

AGENDA  
IRVINE RANCH WATER DISTRICT  
WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE  
THURSDAY, JULY 5, 2018

CALL TO ORDER    3:00 p.m., Committee Room, Second Floor, District Office  
15600 Sand Canyon Avenue, Irvine, California

ATTENDANCE    Committee Chair: Mary Aileen Matheis    \_\_\_\_\_  
Member: Steve LaMar    \_\_\_\_\_

<u>ALSO PRESENT</u>	Paul Cook	_____	Cheryl Clary	_____
	Beth Beeman	_____	Paige Midstokke	_____
	Mark Tettemer	_____	Christine Compton	_____
	Fiona Sanchez	_____	Amy McNulty	_____
	Paul Weghorst	_____	Kellie Welch	_____
	Ray Bennett	_____	Jo Ann Corey	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

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**COMMUNICATIONS**

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1. Notes: Weghorst
2. Public Comments
3. Determine the need to discuss and/or take action on item(s) introduced that came to the attention of the District subsequent to the agenda being posted.
4. Determine which items may be approved without discussion.

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**INFORMATION**

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| <ol style="list-style-type: none"><li>5. <u>WATER EFFECIENCY PROGRAMS UPDATE – MCNULTY/SANCHEZ/WEGHORST</u><br/><br/>Recommendation: Receive and file.</li><li>6. <u>RECYCLED WATER DEVELOPMENT PROGRAM UPDATE– TETTEMER/WEGHORST</u><br/><br/>Recommendation: Receive and file.</li><li>7. <u>2018 LEGISLATIVE AND REGULATORY UPDATE – COMPTON/COOK</u><br/><br/>Recommendation: Receive and file.</li></ol> |  |
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**INFORMATION - Continued**

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8. 2018 LAFCO POLICIES, GUIDELINES AND PROCEDURES PROPOSED REVISIONS – COMPTON/COOK

Recommendation: Receive and file.

9. 2018 CUSTOMER SATISFACTION SURVEY RESULTS – BEEMAN/WEGHORST

Recommendation: Receive and file.

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**ACTION**

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10. 2018 WATER USE EFFICIENCY OUTREACH CAMPAIGN – BEEMAN/WEGHORST

Recommendation: That the Board authorize the General Manager to execute a Professional Services Agreement with Sukle Advertising & Design in the amount of \$790,330 for implementation of the 2018 water use efficiency campaign.

11. NEWPORT BAY WATERSHED COOPERATIVE AGREEMENT – SANCHEZ/WEGHORST

Recommendation: That the Board authorize the General Manager to execute the Cooperative Agreement to Fund Total Maximum Daily Load Programs and Related Activities in the Newport Bay Watershed (No. MA-080-18011416) and approve the related Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs Work Plans and Budgets.

12. RESOLUTION FOR TITLE XVI GRANT FUNDING FOR THE SYPHON RESERVOIR IMPROVEMENT PROJECT – WELCH/SANCHEZ/WEGHORST

Recommendation: That the Board adopt a resolution by title authorizing staff to apply for a Bureau of Reclamation WaterSMART: Title XVI Water Reclamation and Reuse Program grant for up to 25 percent of the total project costs for the Syphon Reservoir Improvement Project that will be completed before September 30, 2020, and authorizing the General Manager to execute a related agreement to receive grant funding.

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## OTHER BUSINESS

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13. Directors' Comments

14. Adjourn

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Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Committee in connection with a matter subject to discussion or consideration at an open meeting of the Committee are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Committee Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance of the meeting room at the District Office.

The Irvine Ranch Water District Committee Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in an alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

July 5, 2018

Prepared by: A. McNulty

Submitted by: F. Sanchez / P. Weghorst

Approved by: Paul A. Cook 

## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### WATER EFFICIENCY PROGRAMS UPDATE

#### SUMMARY:

IRWD implements numerous water efficiency programs to assist customers with reducing water use. Programs are funded from over-allocation revenues and vary depending on the needs of the various customer types served by the District. Programs address customer water use-related behaviors and replacement of water fixtures through a combination of educational resources, device rebates and incentive programs. Following is an update on the District's water efficiency programs for calendar year 2017 through mid-June 2018. Also provided is an overview of the impact of the programs on customer water use.

#### BACKGROUND:

The District has implemented a variety of water efficiency programs over the past 30 years, beginning with the adoption of budget-based tiered rates in 1991. IRWD's budget-based rate structure provides customers with a unique water budget for each billing period. Over budget water usage is billed at a significantly higher rate. To support the rate structure, IRWD provides two types of water use efficiency programs: 1) outreach and resource programs to educate customers about water efficiency, and 2) device rebate and other incentive programs to encourage customers to be more efficient in their use of water. These programs help the District achieve its water efficiency goals. A description of key water efficiency programs and associated results is provided below.

#### Customer Outreach and Resource Programs:

The budget-based tiered rate structure is the foundation of IRWD's water efficiency program. Through their monthly bills, customers receive feedback on their water use habits compared with their water budgets. Customers with over-budget usage often contact staff for assistance. Staff also use over-budget information to target program outreach efforts. Customers who exceed their budgets are offered onsite assistance and are informed about District programs and resources to help reduce their usage. The District's customer assistance programs and resources include customer surveys, WaterSmart Reports, WaterSmart Leak Alerts, a customer online training program, a WaterStar Business Recognition program and various workshop events.

#### *Customer Surveys:*

Staff provides on-site water efficiency surveys to assist residential, landscape, commercial, industrial and public authority customers. Surveys originate through a combination of District outreach efforts to customers who are over budget and customer-initiated requests in response to receiving a high water bill. Staff performs an average of 80 customer on-site surveys each month.

*WaterSmart Reports:*

The Water Smart Reports Program provides IRWD customers with personalized water use reports and an online portal, which is accessible to all customers. Approximately 44,000 customer reports are sent each month to customers who have signed up to receive the reports or to customers who are over budget. All customers, regardless of billing tier, can opt into the program to receive email reports. In 2017, 3,021 customers signed up to receive email reports. The pace remains steady in 2018 with 1,550 registrations through mid-June. The total number of voluntary registrations since the program opened to all customers is 13,270. The program also provides opportunities for mass marketing as well as zero usage and leak alert outreach that allows staff to resolve customer consumption irregularities.

*WaterSmart Leak Alerts:*

A leak alert feature was added to the WaterSmart program in June 2017. Since its launch, 1,108 customer leaks have been identified and 569 alerts have been sent to customers for whom the District has an email address on file. Customers have the option to follow up with the District by providing information on the cause of the leak or to explain the cause if not a leak. To date, 106 customers have provided details associated with confirmed leaks. The leading causes of leaks are problems with irrigation systems and toilets. Customers who were able to rule out a leak as the cause of high water use reported swimming pool filling as the primary cause.

*Customer Online Training Program:*

The District's Water Efficiency Customer Online Training Portal was launched in 2016. The portal provides customers with information on understanding their bills and water budget calculations. The portal also provides a guide through the process of how to check for leaks at their homes. Beginning in 2017, the training portal was incorporated into the District's annual Fix a Leak campaign, which is held each spring. During the recent campaign, portal traffic totaled nearly 300 visits.

*WaterStar Business Recognition Program:*

The WaterStar Business Recognition Program helps business customers improve water use efficiency, save on water bills and obtain financial incentives for efficiency improvements. Participating customers must meet criteria for plumbing fixture flow rates, irrigation equipment, and other equipment and process water. In addition to the regional device rebates, the District offers program participants a Free Faucet Aerators and Showerhead Program, and offers a special WaterStar rebate on high efficiency toilets. The District has officially recognized 13 local businesses as WaterStars with an additional 10 in the queue.

*Workshops and Events:*

IRWD provides workshops and classes to educate customers and landscape maintenance professionals on water efficiency programs and resources. IRWD's landscape resource program, known as RightScape, offers educational workshops to customers. The workshops emphasize sustainable landscape practices while considering the use of the Right Plants for a drought

tolerant landscape, creating the Right Schedule to apply the appropriate amount of water and the use of the Right Equipment for an efficient irrigation system. IRWD also hosts Metropolitan Water District California Friendly Landscape Training Classes, and has partnerships with the UC Cooperative Extension Center, OC Master Gardeners, and the California Native Plant Society to educate local residents. During 2017, IRWD offered 28 workshops and classes. The year-to-date total of workshops and classes for 2018 is 13.

Device and Incentive Based Programs:

IRWD directly administers several device-based programs and participates in Metropolitan's regional rebate program. During 2017, the District also implemented the direct install One-Stop Shop for Water and Energy Efficiency Program (OSS) and a plumbing fixture incentive program for the WaterStar Business Recognition Program. The results of all device-based and other incentive programs for calendar year 2017 and year to date for 2018 are shown in the table below.

*Device and Incentive-Based Program Results*

Water Efficient Device	Quantity 2017	Quantity 2018 (year to date)
Toilets (Rebates, OSS, WaterStar)	6144	993
Clothes Washers	1303	
Plumbing Flow Control Valves	1162	
Weather-Based Irrigation Controllers	1478	71
Water Efficiency Nozzles	945	
Rain Barrels & Cisterns	38	
Turf Removal (DIY & Turnkey)	242,605 sq. ft.	237,605 sq. ft.*
Spray to Drip (Commercial)	133,117 sq. ft.	
Spray to Drip (Residential)	2 kits**	

\* Includes customer projects that are in process.

\*\* A kit is comprised of various project devices that residents purchase, up to \$150.

Staff efforts to promote participation in the device- and incentive-based programs remains focused on outdoor water use efficiency. The recently approved Get Smart program is expected to significantly increase the distribution of weather-based irrigation controllers before the end of 2018.

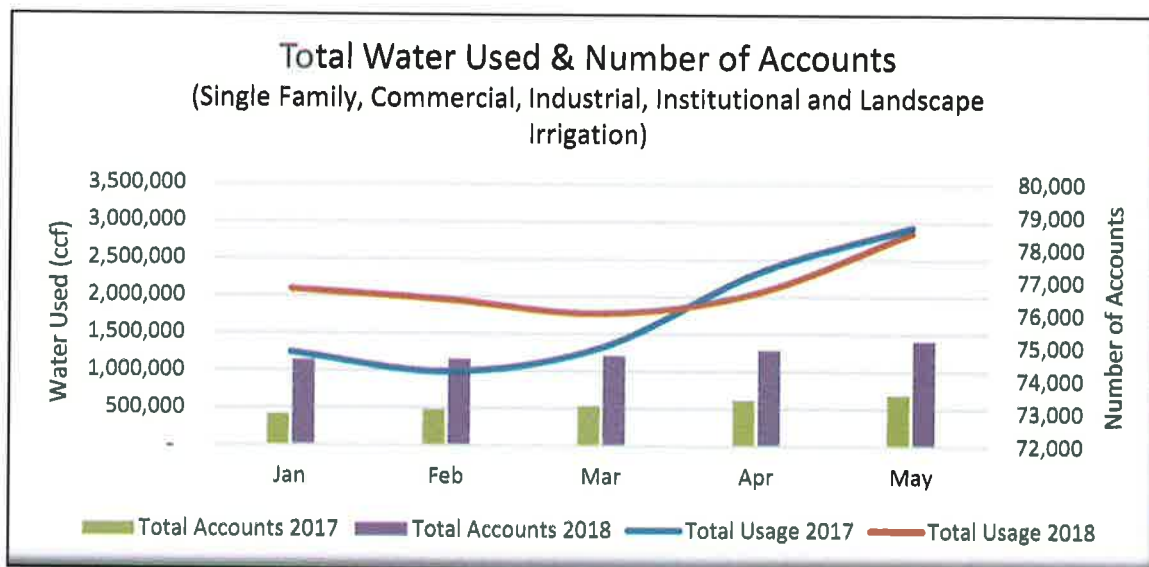
Water Savings:

Water savings estimated from water use efficiency program participation is based on industry-accepted savings that are often derived from multiple pilot studies conducted by various utilities. Since funding in the form of rebates and incentives are based on water savings, the assigned savings are typically conservative. Periodic studies are conducted for particular devices and, if necessary, the water savings assumptions are revised.

Staff estimates of water savings are based on the current volumes used by Metropolitan in the regional rebate program and the Stealth Pilot Study conducted by IRWD in conjunction with the

University of California Student Housing. Staff estimates that the devices installed between 2017 and June 2018 will save an estimated 870 acre-feet of water over the lifetimes of the devices.

Water efficiency programs contribute to keeping total water demands low while IRWD's service area continues to grow. Between 2017 and 2018, there were over 2,000 new accounts added to the District's billing system, but water demands decreased among single-family, commercial, industrial, institutional and landscape accounts. 2017 was an unusually wet year with 13 inches of rainfall during the period January through May resulting in little need for irrigation. When compared with only five inches of rain during the same period in 2018, water usage was higher in 2018 until April. Beginning in April the effect of the rain in 2017 began to fade and normal irrigation usage resumed. As shown below, water usage for April and May 2018 is lower than the usage for the same time period during 2017, even with the addition of 2,000 new customer accounts. At the Committee meeting, staff will further describe the significance.



**FISCAL IMPACTS:**

None.

**ENVIRONMENTAL COMPLIANCE:**

This item is not a project as defined in the California Environmental Quality Act as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15378.

**RECOMMENDATION:**

Receive and file.

**LIST OF EXHIBITS:**

None.



July 5, 2018

Prepared by: M. Tetterer

Submitted by: P. Weghorst

Approved by: Paul A. Cook



## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### RECYCLED WATER DEVELOPMENT PROGRAM UPDATE

#### SUMMARY:

At the Committee meeting, staff will provide an update on IRWD's recycled water development program. The update will focus on customer development activities, key projects, inspection and testing of recycled water use sites and the residential recycled water fill station.

#### BACKGROUND:

IRWD provides recycled water to more than 5,900 recycled water use sites and is currently adding over 100 sites per year. The addition of new sites is largely the result of new construction, the majority of which use recycled water for landscape irrigation. Many new sites involve non-irrigation uses that include cooling towers and dual-plumbed commercial buildings where recycled water is used for toilet and urinal flushing. Staff also pursues the conversion of existing potable and non-potable water systems to recycled water. To date, the conversions have included cooling towers and landscape irrigation accounts. The following provides an update on IRWD's recycled water development program with a focus on customer development activities, key projects, inspection and testing of recycled water use sites and the residential recycled water fill station.

#### Recycled Water Customer Development:

IRWD's recycled water development program assists customers with setting up or converting their systems to use recycled water. Staff assists at sites that are newly constructed as well as at existing sites that can be modified to use recycled water. Primary tasks include reviewing plans and conducting field inspections to ensure compliance with state and local requirements. For modified sites, there is additional up-front work that is needed to determine the potential for the use of recycled water and to identify the improvements needed to serve the site (e.g., a new recycled water service and meter) as well as the modifications needed to convert on-site facilities (e.g., new piping, signage, tags). Key components of a site assessment are the determination of costs and the cost effectiveness for both IRWD and IRWD's prospective customer. During FY 2017-18, staff continually processed more than 300 projects at any one time. The following table shows key statistics from the development of recycled water customers in FY 2017-18:

#### *Recycled Water Customer Development Statistics for FY 2017-18*

New projects submitted	133
Projects completed	156
Acreage added	377
Cooling towers added	3
Dual-plumbed commercial buildings added	13
Single-family lots added	11



Key Recycled Water Projects:

*University of California, Irvine:*

In January 2017, UC Irvine and IRWD executed an agreement in which UCI agreed to use recycled water in its Central Plant cooling towers. Per the agreement, IRWD agreed to construct more than 3,000 feet of pipeline to convey recycled water to the cooling towers. UCI agreed to make improvements at its Central Plant to accommodate the use of recycled water. Construction by both UCI and IRWD is complete and the use of recycled water in the cooling towers began on May 1, 2018. This project will avoid approximately 260 acre-feet per year (AFY) of potable water demands.

UCI and IRWD staff are in the early stages of planning an event that will recognize this important project on August 15. To further highlight the project, staff will join UCI to co-present the project at the California Higher Education Sustainability Conference in Santa Barbara on July 10.

*North Irvine Lake Pipeline:*

IRWD is constructing facilities necessary to convert the northern portion of the Irvine Lake Pipeline to recycled water. The project includes approximately two miles of pipeline and a 2.4 million-gallon reservoir. The largest customer that will benefit from the project is the Irvine Company that owns approximately 500 acres of avocado orchards irrigated from the pipeline. The Irvine Company commissioned a study by a horticulturalist who concluded that, with continued monitoring, recycled water could be used to irrigate the avocado orchards.

Staff and IRWD's legal counsel have drafted an agreement through which the Irvine Company will agree to use recycled water to irrigate its avocado orchards. The draft agreement will require IRWD to consider reimbursing the company for increased costs associated with its use of recycled water. At this time, the draft agreement is being reviewed by the Irvine Company and discussions are ongoing related to the recycled water commodity rates that will be applied.

*Irvine Ice Foundation:*

The Irvine Ice Foundation is a non-profit organization formed by the owners of the Anaheim Ducks hockey franchise. The foundation is constructing a 280,000-square-foot facility at the Great Park in Irvine, which will include four skating rinks that will be available to the public as well as for hosting events with the Anaheim Ducks team. The foundation has agreed to use recycled water to make rink ice, and has begun plumbing the facility accordingly. Annual demands for recycled water at the Ducks' facility is estimated to be 26 AFY. Construction of the facility is underway and is expected to be completed December 2018.

*Retrofits with City of Irvine:*

The City of Irvine approached staff about converting several parkways, medians and a park to recycled water. Staff worked with the City to develop plans showing the necessary

modifications at each site. Staff constructed several new services to serve these sites and is waiting for the City to put construction documents out for bid that will facilitate on-site work. Once the City selects a contractor, staff will work with the City and its contractor to complete the conversion process.

#### *Retrofits with City of Lake Forest:*

Staff has been working with the City of Lake Forest toward the conversion of parkways and slopes from potable to recycled water. The sites are located along Bake Parkway, Toledo Lane and Jeronimo Road. Total annual recycled water demand will be approximately 12 AFY. Staff is assessing estimates for the construction of three new recycled water services for the parkways and slopes.

#### *Assessing Other Retrofit Opportunities:*

Staff is assessing several other opportunities to convert sites from potable to recycled water. These opportunities include:

- Irvine Regional Park, which has an estimated potable water demand of 285 AFY;
- Summit Park Homeowners Association in Irvine's village of Turtle Rock, which has an estimated potable water demand of 85 AFY; and
- Along the 241 toll road between the 133 toll road and Portola Parkway, which has an estimated potable water demand of 27 AFY.

#### Dual-Plumbed Commercial Buildings:

In 1991, IRWD was the first agency in California to use disinfected tertiary recycled water for toilet and urinal flushing in a commercial building. Title 22 of the California Code of Regulations allows for this use in specific structures, which include commercial buildings. Today IRWD serves 92 dual-plumbed buildings ranging from park restrooms to high-rise office buildings. Currently, there are more than 25 additional dual-plumbed buildings in various stages of construction. Staff anticipates that IRWD will serve the 100<sup>th</sup> building in the coming months, and is considering ways to recognize this milestone.

#### Recycled Water Use Site Inspection and Testing:

IRWD is required by the State of California to periodically inspect and, in some cases, test for cross-connections at recycled water use sites. Inspections and tests are performed to assure compliance with regulatory requirements that best management practices are followed, and that provide opportunities to engage with Site Supervisors at each recycled water use site. The regulatory requirements related to inspection and testing are found in several documents including Title 22 of the California Code of Regulations, IRWD's Regional Water Quality Control Board permit, and an arrangement with State Water Resources Control Board Division of Drinking Water. These requirements are included into IRWD's Rules and Regulations and Procedural Guidelines.

A more robust inspection and testing of recycled water use sites in IRWD's service area began in April 2012. Initially the efforts were conducted by staff. Beginning in FY 2014-15, IRWD began augmenting its efforts through the use of qualified contractors to conduct recycled water use site inspection, testing and Site Supervisor training. The following shows the number of sites inspected and tested during the past four fiscal years:

Fiscal Year	Testing by Staff	Inspection and Testing by Contractors
2014-15	607	1,746
2015-16	630	1,483
2016-17	644	1,910
2017-18	659	1,392

Staff anticipates more rigorous recycled water use site inspection and testing reporting requirements from the State of California in the future. The results of this work will be helpful in fulfilling those reporting requirements.

*Inspection and Testing of Single-Family Lots:*

Single-family lots that use recycled water for irrigation in both the front yards and backyards where homeowners control the irrigation system are considered dual-plumbed by the State of California. Title 22 of the California Code of Regulations requires that dual-plumbed sites have an annual inspection and a cross-connection test at least once every four years. In 1993, IRWD agreed to conduct annual cross-connection tests. At the Committee meeting, staff will provide an update on staff's progress in the inspection and testing of single-family lots.

