water deliveries are significantly affected by changes in water use as a result damage from a disaster, such as an earthquake or fire. (§10609.38, p. 27.)</p>

Issue	Description of Requested Amendments (Sept. 2017)	Description of Author's Proposed Amendments (Mar. 2018)
Variations	That the legislation include language requiring the SWRCB to adopt variances/processes for calculating variances for a variety of anomalous situations, including irrigation with recycled water in areas having high levels of total dissolved solids, seasonal populations, environmental uses, etc. Whether a specific variance is applicable to an urban retail water supplier will be a factual determination.	As proposed to be amended, the bill would require the adoption of variances. (§10609.2(e), p. 17.) The bill would require state agencies to adopt a threshold of significance for each variance, require water suppliers to request and receive SWRCB approval for adoption of a variance, and require the SWRCB to post variance information on its website. (§10609.14(c), (d), pp. 20-21.)
Data	To make retail-level water budgets effective and implementable, that the legislation require DWR to provide the data urban retail water suppliers need to calculate an urban water use objective at regular intervals, and that the data provided be reasonably accurate.	As proposed to be amended, the bill would require the SWRCB, in adopting the required guidelines and methodologies for the calculation of annual objectives, to “determin[e] acceptable levels of accuracy for the supporting data and data, the urban water use objective. objective, and compliance with the urban water use objective.” (§10609.16(f), p. 21.)
Reporting Compliance	To ease the annual reporting burden on urban retail water suppliers, as has been done in other bills (e.g. SB 555), that the legislation allow suppliers to report water use on either a fiscal or calendar year basis. To allow for this and, if water losses remain a factor in the compliance calculation, to allow for data from water loss audits to be used in the compliance calculation, that the annual reporting deadline be moved to November 1 of each year.	See conforming changes throughout.
Providing for Unique Situations Affecting Calculation of Urban Water Use Objectives	That the legislation grant DWR or the SWRCB the authority to develop alternative methods for calculating an urban water use objective where unique conditions make it technically, economically, or administratively infeasible to calculate the objective using the standard method developed.	No change.

Issue	Description of Requested Amendments (Sept. 2017)	Description of Author's Proposed Amendments (Mar. 2018)
<p>CII Performance Measures</p>	<p>That feasibility and cost-benefit be listed in the legislation as the key factors DWR and the SWRCB must consider in the development of performance measures that urban water suppliers will be asked to implement for the CII sector.</p>	<p>As proposed to be amended, the bill specifies that the performance measures adopted by the SWRCB may, but are not required, to include as CII water use best management practices “water audits and water management plans for those CII customers that exceed a recommended size, volume of water use, or other threshold.” (§10609.10(b)(3), p. 19.)</p> <p><u>Water suppliers remain obligated to implement performance measures adopted by the SWRCB:</u> “Each urban retail water supplier shall implement the performance measures adopted by the board...” (§10609.10(d)(2), p. 20.)</p>
<p>Separation of Mixed CII Meters</p>	<p>That recommendations related to separating mixed CII meters only be applicable where feasible and cost-effective.</p>	<p>No change. (§10609.10(b)(2), p. 19.)</p>
<p>Recycled Water Irrigation Sites</p>	<p>That the legislation include a recognition that the outdoor irrigation standard for sites irrigated with recycled water should be set at no less than the standard contained in MWEL0.</p>	<p>No change. (§10609.6-.9, pp. 18-19.)</p>
<p>Drought Planning</p>	<p>That the planning horizons for urban water management plans, water shortage contingency plans, drought risk assessments, and water supply and demand assessments be clearly defined and that vague language, such as “or more,” which leaves the planning horizon opened, be removed from the legislation.</p>	<p>See conforming changes throughout.</p>
<p>Enforcement</p>	<p>That the legislation be modified to ensure a “glide path” approach is taken to enforcement and that the enforcement guide path incorporate remedial actions plans, which would be utilized before conservation orders and fines. Conservation orders and fines should result only if a supplier does not take the actions detailed in a SWRCB-approved remedial action plan.</p>	<p>No change. (§10609.26, pp. 24-25.)</p>

Issue	Description of Requested Amendments (Sept. 2017)	Description of Author's Proposed Amendments (Mar. 2018)
<p>Potable Reuse Credit</p>	<p>That the legislation include a potable reuse credit cap higher than 10%.</p>	<p>The amount of the credit/bonus incentive remains 10%. (§10609.20(d)(2), p. 22.)</p> <p>As proposed to be amended, the term “credit” is replaced with “bonus incentive.” (§10609.20, p. 22.)</p>
<p>Drought Resilient Water Supplies</p>	<p>That the legislation, in a manner that does not limit the Governor’s power and authority to respond to emergencies, expressly provide that upon proclamation of a drought emergency:</p> <ul style="list-style-type: none"> • The SWRCB shall defer to locally adopted water shortage contingency plans to the extent practicable and allow suppliers to implement their plans based on the level of shortage being experienced locally; and • Recycled water (including potable reuse), emergency, desalination, and other drought resilient supplies identified in an urban water supplier’s water shortage contingency plan not be restricted during a declared drought emergency, but instead used efficiently for beneficial uses. 	<p>No change.</p>

STATE LEGISLATION UPDATE

EL DORADO IRRIGATION DISTRICT

MARCH 26, 2018

PRIOR BOARD ACTION

- **Over the past fourteen years, the Board has taken positions on State legislation.**