*Orange County Recycled Water Use Site Inspection and Testing Guidelines:*

IRWD has been leading a countywide effort to produce new guidelines for inspection and testing of recycled water use sites. Participating in the effort have been six cities, nine water agencies, and two regulatory agencies. Key elements of the new guidelines will establish the frequency and methods for inspecting and testing recycled water use sites based on the type of site, establish standards for plans for recycled water use sites, establish a method for training Site Supervisors and provide sample forms for agencies to use. The draft guidelines were developed with input from the health agencies. Once finalized, each agency would need to adopt the guidelines.

The new guidelines are going through a final review. Once the review is complete, the guidelines will be presented to the State Board Division of Drinking Water and the Orange County Health Care Agency for review and acceptance. Both of these regulatory agencies have been asked to provide a letter approving the use of the guidelines.

Residential Recycled Water Fill Station:

IRWD's recycled water fill station officially opened on August 15, 2015, and remained open until October 15, 2017. The fill station was then closed for five months due to lower customer water demands during the winter months. In response to demands for recycled water, the station was reopened on March 26, 2018. The following are key statistics regarding recent activity at the fill station from March 26, 2018 through June 25, 2018, as compared to activity during the first 26 months of operation:

	First 26 Months (8/15/15 – 10/16/17)	Last Three Months (3/26/18 – 6/25/18)
Number of days open	793	92
Number of residents who obtained recycled water	161	28
Number of times residents visited the Fill Station	5,680	440
Gallons provided to residents	516,473 (1.6 acre-feet)	56,025 (0.17 acre-feet)
Average visits per day	8.2	4.8
Average gallons provided per day	749	616
Average gallons provided per resident per visit	91	127

Staff expects that the fill station will be closed permanently when construction of the Sand Canyon Professional Center Phase 2 office building begins in October 2018.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:


Receive and file.

LIST OF EXHIBITS:

None.

July 5, 2018

Prepared and

submitted by: C. Compton 

Approved by: Paul A. Cook 

## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### 2018 LEGISLATIVE AND REGULATORY UPDATE

#### SUMMARY:

This report provides an update on the 2017-2018 legislative session and IRWD priorities. As legislation and regulations develop, staff will provide updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate.

#### BACKGROUND:

With the State budget adopted and the June 29 policy committee deadline having come and gone, the California Legislature is looking forward to its summer recess. The Legislature will be on recess from July 6 to August 6. When the Legislature returns, the fiscal committees will have until August 17 to meet and report bills to the floor. The last day for each house to pass bills this legislative year is August 31, which is the day the Final Recess begins.

A copy of the 2018 Legislative Matrix is attached as Exhibit “A”. Exhibit “B” is the 2018 Legislative Update Report Links to Bill Texts, which contains links to the bills discussed below, unless a separate exhibit is noted.

#### State Budget Update:

##### *May Revenue Numbers:*

On June 8, 2018, State Controller Betty Yee released her monthly report on the State’s finances. She announced that the State took in \$8.25 billion during the month of May. This was \$784.2 million, or 8.7 percent, less than the revenue assumptions contained in the Governor’s May Revise. Despite May’s lower than expected receipts, revenue receipts for the year through May 31 have come in at \$115.38 billion, which is \$4.52 billion above projections contained in the Fiscal Year 2017-18 budget but \$784.2 million less than the estimates in the Governor’s May Revise. The State’s General Fund outstanding loan balance was \$5.83 billion or \$1.17 billion less than estimated in the Governor’s May Revise.

##### *Fiscal Year 2018-2019 State Budget:*

Following the Legislature’s passage of the Fiscal Year 2018-2019 (FY 18-19) budget, Governor Brown signed the budget into law on June 27, 2018. The enacted budget authorizes \$138.69 billion in General Fund expenditures, projects \$133.33 billion in General Fund revenues, and directs additional funding to the Budget Stabilization Account/Rainy Day Fund so that by the end of FY 18-19 the fund will be at its constitutionally required amount. Overall, the FY 18-19 budget is approximately 9.2 percent larger than the Fiscal Year 2017-2018 budget.

The budget and its associated budget trailer bills also included a number of policy changes. Of interest to IRWD, the budget and its associated budget trailer bills did not include language implementing a water tax, but did include a Cap-and-Trade Expenditure Plan.

The \$1.4 billion Cap-and-Trade Expenditure Plan prioritizes funding for:

- Air toxic and criteria air pollutants from stationary and mobile sources;
- Low and zero-carbon transportation alternatives;
- Sustainable agricultural practices;
- Healthy forests and urban greening;
- Short-lived climate pollutants;
- Climate adaptation and resiliency; and
- Climate and clean energy research.

(California State Budget 2018-19, Page 97, <http://www.ebudget.ca.gov/FullBudgetSummary.pdf>)

Of interest to IRWD is the fact that healthy forests programs has received \$240 million, which is consistent with the Governor's renewed focus on improving the health of the state's forests. A summary of the expenditure plan included in the budget is provided below:

#### **Fiscal Year 2018-2019 Cap and Trade Expenditure Plan**

<b>Investment Category</b>	<b>Program</b>	<b>Amount (millions)</b>
Air Toxic and Criteria Air Pollutants	AB 617 - Community Air Protection	\$265
	Technical Assistance to Community Groups	\$10
Low Carbon Transportation	Clean Vehicle Rebate Project	\$175
	Clean Trucks, Buses, & Off-Road Freight Equipment	\$180
	Enhanced Fleet Modernization Program, School Buses & Transportation Equity Projects	\$100
	Low Carbon Fuel Production	\$12
Climate Smart Agriculture	Agricultural Diesel Engine Replacement & Upgrades	\$112
	Energy Efficiency	\$64
	Renewable Energy	\$5
	Health Soils	\$5
Healthy Forests	Healthy & Resilient Forests	\$160
	Prescribed Fire and Fuel Reduction	\$30
	Regional Forest Health Projects	\$20
	Urban Forestry	\$5
	Local Fire Response	\$25

Short-Lived Climate Pollutants	Methane Reduction	\$99
	Woodstoves	\$3
	Waste Diversion	\$25
Integrated Climate Action: Mitigation & Resilience	Transformative Climate Communities	\$40
	Urban Greening	\$20
	Costal Resilience	\$5
	Wetlands Restoration	\$5
	Low Income Weatherization	\$10
	Energy Corps.	\$6
Climate and Clean Energy Research	California Climate Change Technology and Solutions Initiative	\$20
	<i>TOTAL</i>	<i>\$1,400</i>

#### 2017-2018 State Legislative Update:

As has been traditionally done in July after the House of Origin deadline, staff has provided an update on each bill the District has taken a position on or actively monitored during this legislation session. A summary and a status report on each bill are provided below:

#### *AB 327 (Gipson, D-Compton) — South Coast Air Quality Management District: Fleets:*

AB 327 was “gutted and amended” on June 4, 2018. The bill, which was formerly authored by Assemblymember Bill Brough (R-Dana Point), is now being authored by Assemblymember Mike Gipson (D-Compton). As amended, the bill would expand the authority of the South Coast Air Quality Management District (AQMD) over public and commercial fleets. The bill would authorize AQMD to adopt rules and regulations that require operators of certain public and commercial fleet vehicles to purchase the cleanest commercially available vehicles; to require the replacement of no more than 15 percent of their fleet vehicles per calendar year; and to require that those cleanest commercially available vehicles to be operated, to the maximum extent feasible, within AQMD’s district boundaries.

Staff has been working with the Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA) to seek amendments to the bill, which would make it more workable for the District and the water and wastewater industries.

#### *AB 1000 (Friedman, D-Glendale) — Water Conveyance: Use of Facility with Unused Capacity:*

Assemblymember Laura Friedman (D-Burbank) introduced AB 1667 in 2017. AB 1667 would have required an urban water supplier to install dedicated irrigation meters for various types of properties within its service area. Due to technical concerns raised with the author’s office, Assemblymember Friedman “gutted and amended” AB 1667 in April of 2017. Instead of dealing with water meters, the bill was amended to relate to agricultural water management planning. While AB 1667 was amended to no longer deal with water meters, Assemblymember Friedman “gutted and amended” AB 1000 midway through the 2017 session to deal with water meters.



As amended in 2017, AB 1000 would have authorized the California Energy Commission to adopt regulations establishing performance standards for water meters installed in residential and nonresidential buildings. On July 3, 2017, AB 1000 was “gutted and amended” a second time. As amended, the bill specifically sought to prohibit water from the Cadiz Valley Water Conservation, Recovery & Storage Project from being placed into an existing water conveyance facility unless the State Lands Commission found that there would be no adverse effect on the natural or cultural resources.

At the end of the 2017 session year, AB 1000 was held on the Senate Appropriations Committee Suspense File, where it still resides. IRWD has a “watch” position on AB 1000.

*AB 1876 (Frazier, D-Fairfield) — Sacramento-San Joaquin Delta: Delta Plan:*

As he has done for each of the past several years, Assemblymember Jim Frazier (D-Fairfield) introduced a bill related to the Delta this year. AB 1876 was proposed to increase the size of the Delta Stewardship Council, and to eliminate the council on July 1, 2020. In its place, the bill proposed to establish the Delta Protection Commission as the Council’s successor. The Commission would have had the authority to review any significant project or proposed project within the scope of the Delta Plan, including the actions of state and federal agencies that may affect the unique cultural, recreational, and agricultural values. Additionally, the Commission would have been authorized to identify, evaluate and adopt measures to address:

- Impacts to the cultural, recreational, and agricultural values of the Delta;
- A project or proposed project’s consistency with the resources management plan; and
- Delta community concerns regarding large-scale habitat plan development and implementation.

AB 1876 would have changed and impeded the process for moving the California WaterFix forward. As a result, IRWD adopted an “oppose” position on the bill. AB 1876 failed passage in the Assembly Water, Parks and Wildlife Committee on April 24, 2018, and it failed to meet the House of Origin deadline. The bill is now dead.

*AB 1912 (Rodriguez, D-Pomona) — Joint Powers Authority Public Employees’ Retirement Liability:*

Existing law permits two or more public agencies to form a joint powers authority (JPA). A JPA is a separate entity from the public agencies that form it; however, under existing law, the debts, liabilities and obligations of the JPA become the debts, liabilities and obligations of its member agencies unless the agreement governing the JPA states otherwise. In the case of pension and retirement obligations, the JPA agreement may limit those obligations and liabilities to be obligations and liabilities of the JPA alone. AB 1912, authored by Assemblymember Freddie Rodriguez (D-Pomona), would change this.

Specifically, AB 1912 would make both current and former member agencies of a JPA liable for a portion of the JPA's retirement liabilities. As amended on June 20, the bill would require member agencies of a JPA, upon a termination or a decision to dissolve or cease the activities of the JPA, to mutually agree as to the apportionment of the JPA's retirement liabilities, provided that the agreed-to split equals the total retirement liability of the JPA. If the JPA's member agencies are unable to mutually agree to apportionment, the member agencies would be jointly and severally liable for the retirement liability of the JPA.

AB 1912 was double referred to the Senate Committee on Public Employment and Retirement and the Senate Judiciary Committee. It was passed by both committees and is now in the Senate Appropriations Committee. IRWD currently does not have a position on AB 1912, but is actively monitoring the bill.

*AB 2003 (Daly, D-Anaheim) — Public Contracts: Sanitation Districts:*

Assemblymember Tom Daly (D-Anaheim) introduced AB 2003 on behalf of the Orange County Sanitation District. The bill would have provided sanitation districts with greater flexibility in informing contractors of public construction opportunities by expanding the types of platforms through which sanitation districts advertise and notice bid opportunities. Currently, the Public Contract Code requires sanitation districts that spend over \$35,000 for construction work to advertise, at least twice, in a newspaper of general circulation. AB 2003 would have allowed for an alternative public notice. IRWD had a "support" position on AB 2003.

The bill was referred to the Assembly Committee on Local Government, but was never heard. Since the bill failed the House of Origin deadline, it is now dead.

*AB 2050 (Caballero, D-Salinas) — Small Water System Authority Action of 2018:*

In addition to the discussions taking place on a water tax to address water quality issues within disadvantaged communities, the water community has supported AB 2050 (Caballero, D-Salinas) as one way to address the challenges facing many communities in the state. The Eastern Municipal Water District (EMWD), in partnership with CMUA, have sponsored AB 2050 to address the management and governance challenges facing water systems within disadvantaged communities.

AB 2050 would create a new category of water agency — a Small System Water Authority — with unique powers to absorb, improve and competently operate currently non-compliant public water systems with either contiguous or non-contiguous boundaries. Small System Water Authorities would consolidate failing small water systems that are voluntarily donated to the Authority to provide technical, managerial and financial capabilities to ensure the provision of safe, clean, affordable, and accessible water and local governance.

AB 2050 was heard in the Senate Environmental Quality Committee on June 20 and was passed unanimously by the Committee, and referred to the Senate Appropriations Committee. Given the important role governance will play in California's ability to address water quality issues within disadvantaged communities, IRWD has a "support" position on AB 2050.

*AB 2283 (Holden, D- Pasadena) — Income Taxes: Exclusions: Turf Removal Water Conservation Program:*

As a means of encouraging greater water use efficiency and conservation, public water agencies throughout California have developed programs offering their customers rebates for the installation of water-saving devices and landscapes. Under state law, these rebates are excluded from the definition of gross income and not taxable. AB 2283, authored by Assemblymember Chris Holden (D-Pasadena), sought to extend the tax exemption for water conservation rebates related to turf removal. Specifically, AB 2283 would have extended the sunset date for the exemption from January 1, 2019, to January 1, 2024.

IRWD has supported federal and state tax exemptions for water conservation rebates and adopted a “support” position on AB 2283. The bill was held on the Assembly Appropriations Committee Suspense File and failed to meet the House of Origin deadline. It is now dead for the year.

*AB 2241 (Rubio, D-West Covina) — The Open and Transparent Water Data Act:*

AB 2241, authored by Assemblymember Blanca Rubio (D-West Covina), would have amended the Open and Transparent Water Data Act. Specifically, the bill would have required the Department of Water Resources (DWR), the State Board Water Resources Control Board (State Board) and Department of Fish and Wildlife (DFW) to “work to improve the open and transparent access to data by reducing the fractured or duplicative reporting of the same or similar data to multiple governmental agencies or departments, and by reducing the reporting burden on entities providing data to governmental agencies”.

Given IRWD’s past statements on the implementation of AB 1755 and the need to reduce duplicative reporting at DWR, the State Board and DFW, IRWD adopted a “support” position on AB 2241. AB 2241 was held on the Assembly Appropriations Committee Suspense File in May. Since it failed to meet the House of Origin deadline, it is now dead.

*AB 2447 (Reyes, D- San Bernardino) — California Environmental Quality Act: Environmental Justice:*

AB 2447, authored by the Assemblymember Eloise Reyes (D-San Bernardino), would expand the requirements of the California Environmental Quality Act for certain projects and provide for an additional process for certain projects within disadvantaged communities.

Specifically, the bill would require the Office of Environmental Health Hazard Assessment (OEHHA), by June 30, 2019, to publish a list of subject land uses, and a map that identifies disadvantaged communities and areas within a half mile radius of the mapped disadvantaged communities. Among other things, the bill would require that a lead agency that is preparing an Environmental Impact Report or a negative declaration provide individual notice to owners and occupants of property located within the areas identified by OEHHA when the CEQA review involves one of the subject land uses identified by OEHHA. The list of subject land uses, which

is to be complied by OEHHA, is to include industrial or similar land uses that contain or produce onsite or offsite criteria air pollutant or toxic air contaminants, water contamination, or hazardous materials that can lead to, or are associated with, negative public health effects.

Over the past five months, staff has been working with ACWA and CMUA to seek amendments to the bill which would make it clear OEHHA is not to include any water or wastewater projects on the list of subject land uses.

*AB 2501(Chu, D- Milpitas) — Drinking Water: Consolidation and Extension of Service:*

AB 2501, authored by Assemblymember Kaasen Chu (D-Milpitas), seeks to amend the consolidation authorities granted to the State Board in SB 88 (2015). SB 88 authorized the State Board to order a water system to take over and consolidate with a public water system or a state small water system that consistently fails to provide an adequate supply of safe drinking water within a disadvantaged community in order to ensure that those communities would no longer receive unsafe drinking water. In addition to the authority granted in SB 88, AB 2501 seeks to extend the State Board's consolidation authority. If enacted, AB 2501 would allow the State Board to order a water system to take over, consolidate or provide service where the disadvantaged community is reliant on a water system that has 200 connections or less, individual domestic wells, or an unregulated water system serving fewer than five connections.

AB 2501 was heard by the Senate Environmental Quality Committee on June 20. It was passed on a 5-to-2 vote and referred to the Senate Appropriations Committee. IRWD does not currently have a position on AB 2501, but is actively monitoring the bill.

*AB 2711 (Chen, R-Brea) — Property Tax Revenue Allocations: County of Orange:*

On March 20, Assemblymember Phillip Chen (R-Brea) "gutted and amended" AB 2711 to authorize the County of Orange to increase the total amount of ad valorem property tax revenue that is to be allocated to it each year and to decrease the amount of property tax revenue that is allocated to the county Educational Revenue Augmentation Fund and those revenue otherwise required to be allocated to school districts. AB 2711 was sponsored by the County of Orange and was an attempt to bring more equity to the amount of property tax revenue the County receives compared to other California counties. According to the County, last year it received six cents per dollar of property tax generated in the county, whereas the average county received 14 cents. The bill is an attempt to remedy this inequity.

AB 2711 was held on Assembly Appropriations Suspense File on May 25. Since it failed to meet the House of Origin deadline, it is now dead for the year. IRWD had adopted a "watch" position on the bill.

*AB 3170 (Friedman, D-Glendale) — Sales and Use Taxes: Exemptions: Water Efficiency:*

AB 3170, authored by Assemblymember Laura Friedman, proposed a sale tax holiday for water efficiency products sold during the last weekend in March of each year until January 1, 2024. The types of water efficiency products, which would have been eligible for the sales tax

exemption would have been soaker and drip irrigation equipment, soil moisture-based technologies, mulch, erosion controls, rain barrels, permeable ground covering, and Water Sense products.

AB 3170 was held on the Assembly Appropriations Committee Suspense File on May 25. Since it failed to meet the House of Origin deadline, it is now dead for the year. IRWD had adopted a “support” position on the bill.

*AB 3206 (Friedman, D-Burbank) — Water Conservation: Water Meters: Accuracy and Performance Standards:*

Assembly Member Friedman has also authored AB 3206 to reduce water loss and water waste. This bill would require the California Energy Commission to adopt regulations setting standards for the accuracy of water meters purchased on and after the effective date of the regulation setting the standards. Additionally, the bill would require the State Board, when adopting the water loss standards under SB 555 (2016), to adopt regulations to be used by each urban water supplier for the sampling and testing of its customers’ service meters to establish a statistically sound estimate of the accuracy of the water meters serviced by the urban water supplier.

The bill was heard and passed Senate Natural Resources and Water Committee on June 26, 2018. It is now in the Senate Appropriations Committee. IRWD continues to seek amendments to the bill, which would make it more workable for the District and the water industry.

*SB 623 (Monning, D-Santa Cruz) — Water Tax:*

In 2017, Senator Bill Monning (D-Santa Cruz) authored SB 623. SB 623 would have established the Safe and Affordable Drinking Water Fund in the State Treasury and would have provided that the moneys in the fund be continuously appropriated to the State Water Resources Control Board for grants, loans, contracts, or services to assist those without access to safe and affordable drinking water consistent with a fund implementation plan to be adopted annually by the State Board. On August 21, 2017, the bill was amended to include a fee on fertilizer, a fee on milk, and a monthly water tax of the following:

- \$0.95 per month for meters less than or equal to 1-inch;
- \$4.00 per month for meters less than or equal to 2-inch;
- \$6.00 per month for meters less than or equal to 4-inch;
- \$10.00 per month for meters greater than 4-inch; and
- Customers without a meter would be taxed at a rate of \$0.95.

SB 623 remains in the Assembly Rules Committees. IRWD adopted an “oppose/oppose unless amended” position on SB 623 and advocated against any water tax inconsistent with the Board-adopted policy on a public good charge/statewide user fee.

In addition, earlier this year the Administration released a budget trailer bill labeled as “Safe and Affordable Drinking Water Act” which was proposed in the form of a budget trailer bill the

agricultural fees and water tax included in SB 623. While the trailer bill was not passed by the Legislature, the water tax is still being discussed by the Administration and promoted by several members of the Legislature.

Staff has continued to work with ACWA and the District's other industry partners to oppose a water tax and promote alternative actions to solve the water quality challenges faces a number of disadvantaged communities in the state. Staff will be available to provide an update on any new developments related to a water tax.

*SB 831(Wieckowski, D-Fremont) — Land Use: Accessory Dwelling Units:*

This year, there have been a number of bills introduced related to accessory dwelling units (ADU). The most prominent is SB 831 authored by Senate Bob Wieckowski (D-Fremont). Senate Wieckowski has been an advocate for ADUs and the elimination of zoning restrictions and development, connection and other fees on such units. SB 831 seeks to continue eliminating zoning and fee burdens on the creation of ADUs.

Relevant to IRWD were the bill's original provisions that related to fees and charges. SB 831, before it was amended, had provided that an ADU "shall not be subject to impact fees, connection fees, capacity charges, or any other fees levied by a local agency, school district, special district, or water corporation." While IRWD does not charge connection or capacity charges for ADUs, the prohibition was written broadly and as a result, could have prevented the District from levying appropriate cost-of-service based rates and charges for services provided to the ADU or due to increased services provided to a property with an ADU. Because of the language related to fees and of the potential impact that language may have had on IRWD, the District adopted a "seek amendments" position on SB 831, and authorize staff to seek clarifying amendments to limit any impact the bills may have on a water or wastewater provider's ability to charge cost-of-service based rates and charges. The provisions which concerned IRWD were amended out of the bill earlier this year.

SB 831 was double referred to both the Assembly Housing and Community Development Committee and the Assembly Local Government Committee. It was heard and passed by the Assembly Housing and Community Development Committee before the June 28 policy committee deadline. The Assembly Local Government Committee heard the bill on June 27 and held it in Committee without recommendation. As a result, the bill failed the policy committee deadline.

The two other bills related to SB 831, AB 2890 (Ting, D-San Francisco) and SB 1469 (Skinner, D-Oakland). The bills also deal with ADUs and contained a similar provision regarding impact fees, connection fees, capacity charges, or any other fees levied by a local agency, school district, special district, or water corporation. IRWD adopted a "seek amendments" position on these bills too, and authorized staff to seek clarifying amendments to limit any impact the bills may have on a water or wastewater provider's ability to charge cost-of-service based rates and charges. Amendments were taken to the bills, which resulted in the language of concern being removed from the bills.

AB 2890 was passed by the Senate Governance and Finance Committee on June 20 and referred to the Senate Appropriations Committee. SB 1469 was held in the Senate Appropriations Committee in May and failed to meet the House of Origin deadline. It is now dead for the year.

*SB 952 (Anderson, R-El Cajon) — Water Conservation: Local Water Supplies:*

SB 952 was written as a spot bill by Senator Joel Anderson (R-El Cajon) stating its intent to require that the State Board provide recognition to local water agencies that invest in water supply and water conservation. The bill's language is still written as an intent to "enact legislation that would require the State Water Resources Control Board to recognize local water agency" both for its investments and for its ability to meet efficiency mandates. The bill was referred to the Senate Committee on Rules in February 2018. The bill was never amended to include operative, non-spot bill language and remains in the Senate Rules Committee. Since the bill did not meet the House of Origin deadline, it is now dead.

*SB 998 (Dodd, D-Napa) — Discontinuation of Residential Water Service:*

SB 998, authored by Senate Bill Dodd (D-Napa), would establish new statutory provisions governing when a public water system may discontinue water service at a residential property. Among its many provisions, the bill would prohibit a public water system from discontinuing residential water service for nonpayment until a customer has been delinquent for at least 60 days and has been provided adequate notice about their options to avoid discontinuation of their water service. The bill also prohibits, if certain situations exist, the discontinuation of water service. The bills would prohibit the discontinuation of water service where all of the following conditions are met:

- The customer, or a tenant of the customer, submits to the water provider certification from a licensed medical professional that that discontinuation of residential service will be life-threatening to, or pose a serious threat to the health and safety of, a resident of the premises where the service is being provided;
- The customer demonstrates that he or she is financially unable to pay their bill within the normal payment period; if any member of the customer's household is a recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants and Children; or he or she declares that the household's annual income is less than 200 percent of the federal poverty level; and
- The customer is willing to enter into an amortization agreement, alternative payment schedule or plan for deferred or reduce payment with respect to the delinquent charges.

Additionally, the bill limits a water provider's ability to discontinue service if the customer is delinquent on a payment required under an amortization agreement, alternative payment schedule or plan for deferred or reduced payment plan. The bill would require that service could not be discontinued until the customer was 60 days delinquent on those charges.



SB 998 also limits reconnection fees and interest charges on past due bills. The bill limits reconnection fees to \$50.00 or less for a reconnection during normal operating hours and \$150.00 or less during non-normal operating hours. It would also require that reconnection and interest charges be waived for a residential customer who demonstrates to a water provider that their household income is below 200 percent of the federal poverty line.

IRWD has an “oppose” position on SB 998 because the author has rejected the amendments requested by the water community that would make the bill consistent with Proposition 218’s cost-of-service requirements. Staff has continued to participate in the ACWA and CMUA working group on the bill, which continues to seek the needed amendments.

SB 998 was heard by the Assembly Environmental Safety and Toxic Materials Committee on June 26, 2018. The bill was passed by the Committee on a vote of 4 to 2. It has been referred to the Assembly Appropriations Committee.

*SB 1215 (Hertzberg, D-Van Nuys) — Drinking Water Systems and Sewer Systems: Consolidation and Extension of Service:*

SB 1215, authored by Senator Hertzberg, would expand the Regional Water Quality Control Board’s (regional board) authority. Specifically, SB 1215 would authorize the regional board to order a sewer service provider to extend service to a disadvantaged community or where the residents of a disadvantaged community are served by an onsite sewage treatment system (i.e. septic systems) that does not provide adequate sewage service. If a regional board orders the provisions of sewer service, the bill would require the State Board to make funds available, upon appropriation by the Legislature, to the receiving sewer system for the costs providing the sewer service including compensation of loss of capacity, and paying capacity connection fees.

SB 1215 was passed by the Assembly Local Government Committee and is currently in the Assembly Appropriations Committee. IRWD currently does not have a position on SB 1215.

*SCA 4 (Hertzberg, D-Van Nuys) — Proposition 218 Reform:*

Since *Capistrano Taxpayers Association, Inc. v. City of San Juan Capistrano*, there has been significant discussion in Sacramento regarding Proposition 218 and tiered water rates. In 2017, Senator Bob Hertzberg (D- Van Nuys) introduced SCA 4, a constitutional amendment, which was sponsored by ACWA and meant to put forth a constitutional amendment related to lifeline and tiered water rates. ACWA continued to work with Senator Hertzberg’s staff throughout 2017 to develop language for SCA 4, but no language was agreed to and the bill was not moved forward. It was referred to the Rules Committee in February 2017, where it still sits as of June 2018.

#### 2018 State Regulatory Update:

*AB 401 Implementation- Study of Low Income Rate Assistance:*

AB 401 (Dodd, 2015) requires the State Board to develop and provide the Legislature a plan for a statewide Low-Income Rate Assistance Program (LIRA) by February 1, 2018. As a result, the

State Board held a series of public meetings in 2017 seeking input on various scenarios, which would provide low-income rate assistance to up to 34 percent of Californians. The State Board's effort is based on the following philosophy:

“Californians have a right to safe water. State policy through AB 685 (2012) aims to ensure universal access to water by declaring that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” However, water is becoming more expensive. California's growing economy and population create continued demand for water. Meanwhile, drought and water leaks tighten available supplies. In addition, pipes and aging infrastructure result in expensive repairs or replacements. These conditions contribute to higher costs. The result is that more low-income households have unaffordable drinking water.”([http://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/assistance/](http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/assistance/))

Originally, State Board staff indicated that the AB 401 Implementation Plan was expected to include the following:

- A description of the method for collecting moneys to support and implement the program, with a discussion of any constitutional restrictions on public water agency rate-setting;
- A description of the mechanism for providing funding assistance under the program. This could include direct credits to program participants, reimbursements to water service providers, a method for verifying income eligibility of low-income ratepayers, clarification of the role of the Public Utilities Commission and water utilities in determining and verifying customer eligibility, and recommendations regarding the structure of the program;
- A description of the method to be used to determine the amount of moneys that may need to be collected from water ratepayers to fund the program; and
- A set of recommendations and best practices that cover cost-savings measures and aim to ensure that water utilities are keeping rates low.

Earlier this year, State Board staff indicated that despite the report being due per statute on February 1, 2018, the report has been delayed indefinitely until the State Board believes it has a more well developed plan to present to the Legislature. Recently, State Board staff have indicated that they will be working to complete the report by the end of the year. IRWD staff will provide an oral update on any new developments of interest to IRWD.

#### *California Water Plan- Update 2018:*

The Department of Water Resources is currently working on the 2018 update to the California Water Plan. The Californian Water Plan is the State's strategic plan for managing and developing water resources. The 2018 Update seeks to “ever-green” the plan by identifying specific outcomes and metrics to track performance, prioritize near-term State actions and

investments, recommend financing methods having more stable revenues, and inform water deliberations and decisions. More specifically, current versions of the 2018 Update focus on the following areas and visions:

- Public Health and Safety Vision – All Californians are protected from health and safety threats and emergencies;
- Health Economic Vision – California has a healthy economy and all Californians have opportunities for economic prosperity;
- Ecosystem Vitality Vision – Ecosystems in the state are thriving; and
- Opportunities for Enriching Experiences Vision – All Californians have opportunities for enriching experiences.

On December 7, 2017, DWR released the next working draft of the 2018 Update. On January 9, 2018, DWR held a webathon to review the working draft and accept comments on it to inform the Public Review Draft. In March, IRWD submitted a formal comment letter on the Public Review Draft. While the next version of the update was due for release in spring, the update is yet to be released. IRWD staff will provide an oral update on any new developments of interest to IRWD.

*State Water Resources Control Board “Prohibiting Wasteful Water Use Practices” Regulations:*

At the end of last year, the State Board proposed and accepted comments on draft regulations “Prohibiting Wasteful Water Use Practices.” The District, along with many others in the water community, submitted comments on the draft regulations. Of particular interest to the District was the inclusion of recycled water irrigation of publicly-owned or maintained turf within the draft regulations.

At the end of January, the State Board released revised draft regulations. The revised regulations now exclude recycled water irrigation of publicly-owned and maintained turf from the prohibited uses if the recycled water irrigation system serving the landscape was installed prior to January 1, 2018. The State Board considered the revised regulations at its meeting on February 20, and asked its staff to consider revisions to the draft regulations. The release of those revised regulations is now expected to occur in July or August. Staff will provide an update on any new developed related to the regulations.

*State Water Resources Control Board Proposed Recycled Water Policy Amendments:*

In May, the State Board released proposed amendments to the “Policy for Water Quality Control for Recycled Water” (e.g. the Recycled Water Policy). The proposed amendments greatly change the policy from being focused on the use of recycled water for irrigation to a more overarching regulatory/policy document that will govern the terms of permits issued to recycled water producers and purveyors. Since its release, staff has been working with WateReuse California and other recycled water producers on the proposed amendments.

On June 19, 2018, the State Board held a public hearing to accept oral comments on the proposed amendments to the Recycle Water Policy. Staff participated in the hearing providing comments on the reporting, permitting and overarching policy goals of the proposed amendment. On June 26, 2018, IRWD submitted formal comments on the proposed amendments. A copy of the submitted comment letter is attached as Exhibit "C".

#### 2019 Legislative Planning

##### *ACWA's Call for Legislative Proposals:*

Each year the ACWA State Legislative Committee solicits legislative proposals from ACWA members, which it considers at its Annual Planning Meeting in the fall. The State Legislative Committee evaluates the proposals and determines whether to sponsor or support legislation based on ACWA's Strategic Business Plan, policy principles and priorities. In order to have a proposal considered, ACWA requires the proposal to be submitted by August 31, 2018.

#### FISCAL IMPACTS:

Not applicable.

#### ENVIRONMENTAL COMPLIANCE:

Not applicable.

#### RECOMMENDATION:

Receive and file.

#### LIST OF EXHIBITS:

Exhibit "A" – IRWD Legislative Matrix

Exhibit "B" – 2018 Legislative Update Report Links to Bill Texts

Exhibit "C" – IRWD Comment Letter on Proposed Recycled Water Policy Amendment

**EXHIBIT "A"**  
**IRWD 2018 LEGISLATIVE MATRIX**  
**Updated 07/02/2018**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 18</u></b> Garcia E (D)	Clean Water, Climate, and Coastal Protection Act		Enacts the California Clean Water, Climate, Coastal Protection and Outdoor Access For All Act, which would authorize the issuance of bonds to finance a clean water, climate, and coastal protection and outdoor access for all program. Provides for the submission of these provisions to the voters at the statewide direct primary election.	08/31/2017 - In SENATE. Joint Rule 62(a) suspended.;08/31/2017 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on GOVERNANCE AND FINANCE.;08/31/2017 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 161</u></b> Levine (D)	Department of Finance: Infrastructure Investment		Authorizes the Department of Finance to identify infrastructure projects in the state for which the department will guarantee a rate of return on investment for an investment made in that infrastructure project by the Public Employees' Retirement System.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: Not heard.
<b><u>AB 196</u></b> Bigelow (R)	Greenhouse Gas Reduction Fund: Water Supply		Amends the Global Warming Solutions Act, which creates the Greenhouse Gas Reduction Fund and authorizes specified investments, including water use and supply. Authorizes 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.	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 327</u></b> Gipson (D)	South Coast Air Quality Management District: Fleets		Authorizes the governing board of the south coast district to adopt rules and regulations that require specified operators of public and commercial fleet vehicles consisting of 15 or more vehicles to purchase the cleanest commercially available vehicles, as defined, that will meet the operator's operational needs.	06/20/2018 - From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on TRANSPORTATION AND HOUSING.
<b><u>AB 732</u></b> Frazier (D)	Levee Maintenance		Extends indefinitely the operation of the authorization to advance funds to reimburse local agencies under a program for the	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.

# IRWD 2018 LEGISLATIVE MATRIX

Updated 07/02/2018

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			maintenance or improvement of project or nonproject levees. Postpones the operation of certain related provisions.	
<b><u>AB 869</u></b> Rubio (D)	Sustainable Water Use: Recycled Water		Requires long-term standards for urban water conservation and water use to include a credit for recycled water. Prohibits an urban retailer water supplier from being required to reduce the amount of recycled water it produces, sells, or distributes for beneficial potable or nonpotable uses during a period when water conservation measures are in effect.	08/24/2017 - From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.;08/24/2017 - In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.
<b><u>AB 987</u></b> Kamlager-Dove (D)	Environmental Quality Act: Sports and Entertainment		Establishes specified administrative and judicial review procedures for the review of the environmental impact report and approvals granted for a project related to the development of a specified sports and entertainment project in the City of Inglewood. Specifies that the decisions of the lead agency regarding certain analyses and impacts shall not be considered as an abuse of discretion if certain conditions are met.	06/26/2018 - From SENATE Committee on JUDICIARY: Do pass as amended to Committee on APPROPRIATIONS.
<b><u>AB 1000</u></b> Friedman (D)	Water Conveyance: Unused Facility Capacity	Watch	Prohibits a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands.	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 1017</u></b> Santiago (D)	Collective Bargaining Agreements: Arbitration		Amends the existing law, with regard to disputes concerning collective bargaining agreements for private employees. Provides for such provision apply to public employment. Limits liability for attorney's fees under such provisions to a labor organization or employer.	09/15/2017 - In ASSEMBLY. Ordered returned to SENATE. *****To SENATE.

# IRWD 2018 LEGISLATIVE MATRIX

Updated 07/02/2018

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<b><u>AB 1270</u></b> Gallagher (R)	Dams and Reservoirs: Inspections and Reporting		Amends existing law that requires the Department of Water Resources to inspect dams, reservoirs, and appurtenant structures once per fiscal year. Requires the owner of a dam to operate critical outlet and spillway control features on an annual basis and to demonstrate their full operability in the presence of the Department. Provides certain inspection reports may be withheld from public release. Requires the Department to provide specified information on its website.	02/26/2018 - Signed by GOVERNOR.;02/26/2018 - Chaptered by Secretary of State. Chapter No. 2018-3
<b><u>AB 1273</u></b> Gallagher (R)	Environmental Quality Act: Exemption: Levee Repairs		Amends the California Environmental Quality Act (CEQA). Exempts from the requirements of the CEQA, repairs of critical levees of the State Plan of Flood Control within an existing levee footprint to meet standards of public health and safety. Requires the lead agency to take certain actions regarding the repairs.	07/11/2017 - In SENATE Committee on NATURAL RESOURCES AND WATER: Failed passage.
<b><u>AB 1323</u></b> Weber (D)	Sustainable Water Use and Demand Reduction		Requires the Department of Water Resources to convene a stakeholder workgroup. Requires the workgroup to develop, evaluate, and recommend proposals for establishing new water use targets for urban water suppliers and report to the Governor and the Legislature. Requires all expenses to be the responsibility of the nonstate agency stakeholders.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<b><u>AB 1420</u></b> Aguiar-Curry (D)	Water Rights: Small Irrigation Use		Requires State Water Resources Control Board to give priority to adopting general conditions that permit a registrant to store water for small irrigation use during times of high streamflow in exchange for the registrant reducing diversions during periods of low streamflow. Exempts an entity from the requirement to enter into a lake or streambed alteration agreement with the department under specified circumstances.	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 1654</u></b> Rubio (D)	Labor Code Private Attorneys General Act: Construction	Sponsor & Support	Exempts from The Labor Code Private Attorneys General Act of 2004 an employee in the construction industry, as defined, with respect to work performed under a valid collective bargaining agreement, if the agreement provides for certain terms of	06/27/2018 - From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on APPROPRIATIONS.



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			employment, prohibits violations otherwise redressable pursuant to the act, provides a grievance and binding arbitration procedure to redress violations, expressly and unambiguously waives the act, and authorizes the arbitrator to award otherwise available remedies.	
<b><u>AB 1667</u></b> Friedman (D)	Water Management Planning	Oppose	Requires the State Water Resources Control Board to adopt long-term standards for urban water conservation and water use on or before the specified date. Requires the board to adopt performance measures for commercial, industrial, and institutional water use on or before that date. Require an urban water supplier to calculate a water use target beginning the calendar year after the board adopts long-term standards for urban water conservation and water use. Relates to submission of specified information.	07/11/2017 - In SENATE Committee on NATURAL RESOURCES AND WATER: Heard, remains in Committee.
<b><u>AB 1668</u></b> Friedman (D)	Water Management Planning	Support	Requires the State Water Resources Control Board to adopt long term standards for the efficient use of water and performance measures for certain water uses. Requires the Department to conduct necessary studies and investigations and authorizes them to recommend to the Legislature a standard for indoor residential water use. Imposes civil liability for a violation of an order or regulation issued pursuant to these provisions, as specified.	05/31/2018 - Signed by GOVERNOR.;05/31/2018 - Chaptered by Secretary of State. Chapter No. 2018-15
<b><u>AB 1740</u></b> Daly (D)	Budget Deficit Savings Account		Establishes the Budget Deficit Savings Account in the State Treasury, provides that funds in the reserve shall be available only for specified purposes, for appropriation by the Legislature in fiscal years in which there is a state budget deficit.	04/30/2018 - In ASSEMBLY. Joint Rule 62(a) suspended.
<b><u>AB 1745</u></b> Ting (D)	Vehicles: Clean Cars 2040 Act		Requires all new passenger vehicles to be zero emissions vehicles after a specified date. States that zero emissions vehicles cannot produce exhaust emissions of any criteria pollutant or greenhouse gas under any operational mode or condition. Exempts large commercial vehicles (larger than a specified number of pounds) and does not apply to vehicles owned by people moving into California from other states.	01/16/2018 - To ASSEMBLY Committee on TRANSPORTATION.