BOARD POLICY AND ADMINISTRATIVE REGULATIONS

- **Board Policy 12020: The Board oversees and directs the implementation of the District's mission by deciding and monitoring policy and fiscal matters.**

SUMMARY OF ISSUES

- **In cooperation with District staff, state legislative advocate Bob Reeb of Reeb Government Relations, has analyzed proposed state legislation, and presently recommends that the District take positions on 51 bills that could affect its interests.**

STAFF ANALYSIS/EVALUATION

- **Bills Mr. Reeb identified cover a wide range of subject matter:**
 - **Water supply planning and conservation;**
 - **Drinking water and wastewater regulations;**
 - **Human resources and labor issues;**
 - **Public contracts;**
 - **Public records;**
 - **Renewable resources;**
 - **Other relevant subjects.**
- **Of the 51 bills, 30 appear to currently be “spot” bills.**

Water Fee (Water Tax) Legislation

- **SB 623** (Monning) Water quality: Safe and Affordable Drinking Water Fund - Oppose unless Amended
- **Budget Trailer Bill**: Safe and Affordable Drinking Water Fund

Water Conservation Legislation

- **AB 1668** (Friedman) Water management planning – Oppose unless Amended
- **SB 606** (Skinner) Water management planning – Oppose unless Amended

Water Shutoff Legislation

- **SB 998** (Dodd) Water shutoffs: urban and community water systems – Oppose

Other Relevant Legislation

- **AB 196** (Bigelow) Greenhouse Gas Reduction Fund: water supply and wastewater systems – Support
- **AB 1870** (Reyes) Employment discrimination: unlawful employment practices – Oppose
- **AB 1918** (Garcia, Eduardo) Office of Sustainable Outdoor Recreation – Watch
- **AB 2017** (Chiu) Public employers: employee organizations – Watch
- **AB 2071** (Bloom) Accessory dwelling units: improvements: liability – Watch

Other Relevant Legislation

- **AB 2317** (Eggman) Whistleblower protection: state and local independent contractors - Not Favor unless Amended
- **AB 2516** (Eggman) Dams: reservoir restrictions – Watch
- **AB 2809** (Patterson) California Renewables Portfolio Standard Program: hydroelectric generation facilities – Oppose unless Amended
- **AB 2814** (Gray) California Renewables Portfolio Standard Program: hydroelectric generation facilities – Oppose unless Amended

Other Relevant Legislation

- **AB 2900** ((Committee on Environmental Safety and Toxic Materials) Proposed new public water system: preliminary technical report – Watch
- **AB 2939** (Ting) Accessory dwelling units – Watch
- **AB 3045** (Gallagher) Natural Resources Agency: Division of Safety of Dams – Watch
- **AB 3155** (Cooper) Public works: definition – Watch

Other Relevant Legislation

- **AB 3206** (Friedman) Water conservation: water meters: accuracy and performance standards – Oppose
- **ACA 21** (Mayes) State infrastructure: funding: California Infrastructure Investment Fund - Support
- **SB 831** (Wieckowski) Land use: accessory dwelling units - Oppose unless Amended
- **SB 966** (Wiener) Onsite treated nonpotable water systems - Oppose unless Amended

“Spot” Bills to Watch

- **AB 1750** (McCarty) Elected officials: sexual harassment settlement agreements: liability
- **AB 1937** (Santiago) Public Employment
- **AB 1945** (Garcia, Eduardo) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan
- **AB 2042** (Steinorth) Residential graywater reuse systems: incentives
- **AB 2241** (Rubio) Sustainable water use and demand reduction: legislative findings and declarations

“Spot Bills” to Watch

- **AB 2242** (Rubio) Urban water management planning
- **AB 2258** (Caballero) Local government
- **AB 2266** (Bigelow) Urban water management planning
- **AB 2282** (Eggman) Salary history information
- **AB 2305** (Rodriguez) Local public employee labor relations
- **AB 2320** (Brough) Local agency formation: spheres of influence: municipal service review
- **AB 2371** (Carrillo) Water use sustainability: irrigation

“Spot” Bills to Watch

- **AB 2401** (Flora) Public contracts: skilled and trained workforce
- **AB 2678** (Irwin) Information Practices Act of 1977
- **AB 2692** (Arambula) Water: infrastructure funding
- **AB 2764** (Chau) Public contracts
- **AB 2782** (Friedman) California Environmental Quality Act
AB 2815 (Gray) Water rights: appropriations of water

“Spot” Bills to Watch

- **AB 2937** (Nazarian) The California Water Plan
- **AB 2957** (Gallagher) Safe and reliable water supplies
- **AB 3034** (Low) Public contracts
- **AB 3035** (Rubio) Water Supply
- **AB 3062** (Harper) Recycled water: recycling criteria
- **AB 3214** (Fong) Water appropriations: permits

“Spot” Bills to Watch

- **AB 3242** (Committee on Labor and Employment) Public works: labor compliance
- **SB 934** (Allen) Water quality: minor violations
- **SB 952** (Anderson) Water conservation: local water supplies
- **SB 979** (Cannella) Water Quality, Supply, and Infrastructure Improvement Act of 2014
- **SB 1085** (Skinner) Local public employee labor relations
- **SB 1140** (Berryhill) State Water Resources Control Board

BOARD DECISIONS/OPTIONS

- **Option 1:** Approve recommendations on proposed state legislation as the District's official positions.
- **Option 2:** Take other action as directed by the Board.
- **Option 3:** Take no action.

STAFF/GENERAL MANAGER RECOMMENDATIONS

- **Option 1.**

Q U E S T I O N S ?