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<b><u>AB 1748</u></b> Steinorth (R)	Property Taxation: Base Year Value Transfer		Amends existing law relating to the base year value of property that is eligible for the homeowner's exemption. Deems a replacement dwelling to be of equal or lesser value if the amount of the full cash value of that replacement dwelling does not exceed specified amounts based on the date of the sale of the original property relative to the purchase or new construction of the replacement dwelling.	05/14/2018 - In ASSEMBLY Committee on REVENUE AND TAXATION: Failed passage.
<b><u>AB 1770</u></b> Steinorth (R)	Local Government: Investments		Revises the maximum 5-year maturity requirement regarding investment in securities by a local agency to instead require that the securities have a maximum remaining security of 5 years or less. Eliminates the requirement that the securities issuer be rated A or its equivalent or better for the issuer's debts as provided by an NRSRO.	06/21/2018 - In SENATE. Read second time. To third reading.
<b><u>AB 1912</u></b> Rodriguez (D)	Public Employees' Retirement: Joint Powers Agreements		Eliminates that authorization, and would specify that if an agency established by a joint powers agreement participates in, or contracts with, a public retirement system, member agencies, both current and former to the agreement, would be required, upon termination or a decision to dissolve or cease operations of the agency, to mutually agree as to the apportionment of the agency's retirement obligations among themselves, within 60 calendar days.	06/26/2018 - From SENATE Committee on JUDICIARY: Do pass as amended to Committee on APPROPRIATIONS.
<b><u>AB 1945</u></b> Garcia E (D)	Greenhouse Gas Reduction Fund: Investment Plan		Requires the State Air Resources Board to work with state agencies administering grant programs that allocate moneys from the fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality and to include a specified application timeline for programs with competitive application processes and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications.	06/25/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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<b><u>AB 1989</u></b> Mathis (R)	Water and Wastewater Loan and Grant Program		Appropriates a specified amount to the State Water Resources Control Board. Provides funding to eligible applicants for specified purposes relating to drinking water and wastewater treatment.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 1991</u></b> Mathis (R)	Safe Drinking Water State Revolving Fund		Requires the State Water Resources Control Board to post information on its internet web site regarding implementation of the Safe Drinking Water Revolving Fund Law and expenditures from the Fund.	03/15/2018 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.;03/15/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<b><u>AB 2003</u></b> Daly (D)	Public Contracts: Sanitation Districts	Support	Relates to existing law which requires a sanitation district, when an expenditure for work exceeds a specified amount, to contract with the lowest responsible bidder after notice. Requires the notice to be published in a manner that the district board determines to be reasonable, which may include, but is not limited to, newspapers, Internet Web sites, radio, television, or other means of mass communication.	02/12/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<b><u>AB 2017</u></b> Chiu (D)	Public Employers: Employee Organizations		Expands the definition of public employer to include those employers of excluded supervisory employees and judicial council employees. Includes in the definition of public employee those employees of a public transit agency with specified labor relation provisions. Prohibits a public employer from deterring or discouraging prospective public employees from becoming or remaining members of an employee organization.	06/25/2018 - From SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on APPROPRIATIONS.

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<b><u>AB 2038</u></b> Gallagher (R)	Countywide Drought and Water Shortage Contingency Plans		Requires the Department of Water Resources, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and requires the department to notify counties and groundwater sustainability agencies of those suppliers or communities.	02/16/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<b><u>AB 2042</u></b> Steinorth (R)	Personal Income Tax Credits: Graywater Reuse Systems		Allows as a credit against the net personal income tax equal to a certain percent of the cost of installing a residential graywater reuse system in the taxpayer's residence located in the state. Limits the cumulative amount of the credit. Requires the Franchise Tax Board to receive and evaluate applications that are submitted by taxpayers to receive a residential graywater reuse system credit and to certify to the taxpayer the amount of the credit that is authorized.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2050</u></b> Caballero (D)	Small System Water Authority Act of 2018	Support	Creates the Small System Water Authority Act to authorize the creation of small system water authorities to have powers to absorb, improve, and competently operate noncompliant public water systems. Requires the State Water Resources Control Board to provide certain notices to systems that are not compliant with drinking water standards.	06/27/2018 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 2060</u></b> Garcia E (D)	Water: Grants: Advanced Payments		Requires the board, within 60 days of awarding a grant from the grant fund, to provide a project proponent that requests an advanced payment and satisfies certain criteria with advanced payment of \$500,000 or 50% of the grant award, whichever is less, for projects in which the project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.	06/28/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 2064</u></b> Gloria (D)	Integrated Regional Water Management Plans: Grants		Requires require the department to provide a project proponent that requests advanced payment and satisfies certain criteria with advanced payment for those projects of a specified amount or	06/27/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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			percentage of the grant award, whichever is less. Eliminates the requirement that the grant award for the project be less than a certain amount to obtain advanced payment. Requires the Department of Water Resources to provide advance payment of the remaining award for a project that received half of an advance payment.	
<b><u>AB 2065</u></b> Ting (D)	Local Agencies: Surplus Land		Expands the definition of local agency to include sewer, water, utility, local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state that is empowered to acquire and hold real property, thereby requiring these entities to comply with the requirements for the disposal of surplus land. Defines surplus land, dispose of, and priority for purposes of these provisions.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2071</u></b> Bloom (D)	Government Immunity: Accessory Dwelling Units		Provides that the City of Los Angeles is not liable for an injury or for damage that has arisen from or is related to the use of an accessory dwelling unit and that is caused by any utility system, including, but not limited to, a water system or electrical system equipment, that the city designed, owns, operates, or maintains if the city has permitted the utility system equipment and the accessory dwelling unit or structure being converted to an accessory dwelling unit to remain in the same location.	06/25/2018 - From SENATE Committee on JUDICIARY with author's amendments.;06/25/2018 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<b><u>AB 2072</u></b> Quirk (D)	State Water Resources Control Board: Contaminants		Requires the State Water Resources Control Board to establish and maintain a dedicated program to research the potential effects of constituents of emerging concern in water sources on human and ecosystem health.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2077</u></b> Limon (D)	Electricity: Local Government Renewable Energy Program		Requires an electrical corporation to negotiate in good faith with the County of Santa Barbara to construct and operate eligible renewable generating facilities sufficient to meet the local government's 100% renewables commitment. Requires that any	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

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			mutually agreed upon rates and terms be submitted to the commission and would require the commission to approve the rates and terms if the commission determines them to be just and reasonable.	
<b><u>AB 2123</u></b> Cervantes (D)	California Voting Rights Act: District-Based Elections		Permits a political subdivision and a prospective plaintiff bringing an action under the state Voting Rights Act to enter into a written agreement to extend the time period during which a prospective plaintiff is prohibited from commencing an action for up to an additional specified amount of days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input. Requires a schedule of the public outreach events be published on the subdivision web site.	06/19/2018 - From SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS: Do pass to Committee on JUDICIARY.
<b><u>AB 2154</u></b> Bonta (D)	Public Employment: Labor Relations: Release Time		Prescribes requirements relating to release time that would apply to all of the public employers and employees subject to specified public employee acts and would generally repeal the provisions relating to release time in those acts. Prohibits the Public Employment Relations Board from enforcing these provisions with regard to public transit workers that are not otherwise subject to the board's jurisdiction.	04/02/2018 - From ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY with author's amendments.;04/02/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.
<b><u>AB 2179</u></b> Gipson (D)	Municipal Corporations: Public Utility Service		Authorizes a municipal corporation to utilize the alternative procedures to lease, sell, or transfer that portion of a municipal utility used for furnishing sewer service outside the boundaries of the municipal corporation.	07/02/2018 - In SENATE. Read second time. To third reading.
<b><u>AB 2241</u></b> Rubio (D)	The Open and Transparent Water Data Act	Support	Amends the Open and Transparent Water Data Act. Requires the Department of Water Resources to work to improve the open and transparent access to data by reducing the fractured or duplicative reporting of the same data to multiple governmental agencies and	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

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			departments, and by reducing the reporting burden on entities providing data to governmental agencies.	
<b><u>AB 2242</u></b> Rubio (D)	Urban Water Management Planning		Amends the Urban Water Management Planning Act. Requires an urban water supplier, to include in its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry years, including a repeat of consecutively historic driest years the urban water supplier has experienced.	06/04/2018 - In ASSEMBLY. To Inactive File.
<b><u>AB 2249</u></b> Cooley (D)	Public Contracts: Local Agencies: Alternative Procedure		Authorizes public projects of a specified amount or less to be performed by the employees of a public agency, authorize public projects of a specified amount or less to be let to contract by informal procedures, and require public projects of more than a specified amount to be let to contract by formal bidding procedures.	06/26/2018 - In SENATE. Read second time. To Consent Calendar.
<b><u>AB 2266</u></b> Bigelow (R)	Urban Water Management Plans: Adoption		Requires urban water suppliers to prepare and adopt urban water management plans within a specified number of years after becoming urban water suppliers.	03/15/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;03/15/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<b><u>AB 2277</u></b> Mathis (R)	Solid Waste Facilities: Pharmaceutical Waste		Vests the Department of Resources Recycling and Recovery with the primary responsibility for the disposal of home- generated pharmaceutical waste and would require the Department of Resources Recycling and Recovery, in collaboration with the State Department of Public Health, the Department of Toxic Substances control, and the California State Board of Pharmacy, to adopt regulations authorizing the incineration of home- generated pharmaceutical waste by solid waste facilities.	03/01/2018 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.



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<b><u>AB 2278</u></b> Berman (D)	Local Government Renewable Energy Self Generation		Amends the Local Government Renewable Energy Self Generation Program. Revises how the bill credit is calculated. Requires the electrical corporation to use the time of use periods and certain seasonal definitions. Requires a tariff approved by the commission as part of the program to remain in effect for the operating life of the associated eligible renewable generating facility. Repeals the requirement that when the last billing cycle of a 12-month period is reached, any remaining credit is reset to zero.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS; Held in committee.
<b><u>AB 2283</u></b> Holden (D)	Income Taxes: Exclusion: Turf Removal Program	Support	Extends the operation of existing law which provides an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf removal water conservation program.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS; Held in committee.
<b><u>AB 2341</u></b> Mathis (R)	California Environmental Quality Act		Specifies that, except as provided, the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for the purposes of the California Environmental Quality Act and that the lead agency is not required to evaluate the aesthetic of those projects.	06/14/2018 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;06/14/2018 - In SENATE. Read second time and amended. Re- referred to Committee on ENVIRONMENTAL QUALITY.
<b><u>AB 2370</u></b> Holden (D)	Lead Exposure: Child Daycare Facilities		Requires, as a condition of licensure, the health and safety training to include instruction in the prevention of lead exposure as a part of the preventive health practices course or courses component. Requires the child day care facility, upon enrolling or reenrolling any child, to provide the parent or guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing.	06/28/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 2371</u></b> Carrillo (D)	Water Use Efficiency: Landscape Irrigation		Requires the Department of Water Resources, on or before June 30, 2019, and at least every 3 years thereafter, to collaborate with the University of California Division of Agriculture and Natural Resources to review and revise the Water Use Classification of	06/28/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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			Landscape Species publication, and its associated database, relating to plant taxa. Encourages the University of California Division of Agriculture and Natural Resources to provide additional specified information for each listed plant taxa.	
<b><u>AB 2379</u></b> Bloom (D)	Waste Management: Plastic Microfiber		Relates to toxic chemical enforcement. Requires that new clothing with a certain material composition bear a conspicuous label that is visible to the consumer in the form of a sticker, or any other label type, with a statement that the garment sheds plastic microfibers when washed. Requires additional information, including that same statement, on the care label of such garments. Prohibits sales of such new clothing without those labels.	06/04/2018 - In ASSEMBLY. To Inactive File.
<b><u>AB 2432</u></b> Obernolte (R)	California Voting Rights Act		Prohibits the courts under the California Voting Rights Act, from imposing district-based elections unless the plaintiff has established that district-based elections would remedy the dilution of abridgment of voting rights and that alternatives to district-based elections would not achieve greater voting rights and other benefits.	04/25/2018 - In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Not heard.
<b><u>AB 2434</u></b> Bloom (D)	Strategic Growth Council: Health in All Policies		Establishes the Health in All Policies Program, to be administered by the Strategic Growth Council, for the purposes of incorporating health, equity, and sustainability considerations into decision making across sectors and policy areas. Requires the council, by October 1, 2019, to develop a report of recommendations for programs, policies, and practices that state agencies can undertake to advance health, equity, and specified goals of the HiAP Program.	06/27/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 2441</u></b> Frazier (D)	Sac San Joaquin Delta Abandoned Commercial Vessels		Amends existing law authorizing the State Lands Commission to recover costs relating to the removal of abandoned commercial vessels. Requires the Commission to deposit any moneys recovered from commercial vessel removal actions into the Sacramento San Joaquin Delta Abandoned Vessel Removal Account. Requires the Commission to develop a plan for the removal of abandoned commercial vessels using those moneys, as prescribed.	06/28/2018 - From SENATE Committee on APPROPRIATIONS with author's amendments.;06/28/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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<b><u>AB 2447</u></b> Reyes (D)	California Environmental Quality Act: Land Use		Requires the Office of Environmental Health Hazard Assessment to publish a list of subject land uses and a map that identifies disadvantaged communities and areas within a certain distance of the disadvantaged communities. Requires a lead agency that is preparing an EIR or a negative declaration to provide certain notices to property owners and schools near any parcel or parcels on which there is a project involving a subject land use.	07/02/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 2464</u></b> Harper (R)	California Coastal Act: Port of Newport Beach		Relates to a port master plan for the port of Hueneme, Long Beach, Los Angeles, or San Diego Unified Port District located within the coastal zone. Applies this port master plan provision to the Port of Newport Beach located within the coastal zone, except as provided.	03/05/2018 - To ASSEMBLY Committee on NATURAL RESOURCES.
<b><u>AB 2470</u></b> Grayson (D)	Invasive Species Council: Advisory Committee		Establishes the Invasive Species Council of California to help coordinate a comprehensive effort to prevent the introduction of invasive species in the state and to provide for the control or eradication of invasive species already established. Establishes the Invasive Species Fund. Provides that moneys in the Fund would be available for the purposes of funding invasive species projects. Authorizes moneys from the Noxious Weed Management Account to be available for certain activities.	06/19/2018 - From SENATE Committee on AGRICULTURE: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 2475</u></b> Ting (D)	State Owned Property: Sustainable Landscaping		Requires the Department of General Services to review, at least every 5 years, any existing regulations and practices for sustainability, energy efficiency, and water efficiency requirements for landscapes on state-owned real property to ensure those regulations and practices reflect the most current sustainability and efficiency standards available.	05/24/2018 - To SENATE Committee on GOVERNMENTAL ORGANIZATION.
<b><u>AB 2501</u></b> Chu (D)	Drinking Water: Consolidation and Extension of Service		Redefines disadvantaged community for purposes of the California Safe Drinking Water Act to also include a disadvantaged community that is served by a state small water system or domestic well. Authorizes the State Water Resources Control Board to order	06/27/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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			consolidation with a receiving water system where a disadvantaged community is reliant on domestic well that consistently fails to provide an adequate supply of safe drinking water.	
<b><u>AB 2516</u></b> Eggman (D)	Dams: Reservoir Restrictions		Requires the Department of Water Resources to post, and update quarterly, on its website a report containing the name of each reservoir subject to a restriction and the reservoir's associated downstream hazard potential classification, the effective date of the reservoir restriction, the reason for the restriction, and actions that would allow the restrictions to be removed. Provides that if no reservoir restrictions are in effect, the Department shall post this fact on its website.	06/13/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 2528</u></b> Bloom (D)	Climate Adaptation		Adds new sectors to the climate adaptation strategy which are the land use and community development sector, the climate justice sector, and the parks, recreation, and California culture sector. Specifies that the biodiversity and habitat sector includes habitat resilience areas.	06/26/2018 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass as amended to Committee on APPROPRIATIONS.
<b><u>AB 2541</u></b> Salas (D)	Safe Drinking Water State Revolving Fund		Relates to existing laws grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system with a service area that qualifies as a severely disadvantaged community. Authorizes the board, to the extent permitted by federal law, to provide up to 100% grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund.	06/06/2018 - From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 2551</u></b> Wood (D)	Forest and Wildland Health Improvement		Requires the Department of Forestry and Fire Prevention to establish, implement, and administer the Forest and Wildland Health Improvement and Fire Prevention Program. Implements and administers programs that are intended to promote forest and wildland health, restoration, and resilience, and improve fire outcomes, prevention, and preparedness throughout the state.	06/26/2018 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass as amended to Committee on APPROPRIATIONS.

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			Authorizes the Department to enter into an agreement with a person to conduct joint prescribed burning operations, as specified.	
<b><u>AB 2571</u></b> Gonzalez (D)	Public Employee Retirement Systems: Investments		Requires a public investment fund to require an alternative investment vehicle to report at least annually certain information concerning specified hospitality employers relating to race and gender pay equity and sexual harassment. Requires such fund to disclose race and gender pay equity and sexual harassment information provided to it in a report presented at a meeting open to the public.	04/18/2018 - In ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY: Not heard.
<b><u>AB 2649</u></b> Arambula (D)	Water Rights: Water Management		Authorizes a groundwater sustainability agency or local agency to apply for, and the board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin.	06/28/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 2697</u></b> Gallagher (R)	Wildlife, Bird, and Waterfowl Habitat		Requires the Wildlife Conservation Board to establish a program, which may include direct payments or other incentives, to encourage landowners to voluntarily cultivate or retain cover crops or other upland vegetation on idled lands to provide waterfowl, upland game bird, and other wildlife habitat cover for purposes, including, but not limited to, encouraging the use of idle agricultural lands for wildlife habitat.	06/26/2018 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 2711</u></b> Chen (R)	Property Tax Revenue Allocations: County Of Orange	Watch	Requires the auditor of the County of Orange to increase the total amount of ad valorem property tax revenue that is otherwise required to be allocated to the county by the county equity amount and to commensurately decrease the amount of ad valorem property tax revenue that is otherwise required to be allocated to the county Educational Revenue Augmentation Fund and, if necessary, the amount of those revenue otherwise required to be allocated to school districts.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<b><u>AB 2728</u></b> Chen (R)	Replacement Of Corroded Or Lead-containing Plumbing		Authorizes the State Water Resources Control Board to establish a grant program to provide funding to a county or qualified nonprofit organization, as specified, to provide low-interest loans to defined property owners for the replacement of corroded or lead-containing plumbing and service lines that adversely impact drinking water standards for the installation of a point-of-use or point-of-entry water treatment system, as specified.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2812</u></b> Limon (D)	Data Storage and Protection Standards: Local Agencies		Creates the Office of Local Cloud Migration and Digital Innovation in the Department of Technology. Requires the Office to promote the use of technologies including cloud based computing and data storage that will assist local agencies in their efforts to further transparency, efficiency, disaster preparedness and response, and general accessibility to the public. Requires the Office to partner with private industry and the nonprofit community to maximize the assistance provided to local agencies.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2815</u></b> Gray (D)	Water Rights: Appropriations of Water		Makes nonsubstantive changes in provisions of the State Water Resources Control Board water rights program.	02/16/2018 - INTRODUCED.
<b><u>AB 2828</u></b> Friedman (D)	Waste Discharge Requirements: Oil and Gas Operations		Amends the Porter Cologne Water Quality Control Act. Authorizes a regional board to approve a waste discharge requirement for the use or reuse of produced water from an oil and gas operation for agriculture purposes or for groundwater recharge only if, after a public hearing, it finds that the Council on Science and Technology has reviewed the best available independent scientific evidence and has found the use will not pose a significant risk to the public from any contaminants.	04/17/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;04/17/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<b><u>AB 2890</u></b> Ting (D)	Land Use: Accessory Dwelling Units	Seek Amendments	Authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones. Prohibits the imposition of lot coverage standards or requirements on minimum lot size, lot coverage, or floor area ratio. Prohibits an ordinance from establishing size requirements	06/27/2018 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass as amended to Committee on APPROPRIATIONS.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			for accessory dwelling units that do not permit a certain minimum square foot unit of at least 16 feet in height to be constructed.	
<b><u>AB 2898</u></b> Gloria (D)	Emergency Services: Local Emergencies		Requires a review of a local emergencies by the governing body of a city or county to occur at specified time intervals under the Emergency Services Act .	06/27/2018 - In SENATE. Read second time. To third reading.
<b><u>AB 2957</u></b> Gallagher (R)	Water: Institute for Water Innovation and Technology		Requests the Regents of the University of California to establish the California Institute for Water Innovation and Technology in order to achieve specified goals, including developing the state's next generation of water professionals and technicians and growing the state's economy by creating new opportunities for jobs in water research, management, and technology. Provides for the location of the Institute.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2966</u></b> Aguiar-Curry (D)	Disaster Relief		Provides that the state share for the removal of dead and dying trees in connection with the Governor's proclamation of a state of emergency issued on a specified date is no more than 90 percent of total state eligible costs.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2970</u></b> Cooper (D)	Public Employees: New Employee Orientations		Requires that the date, time, and place of a new employee orientation by a state or local public employer be confidential and not be shared with anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation.	06/11/2018 - From SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on JUDICIARY.
<b><u>AB 2975</u></b> Friedman (D)	Wild and Scenic Rivers		Takes action to enact a statute that, upon enactment, would require the removal or delisting of any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers. Requires the Secretary of the Natural Resources Agency, after holding a public hearing on the issue, based on the information obtained through the public hearing.	06/26/2018 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 3027</u></b> Chavez (R)	California Environmental Quality Act: Attorney's Fees		Limits the awarding of attorney's fees to certain persons or entities for a prevailing party that is a plaintiff or petitioner in an action or proceeding under the California Environmental Quality Act.	04/23/2018 - In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage.;04/23/2018 - In ASSEMBLY Committee on NATURAL RESOURCES: Reconsideration granted.
<b><u>AB 3031</u></b> Quirk (D)	Safety in Employment: Power Tools: Training		Requires an employer whose employees are involved in using power tools or other equipment for the cutting, grinding, coring, or drilling of concrete or masonry materials to provide specified training to those employees to reduce health hazards associated with the inhalation or ingestion of dust arising from those operations.	03/12/2018 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<b><u>AB 3037</u></b> Chiu (D)	Community Redevelopment Law		Amends the Community Redevelopment Law. Authorizes a city or county to propose the formation of a redevelopment housing and infrastructure agency by adoption of a resolution of intention that meets specified requirements, including a passthrough provision and an override passthrough provision. Requires the city or county to submit that resolution to each affected taxing entity. Requires the Strategic Growth Council to provide technical assistance to a city or county desiring to form an agency.	05/25/2018 - In ASSEMBLY. Joint Rule 62(a) suspended.;05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 3045</u></b> Gallagher (R)	Natural Resources Agency: State Water Project		Establishes within the Natural Resources Agency the State Water Project Commission, consisting of 9 members appointed by the Governor and subject to confirmation by the Senate, including one member nominated by the Butte County Board of Supervisors. Imposes a new duty on the Butte County Board of Supervisors, the bill would impose a state-mandated local program.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 3155</u></b> Cooper (D)	Public Works: Definition		Expands the meaning of the term public works for purposes of requirements regarding the payment of prevailing wages, to include warranty work, and would include warranty work within the definition of construction as it is used to define "public works".	03/12/2018 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.



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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 3170</u></b> Friedman (D)	Sales and Use Taxes: Exemptions: Water Efficiency	Support	Exempts from sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption of, qualified water efficiency products sold or purchased during a certain period of time, or for which a layaway agreement is entered into, a raincheck is issued, or other specified orders are placed, during this period until a specified date.	05/25/2018 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 3187</u></b> Grayson (D)	Biomethane: Gas Corporations: Rates		Replaces the requirement that this consideration be made before expiration of the program, to instead require the commission to open a proceeding to consider those options by no later than July 1, 2019.	06/19/2018 - From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 3206</u></b> Friedman (D)	Water Conservation: Water Meters: Accuracy		Requires the State Energy Resources Conservation and Development Commission, to the extent that funding is available, to adopt regulations setting standards for the accuracy of water meters that are installed by a water purveyor or manufactured and sold or offered for sale in the state. Includes an exception for a water meter that, as of the effective date of the regulations, a water purveyor possesses, or has entered into a contract to purchase, and has not yet installed.	06/28/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 3222</u></b> O'Donnell (D)	Public Works: Prevailing Wages		Expands the definition of public works, for the purposes of provisions relating to the prevailing rate of per diem wages, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a project for a charter school, as defined, when the project is paid for, in whole or in part, with the proceeds of conduit revenue bonds, as defined, that were issued on or after a specified date.	06/27/2018 - From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 3253</u></b> Banking and Finance Cmt	Local Government: Financial Affairs		Increases the percentage of a local agency's funds that can be invested of the agency's surplus funds in deposits at specified types of financial institutions that use a private sector entity to assist in	04/10/2018 - From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.;04/10/2018 - In

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			the placement of deposits and in certificates of deposit at specified types of financial institutions.	ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
<b><u>AB 3254</u></b> Local Government Cmt	Local Government Organization: Omnibus		Revises the definitions of affected territory and inhabited territory under the Local Government Reorganization Act of 2000 to include territory that is to receive extended services from a local agency, and additionally defines the term uninhabited territory for purposes of the Act.	06/27/2018 - Enrolled.
<b><u>ACA 24</u></b> Waldron (R)	Property Taxation: Transfer of Base Year Value		Requires the Legislature to provide for the transfer of base year value of property that is substantially damaged or destroyed by a disaster, as declared by the Governor, occurring on or after a specified date through a specified date, to comparable property located within the same or a different county that is acquired or newly constructed as a replacement for the substantially damaged or destroyed property.	06/28/2018 - To ASSEMBLY Committee on REVENUE AND TAXATION.
<b><u>ACA 28</u></b> Mathis (R)	Water: Projects: Funding		Provides that, from specified state revenues, there shall be set apart, in unspecified percentages, moneys to be applied by the state for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 and, of the amount remaining, for specified water projects of the Department of Water Resources and the State Water Resources Control Board.	02/26/2018 - INTRODUCED.
<b><u>AJR 38</u></b> Mathis (R)	Dams and Reservoirs: Federal Jurisdiction: Safety		Urges Congress to implement revised dam safety and inspection requirements, with specified components, for all federally operated and regulated dams and reservoirs for the purpose of ensuring public safety.	05/24/2018 - Chaptered by Secretary of State.;05/24/2018 - Resolution Chapter No. 2018-76
<b><u>SB 24</u></b> Portantino (D)	Political Reform Act of 1974: Economic Interest		Amends the Political Reform Act which requires certain disclosures to include a statement indicating the fair market value of investments or interests in real property and the aggregate value of	08/31/2017 - In ASSEMBLY. To Inactive File.

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			income received from each reportable source. Revises the dollar amounts associated with these ranges.	
<b><u>SB 49</u></b> de Leon (D)	Environmental and Workers' Defense Act		Relates to the California Environmental, Public Health, and Workers Defense Act of 2017. Relates to clean air, drinking water, discharge of pollutants into the atmosphere and waters, and endangered species. Requires specified agencies to take prescribed actions to maintain and enforce standards pertaining to air, water, and protected species. Prohibits a state agency from amending rules to be less stringent in protection of workers' rights and workers' safety than established by federal law.	09/12/2017 - From ASSEMBLY Committee on RULES with author's amendments.;09/12/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on RULES.
<b><u>SB 80</u></b> Wieckowski (D)	California Environmental Quality Act: Notices		Amends the California Environmental Quality Act. Requires a lead agency to post certain notices on the agency's Internet Web site and to offer to provide those notices by e-mail. Requires a county clerk to post notices regarding an environmental impact report or a negative declaration on the county's Internet Web site. Requires the filing of a notice in certain cases.	10/15/2017 - Vetoed by GOVERNOR.
<b><u>SB 210</u></b> Leyva (D)	Heavy Duty Vehicle Inspection and Maintenance Program		Authorizes the State Air Resources Board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty on road motor vehicles. Authorizes the state board to assess a fee and penalty as part of the program. Creates the Truck Emission Check Fund with all the moneys deposited in the fund to be available upon appropriation.	06/19/2018 - From ASSEMBLY Committee on TRANSPORTATION with author's amendments.;06/19/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.
<b><u>SB 224</u></b> Jackson (D)	Personal Rights: Sexual Harassment		Amends existing law which establishes liability for sexual harassment when the plaintiff proves specified elements and existing law which states that a relationship may exist between a plaintiff and certain persons. Includes an investor, elected official, lobbyist, director, and producer among those listed persons who may be liable to a plaintiff for sexual harassment.	06/18/2018 - To ASSEMBLY Committee on JUDICIARY.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 473</u></b> Hertzberg (D)	California Endangered Species Act		Amends the California Endangered Species Act which prohibits the taking of an endangered or threatened species. Provides that the accidental take of candidate, threatened, or endangered species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the act.	09/08/2017 - In ASSEMBLY. To Inactive File.
<b><u>SB 606</u></b> Hertzberg (D)	Water Management Planning	Support	Requires an urban retail water supplier to calculate an urban water use objective and its actual urban water use by specified dates and requires a report. Authorizes the Department of Water Resources to waive these requirements for a maximum number of years. Imposes a civil liability for a violation of an order or regulation. Amends the Urban Water Management Planning Act. Provides certain requirements imposed on urban water suppliers.	05/31/2018 - Signed by GOVERNOR.;05/31/2018 - Chaptered by Secretary of State. Chapter No. 2018-14
<b><u>SB 623</u></b> Monning (D)	Water Quality: Safe and Affordable Drinking Water Fund	Oppose	Establishes 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. requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to safe and affordable drinking water.	09/01/2017 - Re-referred to ASSEMBLY Committee on RULES.
<b><u>SB 771</u></b> de Leon (D)	California Environmental Quality Act		Relates to The California Environmental Quality Act. Establishes a continuing education requirement for employees of public agencies who have primary responsibility to administer the act.	09/13/2017 - In ASSEMBLY. To Inactive File.
<b><u>SB 778</u></b> Hertzberg (D)	Safe Drinking Water Fund		Requires the State Water Resources Control Board to track and publish on its Internet Web site an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after a certain date. Requires the published information to include the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate supply of safe drinking water to the communities served by the consolidated water systems.	09/01/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

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<b><u>SB 831</u></b> Wieckowski (D)	Land Use: Accessory Dwelling Units	Seek Amendments	Requires the local agency ordinance for the creation of accessory dwelling units to designate areas where accessory dwelling units may be excluded for health and safety purposes. Revises the standards for the local ordinance to delete the authority to include lot coverage standards. Prohibits certain considerations by local agencies when deciding whether or not to approve an application.	06/27/2018 - In ASSEMBLY Committee on LOCAL GOVERNMENT: Heard, remains in Committee.
<b><u>SB 919</u></b> Dodd (D)	Water Resources: Stream Gages		Requires the Department of Water Resources and the board, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing and deploying new gages. Requires the department and the board, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species.	06/27/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>SB 952</u></b> Anderson (R)	Water Conservation: Local Water Supplies		States 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 ensure that local agencies receive sufficient credit for these investments in meeting any water conservation or efficiency mandates.	02/08/2018 - To SENATE Committee on RULES.
<b><u>SB 963</u></b> Allen (D)	Water Replenishment Districts		Repeals a reserve fund authorization for a water replenishment district. Requires financial statements to be submitted to the appropriate policy committees of the Legislature instead of the Legislature generally.	06/19/2018 - In ASSEMBLY. Read second time. To third reading.
<b><u>SB 966</u></b> Wiener (D)	Onsite Treated Nonpotable Water Systems		Requires the State Water Resources Control 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. Authorizes the Board to contract with public or private entities regarding the content of the standards.	06/26/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 998</u></b> Dodd (D)	Discontinuation of Residential Water Service	Oppose	Amends the Safe Drinking Water Act. Prohibits residential water service from being disconnected under specified circumstances. Requires an urban and community water system that furnishes individually submetered residential service to inform the residential occupants by written notice that service will be terminated and that the residential occupants have the right to become customers. Requires compliance on or after a specified date.	06/26/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.
<b><u>SB 1032</u></b> Moorlach (R)	California Public Employees' Retirement System		Authorizes a contracting agency to terminate its contract with the Board of Administration of the Public Employees' Retirement System the agency's will and would not require the contracting agency to fully fund the board's pension liability upon termination of the contract. Authorizes the board to reduce the member's benefits in the terminated agency pool by the percentage of liability unfunded.	04/23/2018 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Failed passage.;04/23/2018 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Reconsideration granted.
<b><u>SB 1033</u></b> Moorlach (R)	Public Employees Retirement: Reciprocal Benefits		Requires an agency participating in the Public Employees' Retirement System, that increases the compensation of a member who was previously employed by a different agency, to bear all actuarial liability for the action, if it results in an increased actuarial liability beyond what would have been reasonably expected for the member. Requires the increased liability be in addition to reasonable compensation growth that is anticipated for a member who works for employer or employers over an extended time.	04/23/2018 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Heard, remains in Committee.
<b><u>SB 1147</u></b> Hertzberg (D)	Offshore Oil and Gas Wells		Requires the State Oil and Gas Supervisor to evaluate and estimate the costs associated with the decommissioning of offshore oil and gas wells under its jurisdiction before a specified date. Requires the Supervisor to develop a schedule to increase the bond amounts or other financial surety provided by an operator. Establishes the Offshore Infrastructure Decommissioning Fund. Requires the State Lands Commission to expend moneys to finance the costs of well plugging and abandonment.	06/25/2018 - From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 1167</u></b> Anderson (R)	Eminent Domain: Final Offer of Compensation		Provides that if a court finds, on motion of a defendant that a plaintiff's offer was lower than a specified percentage of the compensation awarded in the proceeding, then the court would be required to include the defendant's litigation costs in the costs allowed.	05/08/2018 - In SENATE Committee on JUDICIARY: Failed passage.
<b><u>SB 1215</u></b> Hertzberg (D)	Provision of Sewer Service: Disadvantaged Communities		Authorizes the regional Water Resources Control Board to order the provision of sewer service by a special district, city, or county to a disadvantaged community, under specified circumstances. Authorizes the regional Board to take certain actions before ordering the provision of sewer service similar to those required for the consolidation or extension of water. Authorizes the regional Board to develop a process by which members of disadvantaged communities may petition for sewer service.	06/27/2018 - From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass as amended to Committee on APPROPRIATIONS.
<b><u>SB 1226</u></b> Bates (R)	Building Standards: Building Permits		Amends the State Building Standards Law. Requires the Department to propose the adoption of a building standard to the State Building Standards Commission pursuant to existing law that would authorize, when a record of the issuance of a building permit for the construction of an existing residential unit does not exist, enforcement officials to determine when the residential unit was constructed and issue a retroactive permit.	06/20/2018 - From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.
<b><u>SB 1284</u></b> Jackson (D)	Employers: Annual Report: Pay Data		Requires that, on or before a certain date, annually, a private employer that has a certain number of employees is to submit a pay data report to the Department of Industrial Relations. Requires the Department to make the report available to certain agencies upon request. Imposes specified civil penalties on any employer not in compliance. Makes it unlawful for any officer or employee of the Department to make public any individually identifiable information obtained from such report.	06/26/2018 - From ASSEMBLY Committee on JUDICIARY: Do pass to Committee on APPROPRIATIONS.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 1301</u></b> Beall (D)	State Permitting: Environment: Processing Procedures		Requires the Office of Planning and Research to develop a joint multiagency preapplication for supplemental consultation and a model fee-for-service agreement, in consultation with a state agency with the power to issue a permit that would authorize a dam safety project or authorize a flood risk reduction project and any interested potential project applicants.	06/26/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.
<b><u>SB 1364</u></b> Vidak (R)	Safe, Clean, Reliable Water Supply Act		Makes a nonsubstantive change in findings and declarations of the Safe, Clean, Reliable Water Supply Act.	03/08/2018 - To SENATE Committee on RULES.
<b><u>SB 1422</u></b> Portantino (D)	Safe Drinking Water Act: Microplastics		Requires the State Water Resources Control Board to adopt regulations requiring testing for and reporting of the amount of microplastics in drinking water, including public disclosure of those results.	06/26/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.
<b><u>SB 1433</u></b> Moorlach (R)	County Deferred Retirement Option Program		Prohibits a county or district from allowing a member to participate in a Deferred Retirement Option Program who was not participating in the program on or before a specified date. Prohibits a county or district from establishing a new or additional Deferred Retirement Option Program.	04/23/2018 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Failed passage.;04/23/2018 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Reconsideration granted.
<b><u>SB 1469</u></b> Skinner (D)	Land Use: Accessory Dwelling Units	Seek Amendments	Revises and recast the above-described provisions regarding accessory dwelling units to authorize the ordinance adopted for the creation of accessory dwelling units to designate areas where accessory dwelling units are excluded for health and safety purposes based on clear findings supported by substantial evidence. Limits the types of standards that a local agency may impose on accessory dwelling units, including parking, height, size, and setback requirements, and would revise certain standards.	05/25/2018 - In SENATE Committee on APPROPRIATIONS: Held in committee.



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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 1496</u></b> Governance and Finance Cmt	Validations		Enacts the Second Validating Act. Validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	06/01/2018 - Signed by GOVERNOR.;06/01/2018 - Chaptered by Secretary of State. Chapter No. 2018-23
<b><u>SB 1497</u></b> Governance and Finance Cmt	Validations		Enacts the First Validating Act. Validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	06/01/2018 - Signed by GOVERNOR.;06/01/2018 - Chaptered by Secretary of State. Chapter No. 2018-24
<b><u>SB 1498</u></b> Governance and Finance Cmt	Local Government Omnibus Act		Amends existing law requiring the Controller to report financial information about selected special districts. Eliminates the requirement that the report contain specified breakdowns of each special district's fund balance, retained earnings, fixed assets, and cash investments. Specifies the time frame for the filing of a test claim based on the date of incurring increased costs. Authorizes the display of a report to the Commission by providing a link to the Treasurer website relating to bond info.	06/27/2018 - From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS.
<b><u>SB 1499</u></b> Governance and Finance Cmt	Validations		Enacts the Third Validating Act.. Validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	06/01/2018 - Signed by GOVERNOR.;06/01/2018 - Chaptered by Secretary of State. Chapter No. 2018-25
<b><u>SB 1502</u></b> Environmental Quality Cmt	Nonvehicular Air Pollution		Authorizes air districts to send electronically, instead of by mail, any required public notice and other certain notices. Requires air districts to send a public notice by mail to any person who has requested the notices to be sent by mail. Requires an air district governing board, if the air district opts to send public notices electronically, to adopt procedures for a person to request public notices to be sent by mail and to update an electronic mail address.	06/28/2018 - Signed by GOVERNOR.;06/28/2018 - Chaptered by Secretary of State. Chapter No. 2018-59
<b><u>SCA 4</u></b> Hertzberg (D)	Water Conservation		Declares the intent of the Legislature to amend the California Constitution to provide a program that would ensure that affordable water is available to all Californians and to ensure that water conservation is given a permanent role in California's future.	02/16/2017 - To SENATE Committee on RULES.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SCA 18</u></b> Allen (D)	Elections: Recalls		Increases the vote required to recall a state officer.	05/25/2018 - In SENATE Committee on APPROPRIATIONS: Not heard.
<b><u>HR 23</u></b> Valadao (R)	Gaining Responsibility on Water Act		Amends the Gaining Responsibility on Water Act of 2017, provides drought relief in the State of California.	07/18/2017 - In SENATE. Read second time.;07/18/2017 - To SENATE Committee on ENERGY AND NATURAL RESOURCES.

## Exhibit “B”

2018 Legislative Update Report:  
Links to Bill & Regulatory Texts  
(as of July 2, 2018)

Bill Number/Version Date	Link to Bill Text
AB 327 (Gipson), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB327">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB327</a>
AB 1000 (Friedman), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1000">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1000</a>
AB 1876 (Fraizer), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1876">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1876</a>
AB 1912 (Rodriguez), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1912">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1912</a>
AB 2003 (Daly), as introduced	<a href="http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2003">http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2003</a>
AB 2050 (Caballero), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2050">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2050</a>
AB 2283 (Holden), as introduced	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2283">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2283</a>
AB 2241 (Rubio), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2241">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2241</a>
AB 2447 (Reyes), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2447">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2447</a>

AB 2501 (Chu), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2501">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2501</a>
AB 2711 (Chen), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2711">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2711</a>
AB 2890 (Ting), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2890">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2890</a>
AB 3170 (Friedman), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3170">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3170</a>
AB 3206 (Friedman), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3206">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3206</a>
SB 623 (Monning), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB623">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB623</a>
SB 831 (Wieckowski), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB831">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB831</a>
SB 952 (Anderson), as introduced	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB952">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB952</a>
SB 998 (Dodd), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB998">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB998</a>
SB 1215 (Hertzberg), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1215">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1215</a>
SB 1469 (Skinner), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1469">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1469</a>

SCA 4 (Hertzberg), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SCA4">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SCA4</a>
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## EXHIBIT "C"



VIA EMAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

June 26, 2018

The Honorable Felicia Marcus, Chair  
c/o Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Comment Letter – Proposed Recycled Water Policy Amendment

Dear Chair Marcus:

As a national leader in recycled water, the Irvine Ranch Water District (IRWD) has supported efforts to increase water recycling in California, and has advocated for the benefits of a “fit-for-purpose” regulatory approach to recycled water within the state. IRWD believes that recycled water is a key component of the state’s water supply portfolio and expansion of reuse will enhance the state’s overall water reliability.

IRWD appreciates the opportunity to comment on the proposed amendments to the “Policy for Water Quality Control for Recycled Water” (Proposed Amendments). IRWD supports the comments submitted by WaterReuse California and the California Association of Sanitation Agencies. It is our hope that the State Water Resources Control Board (State Board) will acknowledge and address the concerns voiced by these groups, which represent the majority of California’s active recycled water producers.

### **Proposed Addition of an Additional Recycled Water Goal:**

In an effort to avoid duplication, IRWD has not submitted comments similar to those made by the associations, although we agree with them that the new goal related to minimizing ocean discharges should be removed. *We would ask that, if it is the State Board’s desire to keep such a statement, that the State Board work with the associations and coastal recycled water producers to develop alternative placement for such a statement and alternative language.*

At a minimum, any alternative language should recognize that efforts to reduce the amount of treated wastewater discharged to the ocean should be balanced with the costs, challenges, and feasibility constraints many coastal communities face in order to increase the use of recycled water within their service areas, and reflect the Water Code’s focus on the cost-effective expansion of recycled water use.

### **Clarification for Individual Permit Holders**

Furthermore, prior to providing detailed comments on two additional items in the Proposed Amendments, IRWD would like to thank you and your staff for the time and effort the State Board has invested in the Proposed Amendments. We recognize that the Proposed Amendments are intended to provide greater statewide consistency in the permitting of recycled water projects. Toward that end, we greatly appreciated Chief Deputy Director Jonathan Bishop’s statement at the June 19, 2018, public hearing that the Proposed Amendments are not intended to require recycled water agencies holding individual permits

for their recycled water projects to transfer to or enroll under the statewide general order (Order WQ 2016-0068-DDW). Instead, he clarified that the Proposed Amendments are intended to ensure that those individual permits meet the policies outlined in the Recycled Water Policy.

IRWD, like many recycled water providers throughout the state, has worked with its regional boards to expand recycled water use throughout its service area. The current permits governing IRWD's recycled water production, distribution, and customers appropriately balance public health, water quality protection, and administrative burden to encourage recycled water use. While we recognize that not all recycled water providers have had this type of working relationship with their regional board, IRWD believes that such relationships should continue to be encouraged by the State Board and individual permits should continue to be allowed.

### **Other Detailed Comments**

In addition to the comments above, IRWD offers the following detailed comments on two topics for the State Board's consideration below:

#### ***1) Proposed Reporting of Wastewater and Recycled Water Data:***

IRWD has many years of experience gathering, reporting, and analyzing data within the water sector. Over the years, it has become more apparent that the time-intensive reporting burden on water districts and water agencies—which send monthly, annual and semi-annual reports to multiple government agencies with the same data categories—is heavy. Often these mandatory reports require the same data but in different formats and time-periods, which only increases the administrative burden on water agencies while providing no additional information to the receiving governmental agencies. IRWD has been an advocate for smarter reporting of data that better balances the burden with the need.

With regards to the Proposed Amendments, IRWD is comfortable with the data being sought under Section 3.2, et seq. and with the annual reporting of recycled water use. To better balance the State Board's need for the requested data with the burden on local agencies, IRWD requests that the Proposed Amendments be modified to streamline the required reporting and make clear that other duplicative reporting of wastewater influent, production and discharge of municipal wastewater treatment, and recycled water use is to be discontinued.

IRWD also requests that the monthly reporting for municipal wastewater treatment plant influent, production and disposal be modified. Specifically, we urge the State Board to modify the monthly reporting provisions to require only the annual reporting of the monthly data instead of setting a monthly reporting schedule.

In order to accomplish this and to streamline the reporting, IRWD recommends that:

- Section 3.2 be amended to reflect the intent that the data being reported pursuant to the Section 3.2, et seq. should ultimately be reported in the California Integrated Water Quality System (CIWQS);
- Sections 3.2.1.1, 3.2.1.2 and 3.2.1.3 be modified to replace “on a monthly basis” with “on an annual basis” and to add “The monthly” as the beginning of each section;



- Section 4.2 be amended to direct the Regional Boards to discontinue all reporting of the wastewater influent, production and discharge of municipal wastewater treatment, and recycled water use data being reported to the State Board, per the Proposed Amendments, and to use the data reported to the State Board instead; and
- Section 4.3 be modified to include a stronger statement encouraging the Department of Water Resources to use the State Board reported data, as a means of streamlining data reporting and collection.

Furthermore, we asked that Section 3.2.1, expressly recognize that the volume of influent entering a wastewater treatment plan will not equal the volume of treated wastewater produced. If the goal is to calculate where all of the influent is used or disposed of, or if the goal is to be able to calculate the amount of influent left to be reclaimed in California, the Board may want to consider asking agencies to report the amount of influent which is not reclaimable—this amount would largely consist of the volume of solids in the wastewater influent, water used in the treatment process, and brine.

## **2) Incidental Runoff**

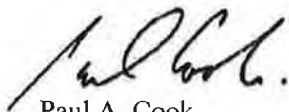
The Proposed Amendments appropriately define “incidental runoff,” but remove provisions that recognize incidental runoff occurs even when landscapes are being irrigated efficiently and responsibly. Section 7.4, titled “Incidental runoff of recycled water for irrigation” seems to implicitly acknowledge this, but the text of the section does not expressly address incidental runoff. *IRWD asks that Section 7.4 be modified along the lines of the following to expressly recognize and permit incidental runoff:*

*“Recycled water, more than incidental runoff, shall not be allowed to escape from the use area as surface flow that would either pond or enter surface waters, unless authorized by water discharge requirements, waivers of waste discharge requirements, or conditional prohibitions (e.g., agricultural dischargers from irrigated lands).”*

## **Conclusion**


Thank you again for considering IRWD’s comments on the Proposed Amendments. We appreciate the State Board’s interest in making water recycling projects easier and more attractive for agencies to pursue, and we look forward to continuing the conversation on the Proposed Amendments with you and your staff. Please do not hesitate to contact me at (949) 453-5590 if you have questions regarding our comments.

Sincerely,



Paul A. Cook  
General Manager



July 5, 2018  
Prepared and  
submitted by: C. Compton  
Approved by: Paul A. Cook 

## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### 2018 LAFCO POLICIES, GUIDELINES AND PROCEDURES PROPOSED REVISIONS

#### SUMMARY:

The Orange County Local Agency Formation Commission (“OC LAFCO” or “Commission”) is currently proposing updates to several of its policies, guidelines and procedures: the Standards for Evaluating Service Plans and Preparing Municipal Service Reviews, Spheres of Influence Policy and Guidelines for Preserving Community Identity and Policy for Promoting Community Identity. Additionally, the Commission is considering its Fiscal Year 2018-19 Work Plan.

A number of special districts and the Orange County City Managers Association (OCCMA) have raised concerns regarding certain aspects of the proposed revisions and with certain aspects of the proposed Fiscal Year 2018-19 Work Plan.

#### BACKGROUND:

##### Proposed Policy, Guideline and Procedure Changes:

OC LAFCO has been undertaking an update to the “Orange County LAFCO Handbook”. The handbook is essentially all of the policies, guidelines and procedures that govern OC LAFCO’s evaluation of reorganization applications, plans for services, Municipal Service Reviews (MSRs), and review and changes to sphere of influence (SOI) boundaries, etc.

Certain policies, guidelines and procedures were updated last November. These included OC LAFCO bylaws and “Policy and Guidelines for Disadvantaged Unincorporated Communities.” Now OC LAFCO is proposing updates to policies, guidelines and procedures that govern evaluating plans for services, MSRs, sphere of influence boundaries and OC LAFCO efforts to ensure community identity is preserved in unincorporated areas.

The proposed changes to the policies, guidelines and procedures split the existing policies, guidelines and procedures into various new or renamed documents. The new documents are titled “Guidelines for Evaluating a Plan of Services,” “Guidelines for Preparing Municipal Service Reviews,” “Guidelines for Establishing and Updating Spheres of Influence,” and the “Policy for Assisting in the Preservation of Community Identity.” A copy of the LAFCO staff report summarizing the proposed changes, which includes redlines of the policies, guidelines and procedures, is attached as Exhibit “A”.

A number of special districts and OCCMA have raised concerns regarding certain aspects of the proposed revisions. The concerns raised by these entities are expressed in their letter to LAFCO on the proposed changes. The letters submitted by special districts were included in the LAFCO staff report and can be found in Exhibit “A”. The letter from OCCMA, which was submitted after the LAFCO agenda was put together, is attached as Exhibit “B”.

At the request of the entities that expressed concerns regarding the proposed changes, LAFCO deferred action on the proposed changes to the policies, guidelines and procedures until its August meeting. The Commission requested that the special districts and concerned entities work together, coordinate with other special districts, and submit specific language it would like to see changed and/or incorporated into the policies, guidelines and procedures. The deadline for submitting this language is July 11, 2018.

Special District Meeting on the Proposed Changes:

In an effort to coordinate among special districts, Mesa Water District hosted a meeting last week for all of Orange County's special districts. The purpose of the meeting was to discuss the proposed changes and discuss suggestions for alternative language. IRWD staff attended the meeting to better understand the concerns being raised.

Staff has reviewed and analyzed the proposed changes. At the Committee meeting, staff will be prepared to discuss the proposed changes, the concerns expressed by special districts, and the proposals being considered for submission by some Orange County special districts.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

Receive and file.

LIST OF EXHIBITS:

- Exhibit "A" – OC LAFCO Staff Report on "Proposed Revisions to OC LAFCO Policies and Procedures"
- Exhibit "B" – OCCMA Letter on "Proposed Revisions to OC LAFCO Policies and Procedures"



## EXHIBIT "A"

LOCAL AGENCY FORMATION COMMISSION

ORANGE COUNTY

June 13, 2018

9d

CHAIR  
**DEREK J. MCGREGOR**  
Representative of  
General Public

VICE CHAIR  
**CHERYL BROTHERS**  
Councilmember  
City of Fountain Valley

IMMEDIATE PAST CHAIR  
**CHARLEY WILSON**  
Director  
Santa Margarita Water District

**LISA BARTLETT**  
Supervisor  
5<sup>th</sup> District

**DR. ALLAN BERNSTEIN**  
Councilmember  
City of Tustin

**TODD SPITZER**  
Supervisor  
3<sup>rd</sup> District

**JOHN WITHERS**  
Director  
Irvine Ranch Water District

ALTERNATE  
**WENDY BUCKNUM**  
Councilmember  
City of Mission Viejo

ALTERNATE  
**JAMES FISLER**  
Director  
Mesa Water District

ALTERNATE  
**LOU PENROSE**  
Representative of  
General Public

ALTERNATE  
**MICHELLE STEEL**  
Supervisor  
2<sup>nd</sup> District

**CAROLYN EMERY**  
Executive Officer

**TO:** Local Agency Formation Commission

**FROM:** Ad Hoc Committee  
Executive Officer  
Assistant Executive Officer  
Policy Analyst

**SUBJECT:** • Proposed Revisions to OC LAFCO Policies and Procedures

### BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("The Act") requires that each LAFCO adopt written policies and procedures. The "Orange County LAFCO Handbook" is a compilation of the Commission's adopted written policies and procedures. In the FY 2017-18 Work Plan, the Commission identified the following five policy areas to review and, if necessary, update and revise:

- Commission Bylaws;
- Policy on Disadvantaged Unincorporated Communities (DUCs);
- Standards for Evaluating Service Plans and Preparing Municipal Service Reviews;
- Spheres of Influence Policy and Guidelines for Preserving Community Identity and Policy for Promoting Community Identity; and
- Policies and Procedures for the Review and/or Processing of Out-of-Area Agreements by the Executive Officer.

During the current fiscal year, the Ad Hoc Committee (Chair McGregor, Commissioner Brothers, and Commissioner Withers) has worked with staff and legal counsel to review these documents.

The following is the timeline for completion of this work plan project:

FY 2017-18 Timeline for Review of OC LAFCO Policies, Procedures, and Guidelines			
Commission Policy	Policy Description	Originally Adopted/Last Amended	Completed
1. Commission Bylaws	Establishes the Commission's mission, authority, terms of office and other structures of the organization.	Pre-1977/ October 2015	November 2017
2. Policy and Guidelines for Disadvantaged Unincorporated Communities	New policy and procedural guidelines for identifying and processing a change of organization or reorganization of DUCs.	New Policy	November 2017
3. Standards of Evaluating Service Plans and Preparing Municipal Service Reviews	Standards to assist the Commission in the evaluation of service plans and preparation of MSRs.	February 1989/March 2009	June 2018 (scheduled)
4. Sphere of Influence Policy and Guidelines for Preserving Community Identity and Policy for Promoting Community Identity	Policy and Procedural guidelines to assist Commission in establishing, reviewing and emending spheres and preserving community identity.	February 1999/ March 2012	June 2018 (scheduled)
5. Policy and Procedures for Review and/or Processing of Out-of-Area Agreements by the Executive Officer	Procedural guidelines for Commission's authority and review of agency requests to provide services outside of their boundary.	September 2001	July 2018 (scheduled)

This staff report summarizes the proposed revisions to the following policies for Commission consideration: 1) *Standards of Evaluating Service Plans and Preparing*

*Municipal Service Reviews; 2) the Sphere of Influence Policy and Guidelines for Preserving Community Identity; and 3) the Policy for Promoting of Community Identity.*

In general, the revisions to these policies are proposed to ensure consistency with State law and to clarify OC LAFCO's procedures. Additionally, there has been an effort to standardize the structure of the policies, ensuring that each one has a section that defines the purpose of the policy or guidelines; a section providing definitions of terms; and, if necessary, a background section. A clean and redline version of the proposed updates are provided as Attachments A-H. If approved by the Commission, the updated documents will be added to the OC LAFCO handbook.

After the initial review of the identified policies by the Ad Hoc Committee, staff invited all cities and special districts to attend a webinar to learn about these existing policies. During the webinar, which was conducted on March 1, staff provided the background of the policies, explained the content of the revisions and responded to questions from participants. Subsequent to the meeting, OC LAFCO received correspondence from the Sunset Beach Sanitary District (Attachment I) and from a consortium of districts (Attachment J) on the proposed policies. Changes, as appropriate, were incorporated into the proposed policies as a result of the input and discussion with the participants of the webinar. The Ad Hoc Committee is recommending consideration and approval by the full Commission of the policies discussed in the next section of this report.

## PROPOSED POLICY AMENDMENTS

### *Standards of Evaluating Service Plans and Preparing Municipal Service Reviews*

The policy was originally adopted in 1989 and reviewed most recently in 2009. In recognition that a Plan for Service and a Municipal Service Review involve two distinct evaluation processes, the proposed update separates the existing policy into two: "*Guidelines for Evaluating a Plan for Services*" and "*Guidelines for Preparing Municipal Service Reviews*." The following provides a summary of the revisions proposed for these updated guidelines.

#### *Guidelines for Evaluating a Plan for Services*

The revisions to the plan for services guidelines include standardizing the format and revisions to the following:

- Section I - Purpose  
Added a purpose statement section.

- **Section II- Background**  
Updated information to reflect changes in the Government Code and revised language to provide clarity.
- **Section III – Definitions**  
Added this new section to provide definitions of “Plan for Service” and “Change of Organization or Reorganization” as delineated in the Government Code.
- **Section IV – Plan for Services**  
Added a new component at the end of this section to clarify that the guidelines do not apply to proposals filed by a city to annex an unincorporated island and provides a reference to the appropriate policy on that topic. Also, updated information to reflect revisions of the Government Code.

***Guidelines for Preparing Municipal Service Reviews***

The revisions to the municipal service review guidelines include standardizing the format as well as the following updates:

- **Section I - Purpose**  
Added a purpose statement section.
- **Section II- Background**  
Updated information to reflect the government code section and added language to enhance readability.
- **Section III – Definitions**  
Added definitions for “Municipal Service Review,” “Focused Municipal Service Review” and “Stakeholder”.
- **Section IV- Municipal Service Reviews**
  - Added the Commission’s Guiding Principles regarding Municipal Service Reviews to the introduction of this section.
  - Added a new component on Focused Municipal Service Reviews (Section IV E) to provide clarity on the distinction between a focused and a comprehensive Municipal Service Review.
  - Updated the language to reflect changes to the relevant Government Code sections.
  - Consolidated and relocated sub-sections to reduce redundancy and revised language to enhance readability.

## ***Sphere of Influence Policy and Guidelines for Preserving Community Identity***

This policy was originally adopted in 1999 with the most recent revision implemented in 2012. The proposed update includes renaming the policy to "*Guidelines for Establishing and Updating Spheres of Influence*" in order to appropriately reflect the content of the document. The updates proposed by the Ad Hoc Committee and staff include revisions to the following key areas:

- **Section I - Purpose**  
Added a purpose statement section and relocated a paragraph regarding pre-existing entitlements or development agreements, which was previously located in Section V, into this purpose statement.
- **Section II - Background**  
Removed the paragraph referencing the areas that are not incorporated into a city's sphere as they are subject to change. Additionally, updated the information to reflect changes in the government code and enhanced the language to provide clarity and improve readability.
- **Section III - Definitions**  
Added a definition of "Change of Organization or Reorganization" (III D). Removed the definition of "Community Identity" from this document, and relocated it to the proposed "*Policy for Assisting in the Preservation of Community Identity.*"
- **Section IV - Purpose of Spheres**  
Relocated a paragraph regarding when territory is required to be included within a sphere of influence from the Background Section to Section IV A to provide clarity on the use of a sphere as a planning tool.
- **Section V - Types of Spheres**  
Added language to the designation of a Transitional Sphere of Influence for an agency that includes the timing and outlines the process and opportunity for an agency to request reconsideration of this designation.
- **Section VI - Sphere Statement of Determinations**  
Added this new section to delineate the determinations the Commission is required by State law to consider in updating or establishing a sphere of influence.



➤ **Section VII – Policy Guidelines**

- Added information on the requirement to pre-zone a territory to be annexed to Section IV E.
- Added clarification about the designation of special study areas for fully developed unincorporated communities within a city's sphere to Section IV G.
- Updated relevant government code language, provided references to related policies, and revised language to improve readability.

➤ **Section on Preserving Community Identity**

This section was removed and incorporated into the proposed "*Policy for Assisting in the Preservation of Community Identity*."

### ***Policy for Promoting Community Identity***

This policy was originally adopted in 2012 and most recently reviewed in 2014. As the topic of community identity was the subject of two separate policies in the current handbook, the proposed update combines and consolidates the information into one newly revised policy entitled "*Policy for Assisting in the Preservation of Community Identity*." The updates proposed by the Ad Hoc Committee and staff include the following revisions:

➤ **Section III. Policy Statement**

Added language to clarify that the Commission's role is to assist in the preservation of community identity in the process of annexation or reorganization of unincorporated communities.

➤ **Section IV. Tools for Preserving Community Identity**

Combined the lists of tools currently found in both the "*Sphere of Influence Policy and Guidelines for Preserving Community Identity*" and the "*Policy for Promoting Community Identity*" into one and provided four types of tools that can assist communities and agencies. In revising the list of tools, the reference in the previous policy to neighborhood signage was refined and incorporated into item IV D.



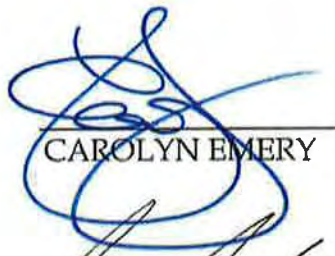
### **RECOMMENDATION**

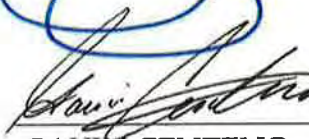
It is recommended that the Commission:

1. Adopt the revised Guidelines for Evaluating a Plan for Services.
2. Adopt the revised Guidelines for Preparing Municipal Service Reviews.
3. Adopt the revised Guidelines for Establishing and Updating Spheres of Influence.
4. Adopt the revised Policy for Assisting in the Preservation of Community Identity.

Respectfully submitted,

  
DEREK J. MCGREGOR

  
CAROLYN EMERY

  
GAVIN CENTENO

  
DEBRA KURITA

### **Attachments:**

- Attachment A: Clean Version of the Guidelines for Evaluating a Plan for Services
- Attachment B: Redline Version of the Guidelines for Evaluating a Plan for Services
- Attachment C: Clean Version of the Guidelines for Preparing Municipal Service Reviews
- Attachment D: Redline Version of the Guidelines for Preparing Municipal Service Reviews
- Attachment E: Clean Version of the Guidelines for Establishing and Updating Spheres of Influence
- Attachment F: Redline Version of Guidelines for Establishing and Updating Spheres of Influence
- Attachment G: Clean Version of the Policy for Assisting in the Preservation of Community Identity
- Attachment H: Redline Version of the Policy for Assisting in the Preservation of Community Identity
- Attachment I: Correspondence from the Sunset Beach Sanitary District
- Attachment J: Correspondence from EOCWD, CBCSD, CMSD, OCCD, Mesa Water, and YLWD

## Guidelines for Evaluating a Plan for Services

### I. POLICY PURPOSE

To establish guidelines to assist in the objective review of a Plan for Services in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.; the "Act").

### II. BACKGROUND

Section 56653 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 states that "whenever a local agency submits a resolution of application for a change of organization or reorganization the local agency shall submit a plan for providing services within the affected territory."

In addition to complying with the Act, this policy is intended to consider existing circumstances unique to Orange County and is primarily directed to encouraging the most effective and cost efficient delivery of municipal services. These guidelines are designed to provide a criteria for evaluating a plan for services. As such, these guidelines are not intended to preclude any Commission action which may conflict with these guidelines if special circumstances surrounding a specific proposal warrant such action.

### III. DEFINITIONS

- A. **"Plan for Services"** is a detailed description that identifies the municipal services that will be provided by agencies within the affected territory (Government Code Section 56653).
- B. **"Change of Organization or Reorganization"** is defined by Government Code Section 56021 to mean any of the following:
  - a. A city incorporation
  - b. A district formation
  - c. An annexation to a city
  - d. An annexation to a district
  - e. A detachment from a city
  - f. A detachment from a district
  - g. A disincorporation of a city
  - h. A district dissolution
  - i. A consolidation of cities
  - j. A consolidation of special districts
  - k. A merger of a city and a district
  - l. Establishment of a subsidiary district
  - m. The exercise of new or different function or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

#### IV. PLAN FOR SERVICES

The following guidelines have been adopted by the OC LAFCO to assist in the evaluation of a plan for services and to facilitate consistency with OC LAFCO's stated purposes and objectives. OC LAFCO staff has the responsibility for determining on a case by case basis, which guidelines shall apply to a proposed plan for services:

- A. In accordance with Government Code Section 56653 (b), the plan for services shall include all of the following information:
  - 1. An enumeration and description of the services currently provided or to be extended to the affected territory.
  - 2. The level and range of those services.
  - 3. An indication of when those services can feasibly be extended to the affected territory, if new services are proposed.
  - 4. An indication of any improvement, or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
  - 5. Information with respect to how those services will be financed.
- B. The Plan for Services shall be prepared and submitted by a local agency for all proposed changes of organization or reorganization initiated by resolution and, if determined necessary by the Executive Officer, for proposed changes of organization or reorganization initiated by petition.
- C. The Plan for Services must be signed and dated by an official representative of the affected city or district or other applicant.
- D. In the case of a proposed annexation, the Plan for Services should demonstrate that the range and level of services currently available within the study area will be maintained or exceeded by the annexing agency.
- E. In the case of a proposed annexation, the Plan for Services should demonstrate that the cost of services to existing residents will not increase as a result of the annexation, unless a corresponding increase in the levels of service also occurs.
- F. The Plan for Services should demonstrate that proposed services will not result in any unnecessary duplication of services.
- G. The Plan for Services should demonstrate that each service provider represents the most efficient and cost-effective source of service delivery.
- H. In the case of a proposed reorganization consisting of annexations to multiple agencies, the Plan for Services shall address each of the items specified above for each annexing agency.

## ATTACHMENT A

The guidelines in this document do not apply to proposals filed by a city to annex an unincorporated island. The policy and guidelines for unincorporated island annexations can be found in the Commission's "*Policy and Procedural Guidelines for Addressing Unincorporated Small Islands.*"

Original Adoption Date: 1989  
Date of Last Review: X/XX/2018  
Date of Last Revision: X/XX/2018

## **GuidelinesStandards for Evaluating ~~Service Plans~~ a Plan for Services**

### **I. POLICY PURPOSE**

To establish guidelines to assist in the objective review of a Plan for Services in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.; the "Act").

### **II. BACKGROUND**

Section 56653 of the Cortese/~~Knox-Hertzberg~~ Local Government Reorganization Act of ~~1985-2000~~ states that "whenever a local agency submits a resolution of application for a change of organization or reorganization the local agency shall submit a plan for providing services within the affected territory."

In addition to complying with the Act, this policy is intended to consider-based-on existing circumstances unique to Orange County and is primarily directed to ensuring encouraging the most effective and cost efficient that delivery of municipal local services are provided efficiently and economically. These guidelines-service reviewsThey are designed to provide a-broad-range-of-criteria in-which-for-evaluating to-review-service-plansa-plan-for-services-and-to-conduct-municipal-service-reviews. As such, these guidelinesstandards are not intended to preclude any Commission action which may conflict with these guidelinesstandards if special circumstances surrounding a specific proposal warrant such action.

### **III. DEFINITIONS**

**A. "Plan for Services"** is a detailed description that identifies the municipal services that will be provided by agencies within the affected territory (Government Code Section 56653).

**B. "Change of Organization or Reorganization"** – is defined by Government Code Section 56021 to mean any of the following:

- a. A city incorporation
- b. A district formation
- c. An annexation to a city
- d. An annexation to a district
- e. A detachment from a city



- f. A detachment from a district
- g. A disincorporation of a city
- h. A district dissolution
- i. A consolidation of cities
- j. A consolidation of special districts
- k. A merger of a city and a district
- l. Establishment of a subsidiary district
- m. The exercise of new or different function or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

#### IV. SERVICE PLANSPLAN FOR SERVICES

The following ~~standards-guidelines~~ have been adopted by the ~~OC LAFCO~~Orange County Local Agency Formation Commission to assist in the evaluation review of service plansa plan for services and to facilitate consistency with OC LAFCO's stated purposes and objectives. OC LAFCO staff has the responsibility for determining on a case by case basis, which ~~standards-guidelines shall~~ should be applied apply to a proposed service planplan for services:

- A. In accordance with Government Code Section 56653 (b), tThe plan for services shall include all of the following information:
  - 1. An enumeration and description of the services currently provided or to be extended to the affected territory~~;~~.
  - 2. The level and range of those services~~;~~.
  - 3. An indication of when those services can feasibly be extended to the affected territory, if new services are proposed~~;~~.
  - 4. An indication of any improvement, or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed~~;~~.
  - 5. Information with respect to how those services will be financed~~An indication of how the agency's services will be financed if the change of organization is approved~~~~;~~.
  - ~~6. An indication of whether the affected area is or will be proposed for inclusion with an existing or proposed improvement zone, redevelopment area, assessment district or community facilities district.~~
- B. The Plan for Services shall be prepared and submitted by a local agency for all proposed changes of organization or reorganization initiated by resolution and, if determined necessary by the Executive Officer, for proposed changes of organization or reorganization initiated by petition.
- C. The Plan for Services must be signed and dated by an official representative of the affected city or district or other applicant.

## ATTACHMENT B

- D. In the case of a proposed annexation, the Plan for Services should demonstrate that the range and level of services currently available within the study area will be maintained or exceeded by the annexing agency.
- E. In the case of a proposed annexation, the Plan for Services should demonstrate that the cost of services to existing residents will not increase as a result of the annexation, unless a corresponding increase in the levels of service also occurs.
- F. The Plan for Services should demonstrate that proposed services will not result in any unnecessary duplication of services.
- G. The Plan for Services should demonstrate that each service provider represents the most efficient and cost-effective source of service delivery.
- H. In the case of a proposed reorganization consisting of annexations to multiple agencies, the Plan for Services shall address each of the items specified above for each annexing agency.

The guidelines in this document do not apply to proposals filed by a city to annex an unincorporated island. The policy and guidelines for unincorporated island annexations can be found in the Commission's "Policy and Procedural Guidelines for Addressing Unincorporated Small Islands."

Original Adoption Date: 1989  
Date of Last Review: ~~4/9/2014~~ X/XX/2018  
Date of Last Revision: ~~3/11/2009~~ X/XX/2018

## Guidelines for Preparing Municipal Service Reviews

### I. POLICY PURPOSE

To establish guidelines to assist in the preparation of Municipal Service Reviews in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.; the "Act").

### II. BACKGROUND

Section 56430 of the Cortese-Knox-Hertzberg Act states that in order to prepare and to update spheres of influence (SOIs), the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission. Service reviews are conducted before, or in conjunction with, but no later than the time OC LAFCO establishes or updates SOIs. The Commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed and shall prepare a written statement of its determinations.

In addition to complying with the Act, this policy is intended to consider existing circumstances unique to Orange County and is primarily directed to encouraging the most effective and cost efficient delivery of municipal services. These guidelines are designed to provide a criteria for preparing Municipal Service Reviews (MSRs). As such, these guidelines are not intended to preclude any Commission action which may conflict with these guidelines if special circumstances warrant such action.

### III. DEFINITIONS

- A. **"Municipal Service Review"** is a review of the municipal services provided in the county or other appropriate area designated by the commission (Government Code Section 56430).
- B. **"Focused Municipal Service Review"** is a review of a specific municipal service or a specific municipal provider.
- C. **"Stakeholder"** is a public or other agency providing municipal services within Orange County or community member residing in Orange County receiving municipal services, which may be affected by the OC LAFCO programs, projects, or actions.

### IV. MUNICIPAL SERVICE REVIEWS

OC LAFCO's Municipal Service Review Program is a unique and innovative strategy and programmatic approach to preparing MSRs. Therefore, MSRs should be prepared in accordance with the following MSR guiding principles adopted by the Commission. MSRs shall be:



## ATTACHMENT C

- Studies that review and address issues and opportunities involving future growth, municipal service delivery, and infrastructure needs and opportunities within Orange County over the next 10 to 20 years.
  - Educational and valuable to stakeholders and the public, as the ultimate end-users of the studies by raising awareness about future opportunities to provide municipal services efficiently, equitably, and reliably.
  - Assistance to the Commission in determining the future boundaries and service areas for cities and special districts.
  - The product of an open and inclusive process.
- A. OC LAFCO shall comprehensively review all services of the agencies and private entities that provide the identified service or services within the designated area (§56430).
- B. OC LAFCO may streamline service review processes by:
- (1) Minimizing the number of required service reviews by clustering services or agencies as feasible and appropriate;
  - (2) Integrating SOI proposal processing and related CEQA processes with service reviews where appropriate;
  - (3) Placing high priority on reviews of services affected by pending or anticipated proposals where feasible and fair;
  - (4) Using existing information resources, technical support from the county, cities and special districts when available and adequate; and,
  - (5) Using other innovative strategies to reduce service review processing costs and timelines.

Further, the Commission may reaffirm previously approved Municipal Service Review and Spheres Of Influence when deemed appropriate. OC LAFCO shall encourage collaboration, cooperation and information sharing among service review stakeholders that may include participation in designing the service review, negotiating funding strategies, developing information needs assessment and collection strategies, identifying applicable industry standards, selecting consultants if appropriate, and reviewing draft MSR reports. OC LAFCO shall also encourage private service providers to participate in service review processes (§56430).

- C. OC LAFCO shall independently review and verify service review information compiled by other agencies. Appropriate local, state, federal and industry standards, identified during the scoping process, will be used to support analysis of technical data and conditions.
- D. Service reviews shall contain conclusions and recommendations for SOIs or other government structure changes needed to implement the most efficient and cost effective service changes.

In accordance with Government Code Section 56430, for each service review, OC LAFCO shall adopt a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.

## ATTACHMENT C

- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
  - (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
  - (4) Financial ability of agencies to provide services.
  - (5) Status of, and opportunities for, shared facilities.
  - (6) Accountability for community service needs, including governmental structure and operational efficiencies.
  - (7) Any other matter related to effective or efficient service delivery, as required by commission policy.
- E. In certain circumstances, based on the type and scope of a project application, a focused MSR may be required for the processing of application for a change of organization or reorganization. A focused MSR will identify the short and long-term options for service delivery. The MSR shall make determinations as identified in paragraph D above. For more information please see "*Guidelines for Processing Applications and Evaluating Proposals*" (Section V).
- F. OC LAFCO may consider SOI actions that are based on a completed MSR concurrently with the adoption of written MSR determinations and recommendations or during a subsequent action by the Commission

Original Adoption Date: 1989  
Date of Last Review: X/XX/2018  
Date of Last Revision: X/XX/2018

## **GuidelinesStandards for Service Plans andPreparing Municipal Service Reviews**

### **I. POLICY PURPOSE**

To establish guidelines to assist in the preparation of Municipal Service Reviews in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.; the "Act").

### **II. BACKGROUND**

Section 56430 of the Cortese-Knox-Hertzberg Act states that in order to prepare and to update spheres of influence (SOIs),- the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission. LAFCOS are also required to comprehensively review all municipal services provided by agencies with spheres of influences. Service reviews are conducted before, or in conjunction with, but no later than the time OC LAFCO establishes or updates SOIs. Service reviews are not intended to be agency-specific. Rather, they focus on all public and private service providers within an identified geographic area that provide the service under review. A service review process must include adoption of written evaluations of service related issues (§56430). The Commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed and shall prepare a written statement of its determinations.

In addition to complying with the Act, this policy is intended to consider-based on existing circumstances unique to Orange County and is primarily directed to ensuring encouraging the most effective and cost efficient that delivery of municipal local services are provided efficiently and economically. These guidelines service reviewsThey are designed to provide a broad range of criteria in which for preparing Municipal Service Reviews (MSRs). As such, these guidelinesstandards are not intended to preclude any Commission action which may conflict with these guidelinesstandards if special circumstances warrant such action.

### **III. DEFINITIONS**

**A. "Municipal Service Review"** is a review of the municipal services provided in the county or other appropriate area designated by the commission (Government Code Section 56430).

**B. "Focused Municipal Service Review"** is a review of a specific municipal service or a specific municipal provider.



C. "Stakeholder" is a public or other agency providing municipal services within Orange County or community member residing in Orange County receiving municipal services, which may be affected by the OC LAFCO programs, projects, or actions.

#### IV. MUNICIPAL SERVICE REVIEWS

OC LAFCO's Municipal Service Review Program Is designed to promote a unique and innovative strategy and programmatic approach to preparing the MSR's. Therefore, MSR's should be prepared in accordance with the following: The MSR guiding principles adopted by the Commission. MSR's shall be:

- ~~• Future oriented studies that address future growth and municipal service and infrastructure needs and opportunities over the next 15 to 20 years~~
- ~~• Valuable to the stakeholders and the public as the ultimate end-users of the studies~~
- ~~• Conducted through an open and inclusive process.~~
- Studies that review and address issues and opportunities involving future growth, municipal service delivery, and infrastructure needs and opportunities within Orange County over the next 10 to 20 years.
- Educational and valuable to stakeholders and the public, as the ultimate end-users of the studies by raising awareness about future opportunities to provide municipal services efficiently, equitably, and reliably.
- Assistance to the Commission in determining the future boundaries and service areas for cities and special districts.
- The product of an open and inclusive process.

~~The following guidelines are intended to assist in the preparation of municipal service reviews and to facilitate consistency with LAFCO's stated purposes and objectives. LAFCO staff has the responsibility for determining on a case-by-case basis, which portions of the following policy should be applied to a proposed municipal service review. All municipal service reviews are required to consistent with existing State laws.~~

- ~~A. LAFCO shall conduct a service review of all municipal services provided in the county or other appropriate designated area. LAFCO can use a "horizontal" approach to municipal service reviews where particular services are examined on a regional basis or a "vertical" approach which would examine a range of services within an area and for agencies specified by LAFCO. (§56430).~~

A. OC LAFCO shall comprehensively review all services of the agencies and private entities that provide the identified service or services within the designated area (§56430). ~~Service reviews do not replace designations or updates of SOIs, LAFCO will attempt to minimize the number of required service review by clustering services or agencies as feasible and appropriate.~~

B. OC LAFCO shall work to may streamline service review processes by:

(1) Minimizing the number of required service reviews by clustering services or agencies as feasible and appropriate;

~~(2)~~ Integrating SOI proposal processing and related CEQA processes with service reviews where appropriate;

~~(3)~~ Placing high priority on reviews of services affected by pending or anticipated proposals where feasible and fair;

~~(4)~~ Using existing information resources, technical support from the county, cities and special districts when available and adequate; and,

~~(5)~~ Using other innovative strategies to reduce service review processing costs and timelines.

~~Further, The Commission may reaffirm previously approved Municipal Service Review reports and Spheres Of Influences when deemed appropriate.~~

OC LAFCO shall encourage collaboration, cooperation and information sharing among service review stakeholders that may include participation in designing the service review, negotiating funding strategies, developing information needs assessment and collection strategies, identifying applicable industry standards, selecting consultants if appropriate, and reviewing evaluating technical drafts MSR reports. OC LAFCO shall also encourage private service providers to fully participate in service review processes (§56430).

C. OC LAFCO shall independently review and verify service review information compiled by other agencies. Appropriate local, state, federal and industry standards, identified during the scoping process, will be used to support analysis of technical data and conditions.

D. Service reviews shall contain conclusions and recommendations for SOIs or other government structure changes needed to implement the most efficient and cost effective positive service changes.

In accordance with Government Code Section 56430, for each service review, OC LAFCO shall adopt a written statement of its determinations with respect to each of the following:

(1) Growth and population projections for the affected area.

(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

~~(3)~~ Present and planned capacity of public facilities, and adequacy of public services, including and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

~~(4)~~ Financial ability of agencies to provide services.

## ATTACHMENT D

- (54) Status of, and opportunities for, shared facilities.
- (65) ~~Accountability~~ for community service needs, including governmental structure and operational efficiencies.
- (76) Any other matter related to effective or efficient service delivery, as required by commission policy.

E. In certain circumstances, based on the type and scope of a project application, a focused MSR may be required for the processing of application for a change of organization or reorganization. A focused MSR will identify the short and long-term options for service delivery. The MSR shall make determinations as identified in paragraph D above. For more information please see "Guidelines for Processing Applications and Evaluating Proposals" (Section V).

F. ~~OC~~ LAFCO may consider SOI actions that are based on an ~~approved completed service review~~ MSR immediately after concurrently with the adoption of written MSR determinations and recommendations or during a subsequent action by the Commission. Such action should be delayed if imminent requests for reconsideration are expected or oral or written requests for delay are received prior to the end of the service review hearing.

Original Adoption Date: 1989  
Date of Last Review: 4/9/2014 X/XX/2018  
Date of Last Revision: 3/11/2009 X/XX/2018

## Guidelines for Establishing and Updating Spheres of Influence

### I. PURPOSE

To identify the guidelines for establishing and updating local agency spheres of influence in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.; the "Act").

Nothing in these guidelines shall be interpreted to affect vested entitlements or to impair contracts. These guidelines reflect a recognition that each sphere of influence is unique and requires site-specific planning and flexibility.

### II. BACKGROUND

In 1972, the State Legislature directed LAFCOs to adopt spheres of influence (SOIs) to identify the logical long-term boundaries and service areas for each local government agency. Specifically, the Government Code Section 56425 states in part:

*In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each city and special district within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.*

State law further requires the spheres of influence to be reviewed every five years and updated as conditions warrant (Government Code §56425(G)).

Pursuant to this statutory mandate, OC LAFCO has established a sphere of influence for each Orange County city and special district, to encourage the efficient, effective, and equitable delivery of local and regional services to existing and future residents. Further, OC LAFCO's process for establishing spheres of influence includes a collaborative approach involving affected stakeholders.

### III. DEFINITIONS

Except as otherwise provided specifically below, the terms and phrases used herein shall have the meanings they have in the Act.

- A. **"Sphere of Influence"** means a plan for the probable physical boundaries and service area of a local agency as determined by the Commission (Government Code §56076).

- B. **"New Communities"** means areas designated by OC LAFCO as potential new cities as demonstrated through a municipal service review or other special study.
- C. **"Special Study Areas"** identify territory that includes undeveloped areas or areas with limited development not requiring a high level of municipal services.
- D. **"Change of Organization or Reorganization"** – is defined by Government Code Section 56021 to mean any of the following:
  - a. A city incorporation.
  - b. A district formation.
  - c. An annexation to a city.
  - d. An annexation to a district.
  - e. A detachment from a city.
  - f. A detachment from a district.
  - g. A disincorporation of a city.
  - h. A district dissolution.
  - i. A consolidation of cities.
  - j. A consolidation of special districts.
  - k. A merger of a city and a district.
  - l. Establishment of a subsidiary district.
  - m. The exercise of new or different function or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

#### IV. PURPOSE OF SPHERES

A. Planning Tool for OC LAFCO and Local Agencies

A sphere of influence is a long-range planning tool that guides future OC LAFCO decisions on changes of organization or reorganizations. Spheres of influence shall be used to assist each public agency in planning the logical extension of its facilities and services through the designation of potential areas of annexation. Generally, OC LAFCO requires territory to be included within a sphere of influence if that area will need urban services within the next 10 to 15 years.

B. Coordinate Logical Extension of Public Services and Agency Boundaries

Adoption and update of spheres of influence should promote cooperative planning efforts among the county, cities, and districts and facilitate the logical and economical extensions of all their facilities and services. As such, spheres of influence should be conducted in conjunction with or after a municipal service review.

C. Assist Property Owners and Agencies in Comprehensive Planning

Spheres of influence provide information to the property owner as to the area's ultimate service provider. By identifying the future service areas of cities and special districts, OC LAFCO can help facilitate good planning decisions by these



agencies for undeveloped, uninhabited, agricultural and permanent open space lands.

## V. TYPES OF SPHERES

There are four types of spheres of influence that the Commission can adopt:

- A sphere of influence may be **coterminous**, or identical, with the city or district boundary.
- A sphere of influence may be **larger or smaller** than the agency's current boundaries.
- A sphere of influence may be **transitional** if OC LAFCO has determined that the service provider should pursue options for restructuring or reorganization, or should examine innovative service provision alternatives with adjacent service providers. The transitional sphere designation will be based on a Municipal Service Review (MSR), other studies and/or an OC LAFCO staff analysis.
  - OC LAFCO encourages agencies with a transitional sphere of influence designation to discuss alternatives to existing service provision or reorganization options and return to OC LAFCO with the results of their discussions and/or studies.
  - If, based on those discussions and/or studies, any change of organization or reorganization is determined to be warranted, the subject agency, an affected agency, or OC LAFCO, if appropriate, should consider initiation of such proceedings.

Proposed annexations to an agency with a transitional sphere are discouraged by the Commission.

A transitional sphere designation should be reconsidered if the Commission determines that the agency has adequately addressed the deficiencies or issues that led to the designation. Removal of the transitional sphere designation may occur:

- a. During the MSR review of the agency's sphere; or
- b. At the request of the agency's legislative body; or
- c. At any time the Commission deems it to be warranted

## VI. SPHERE STATEMENT OF DETERMINATIONS

As part of a SOI review, and as outlined in state law (Government Code §56425(e)), OC LAFCO is required to consider and prepare a written statement of its determination with respect to each of the following:

- A. The present and planned land uses in the area, including agricultural and open-space lands;
- B. The present and probable need for public facilities and services in the area;
- C. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;

- D. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency; and
- E. For an update of a SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

None of the factors by themselves shall be deemed to be a determining factor in the establishment or revision of a SOI for a city or district, but shall be reviewed as part of the total project.

## VII. POLICY GUIDELINES

### A. Municipal Service Reviews

In accordance with state law (Government Code §56425), spheres of influence shall be reviewed and/or updated every five years. Additionally, state law (Government Code §56430) mandates that spheres be prepared or updated in conjunction with or after completion of a related Municipal Service Review.

OC LAFCO will combine MSRs and sphere reviews wherever practical and efficient to encourage agency input and an open and inclusive process. The Commission may re-affirm previously adopted spheres and related MSRs if there are no significant changes in existing or anticipated circumstances. (Refer to *Guidelines for Preparing Municipal Service Reviews* for additional details on MSRs.)

### B. Encourage Logical Annexations

OC LAFCO recognizes that phased urban development contributes to the orderly growth of urban areas. The following guidelines are designed to encourage logical annexations:

- Territory placed within an agency's sphere indicates that the agency is the most logical provider of municipal services.
- Annexation of developing territory that is currently within a city's sphere to that city is encouraged rather than annexing to one or more single purpose special districts.
- The formation of special districts within a city's sphere, as well as the annexation to an agency with a transitional sphere, is discouraged.

### C. Discourage Overlapping Service Areas

To promote efficient and coordinated planning among the county's various agencies, city's spheres shall not overlap, and districts that provide the same type of service shall not have overlapping spheres.

### D. Sphere Designations and Annexation

Before territory can be annexed to a city or district, it must be within that agency's sphere (Government Code §56375.5). However, a sphere is only one of several factors OC LAFCO considers when evaluating proposals for changes of organization.

E. Consistency with General Plans and Pre-Zoning

OC LAFCO must review the existing and future land uses of territory prior to including it within a city's sphere (Government Code §56425) in order to determine the logical extension of municipal services and the probable future boundary of a city or district. OC LAFCO strongly encourages each city to include all territory within its sphere of influence within the city's General Plan and each special district to address in its Infrastructure, facilities and operational planning documents.

Further, as a condition of annexation, a city is required to pre-zone the territory to be annexed. However, the Commission shall not specify how, or in what manner, the territory shall be pre-zoned. (Government Code §56375(7)).

F. Encourage Annexation of Unincorporated Islands

The Commission acknowledges that unincorporated islands are generally costly for County government to serve and often have service impacts on the surrounding city or district. Cities and special districts (when applicable) shall be encouraged to annex unincorporated islands within their sphere of influence. Further, OC LAFCO discourages the formation of special districts within unincorporated islands for services that are readily available from the surrounding city or an existing special district. (Refer to *Policy and Procedural Guidelines for the Annexation of Small Islands* and *Policy for Assisting in the Preservation of Community Identity* for additional information on annexing unincorporated islands.).

G. Encourage Annexation of Developed Unincorporated Communities

OC LAFCO shall encourage fully developed unincorporated communities, when feasible, to pursue government structure options which will ultimately result in annexation to a city.

H. Designation of Special Study Areas

Undeveloped territory identified by the Commission as a "special study area" will not be included within a city sphere of influence. Should urban level development occur (e.g., issuance of development permits such as tentative tract maps), the area shall be removed from a "special study area" designation and placed within an appropriate sphere upon completion of a MSR or other special study.

However, fully developed unincorporated communities that are currently within a City's sphere of influence may be designated within "special study areas" for purposes of analyzing short and long-term governance alternatives.

I. Designation of New Communities

The Commission may designate developed unincorporated communities with the potential for "self-governance" (as demonstrated by a MSR or other special study) as "new communities". New communities should have the fiscal potential to be self-sustaining and capable of providing a level of service equal to or above those provided by the County. To demonstrate fiscal feasibility, a detailed fiscal analysis is required.

Developed communities already located within a city's sphere of influence shall not be designated as "new communities."

To foster long-range planning of local service provision in developing areas, the Commission may designate a sphere of influence for a "new community." A new community sphere of influence should be used to designate those unincorporated areas which can be more efficiently and economically served in the future by a designated new community.

Original Adoption Date: 2/10/1999

Date of Last Review: X/X/2018

Date of Last Revision: X/X/2018

## **Guidelines for Establishing and Updating Spheres of Influence Policy and Guidelines for Preserving Community Identity**

### **I. I. — PURPOSE**

To identify the guidelines for establishing and updating local agency spheres of influence in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.; the "Act").

Nothing in these guidelines shall be interpreted to affect vested entitlements or to impair contracts. These guidelines reflect a recognition that each sphere of influence is unique and requires site-specific planning and flexibility.

### **I.II. — LEGAL AUTHORITY/BACKGROUND**

In 1972, the State Legislature directed LAFCOs to adopt spheres of influence (SOIs) to identify the logical long-term boundaries and service areas for each local government agency. Specifically, the California Government Code §Section 56425 states in part:

*In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each city and special district local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.*

State law further requires the Spheres of Influence are established by the LAFCO to identify the logical long-term boundaries and service areas of cities and special districts. Generally, LAFCO requires territory to be included within a sphere of influence if that area will need urban services within the next 10 to 15 years. Spheres of Influence (SOIs) are required to be reviewed every five years and are amended/updated as conditions warrant (Government Code §56425(G)).

Pursuant to this statutory mandate, OC LAFCO has established a sphere of influence for each Orange County city and special district, to encourage the intent of this policy is to promote the efficient, effective, and equitable delivery of local and regional services for to existing and future residents through spheres of influence and. Further, OC LAFCO's process for establishing spheres of influence includes to encourage a collaborative process approach involving affected stakeholders with agencies.

Spheres of Influence, adopted by OC LAFCO, cover most of Orange County. Unincorporated areas currently not located within a city sphere include the rural canyon areas and portions of South County, including planned communities near the Cities of Mission Viejo and Rancho Santa Margarita. In addition, the undeveloped areas



~~of Rancho Mission Viejo near the southern terminus of the Orange County border is not within a designated city SOI.~~

### **III. ~~II.~~ DEFINITIONS**

Except as otherwise provided specifically below, the terms and phrases used herein shall have the meanings they have in the Act.

- A. **"Sphere of Influence"** ~~is means~~ a plan for the probable physical boundaries and service area of a local agency as determined by the Commission (~~California~~ Government Code §56076).
- B. **"New Communities"** ~~shall means~~ areas designated by OC LAFCO as potential new cities as demonstrated through a municipal service review or other special study.
- C. **"Special Study Areas"** Identify territory that includes undeveloped areas or areas with limited development not requiring a high level of municipal services.
- D. **"Change of Organization or Reorganization"** – Is defined by Government Code Section 56021 to mean any of the following:
  - a. A city incorporation.
  - b. A district formation.
  - c. An annexation to a city.
  - d. An annexation to a district.
  - e. A detachment from a city.
  - f. A detachment from a district.
  - g. A disincorporation of a city.
  - h. A district dissolution.
  - i. A consolidation of cities.
  - j. A consolidation of special districts.
  - k. A merger of a city and a district.
  - l. Establishment of a subsidiary district.
  - m. The exercise of new or different function or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.
- ~~D. "Community Identity" the historic, cultural, economic, physical and/or social context that defines a community.~~

### **IIIIV. ~~III.~~ PURPOSE OF SPHERES**

- A. Planning Tool for OC LAFCO and Local Agencies

A sphere of Influence is a long-range planning tool that guides future OC LAFCO decisions on ~~individual jurisdictional boundary changes, incorporation proposals, district formation, and proposals for consolidation, merger, or formation of subsidiary districts~~changes of organization or reorganizations. Spheres of Influence ~~should~~ shall be used to assist each public agency in planning the logical extension of its facilities and services through the designation of potential areas of annexation. Generally, OC LAFCO requires territory to be included within a sphere of influence if that area will need urban services within the next 10 to 15 years.

B. Coordinate Logical Extension of Public Services and Agency Boundaries

Adoption and update of spheres of Influence should promote cooperative planning efforts among the county, cities, and districts and facilitate the logical and economical extensions of all their facilities and services. As such, spheres of Influence should be conducted in conjunction with or after a municipal service review.

C. Assist Property Owners and Agencies in ~~Planning~~ Comprehensively Planning

Spheres of Influence provide information to the property owner as to the area's ultimate service provider. By identifying the future service areas of cities and special districts, OC LAFCO can help facilitate good planning decisions by these agencies for ~~vacant~~undeveloped, uninhabited, agricultural and permanent open space lands.

#### IV. TYPES OF SPHERES

There are ~~several~~ four types of spheres of influence that the Commission can adopt:

- A sphere of influence may be **coterminous**, or identical, with the city or district boundary.
- A sphere of influence may be **larger or smaller** than the agency's current boundaries.
- A sphere of influence may be **transitional** sphere of influence may be established for an agency if OC LAFCO has determineds that the agency service provider should reorganize with another agencypursue options for restructuring or reorganization, or should examine, based on a municipal service review (MSR), and/or LAFCO staff analysis, that efficiencies may be achieved if the agency examined innovative service provision alternatives with adjacent service providers. The transitional sphere designation will be based on a Municipal Service Review (MSR), other studies and/or an OC LAFCO staff analysis.
- OC LAFCO encourages agencies with a transitional sphere of influence designation to discuss alternatives to existing service provision or reorganization options and return to OC LAFCO with the results of their discussions and/or studies.



- o If, based on those discussions and/or studies, any change of organization or reorganization is determined to be warranted, the subject agency, an affected agency, or OC LAFCO, if appropriate, should consider initiation of such proceedings.

Proposed Annexations-annexations to an agency with a transitional sphere are discouraged by the Commission.

A transitional sphere designation should be reconsidered if the Commission determines that the agency has adequately addressed the deficiencies or issues that led to the designation. Removal of the transitional sphere designation may occur:

- a. During the MSR review of the agency's sphere; or
- b. At the request of the agency's legislative body; or
- c. At any time the Commission deems it to be warranted

Nothing in these policy guidelines shall be interpreted to affect or change pre-existing approved entitlements or development agreements. These policies reflect recognition that each sphere of influence is unique and requires site specific planning and flexibility.

## **VI. SPHERE STATEMENT OF DETERMINATIONS**

As part of a SOI review, and as outlined in state law (Government Code §56425(e)), OC LAFCO is required to consider and prepare a written statement of its determination with respect to each of the following:

- A. The present and planned land uses in the area, including agricultural and open-space lands;
- B. The present and probable need for public facilities and services in the area;
- C. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;
- D. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency; and
- E. For an update of a SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

None of the factors by themselves shall be deemed to be a determining factor in the establishment or revision of a SOI for a city or district, but shall be reviewed as part of the total project.



**VII. POLICY GUIDELINES****A. Municipal Service Reviews**

In accordance with state law (Government Code §56425), spheres of influence ~~should~~ shall be reviewed and/or updated every five years. Additionally, state law (Government Code §56430) mandates that Sspheres must be prepared or updated in conjunction with or after completion of a related Mmunicipal Sservice Rreview (Government Code §56430).

~~Orange County~~ OC LAFCO will combine MSRs and sphere ~~studies~~ reviews wherever practical and efficient to ~~ensure~~ encourage maximum agency input and ~~to ensure~~ an open and inclusive process. The Commission may re-affirm previously adopted ~~MSRs and/or spheres and related MSRs~~ if there are no significant changes in existing or anticipated circumstances. (Refer to Guidelines for Preparing Municipal Service Reviews for additional details on MSRs.)

**B. Encourage Logical Annexations and Discourage Overlapping Service Areas**

OC LAFCO recognizes that Pphased urban development contributes to the orderly growth of urban areas. The following guidelines are designed to encourage logical annexations:

- Territory placed within a city's an agency's sphere indicates that the city agency is the most logical provider of urban-municipal services.
- LAFCO encourages aAnnexation of developing territory that is currently within a city's sphere to that city is encouraged rather than annexing to one or more single purpose special districts.
- LAFCO discourages theThe formation of special districts within a city's sphere, as well as the annexation to an agency with a transitional sphere, is discouraged. To promote efficient and coordinated planning among the county's various agencies, city's spheres shall not overlap, and districts that provide the same type of service shall not have overlapping spheres.

**C. Discourage Overlapping Service Areas**

To promote efficient and coordinated planning among the county's various agencies, city's spheres shall not overlap, and districts that provide the same type of service shall not have overlapping spheres.

**D. Sphere Designations and Annexation**

Before territory can be annexed to a city or district, it must be within that agency's sphere (Government Code §56375.5). However, ~~because territory is within an agency's sphere does not mean that the area will necessarily be annexed. A a sphere is only one of several factors that are considered by OC LAFCO considers when evaluating proposals for changes of government organization.~~

**FD. Consistency with General Plans and Pre-Zoning**

OC LAFCO must review the existing and future land uses of territory prior to including it within a city's sphere (Government Code §56425) in order to determine the logical extension of urban-municipal services and the probable future boundary of a city or district. OC LAFCO strongly encourages each city to include all territory within its sphere of influence within the city's General Plan and each special district to address in its infrastructure, facilities and operational planning documents.

Further, as a condition of annexation, a city is required to pre-zone the territory to be annexed. However, the Commission shall not specify how, or in what manner, the territory shall be pre-zoned. (Government Code §56375(7)).

**FE. Encourage Annexation of Unincorporated Islands**

The Commission acknowledges that unincorporated islands are generally costly for County government to serve and often have service impacts on the surrounding city or district. Cities and special districts (when applicable) should be encouraged to annex unincorporated islands within their sphere of influence. Further, OC LAFCO discourages the formation of special districts within unincorporated islands for services that are readily available from the surrounding city or an existing special district. (Refer to Policy and Procedural Guidelines for the Annexation of Small Islands and Policy for Assisting in the Preservation of Community Identity for additional information on annexing unincorporated islands.)

**GF. Encourage Annexation of Developed Unincorporated Communities**

OC LAFCO shall encourage fully developed unincorporated communities, when feasible, to pursue government structure options which will ultimately result in annexation to a city.

**HG. Designation of Special Study Areas**

~~Territory~~ ~~Undeveloped territory~~ identified by the Commission as a "special study area" will not be included within a city sphere of influence. Should urban level development occur (e.g., issuance of development permits such as tentative tract maps), ~~however~~, the area shall be removed from a "special study area" designation and placed within an appropriate sphere upon completion of a MSR or other special study.

However, fully developed unincorporated communities that are currently within a City's sphere of influence may be designated within "special study areas" for purposes of analyzing short and long-term governance alternatives.

**IH. Designation of New Communities**

The Commission may designate developed unincorporated communities with the potential for "self-governance" (as demonstrated by a ~~Ma~~-MSR or other special study) as "new communities". New communities should have the fiscal potential to be self-sustaining and capable of providing a level of service equal to or above those provided by the County. To demonstrate fiscal feasibility, a



detailed fiscal analysis is required ~~in accordance with LAFCO's "Guidelines for Evaluating Proposals" Policy (Section II.B).~~

Developed communities already located within a city's sphere of Influence shall not be designated as "new communities."

~~I. Designation of New Community Sphere of Influence~~

To foster long-range planning of local service provision in developing areas, the Commission may designate a sphere of Influence for a "new community." A new community sphere of Influence should be used to designate those unincorporated areas which can be more efficiently and economically served in the future by a designated new community.

~~VI. PRESERVING COMMUNITY IDENTITY~~

The proposed annexation or reorganization of unincorporated communities sometimes results in concerns by residents that their neighborhoods will lose their unique character or sense of place. ~~The following tools have been identified by LAFCO as opportunities to assist communities to preserve their community identity following LAFCO boundary changes. The Commission encourages the use of these tools and can assist communities in their implementation, where feasible:~~

- ~~• Formation of a stakeholder/community "transition team" to serve as a liaison between the community and the annexing city and to collaboratively address any service-related issues.~~
- ~~• City adoption of existing specific plans or land use plans to preserve existing land uses.~~
- ~~• Use of signage to identify unique neighborhoods or communities.~~
- ~~• Seek input from homeowner associations and/or community associations to ensure ongoing community dialog.~~
- ~~• Preservation of current city street names and addresses, if feasible and if emergency response coordination is not compromised.~~

Original Adoption Date: 2/10/1999  
Date of Last Review: ~~4/9/2014~~ X/X/2018  
Date of Last Revision: ~~X/X/2018~~ 3/14/2012

## Policy for Assisting in the Preservation of Community Identity

### I. PURPOSE

To establish policy and procedural guidelines to assist unincorporated communities to preserve their community identity.

### II. DEFINITIONS

- A. **"Community Identity"** - the historic, cultural, economic, physical and/or social context that defines a community.

### III. POLICY STATEMENT

The Commission recognizes the importance of preserving community and neighborhood identity as unincorporated areas are annexed or reorganized. The Commission also acknowledges that the proposed annexation of unincorporated communities sometimes results in concerns by residents that their neighborhoods will lose their community identity. The Commission fully supports working with communities and annexing agencies on the preservation of community identity.

### IV. TOOLS FOR PRESERVING COMMUNITY IDENTITY

The following tools have been identified by OC LAFCO as opportunities to assist communities and annexing agencies in preserving their community's identity as part of a change of organization or reorganization. The Commission encourages the use of these tools and can assist communities and agencies in their implementation, where feasible:

- A. Formation of a stakeholder/community "transition team" to serve as a liaison between the community and the annexing agency and to collaboratively address any service-related issues.
- B. City adoption of existing specific plans or land use plans to preserve existing land uses.
- C. Seek input from homeowner associations and/or community associations to ensure ongoing community dialog.
- D. Preservation of current neighborhood signage, street names and addresses, if feasible, and if emergency response coordination is not compromised.

Original Adoption Date: 3/14/2012  
Date of Last Review: X/X/2018  
Date of Last Revision: X/X/2018

## Policy for ~~Promoting~~ Assisting in the Preservation of Community Identity

### I. PURPOSE

To establish policy and procedural guidelines to assist unincorporated communities to preserve their community identity.

### II. DEFINITIONS

~~\_\_\_\_\_~~ A. "Community Identity" - the historic, cultural, economic, physical and/or social context that defines a community.

### III. POLICY STATEMENT

The Commission recognizes the importance of preserving community and neighborhood identity as unincorporated areas are annexed or reorganized. The Commission also acknowledges that the proposed annexation of unincorporated communities sometimes results in concerns by residents that their neighborhoods will lose their community identity. Community identity, often developed over years and sometimes decades, can enrich neighborhoods and serve as a source of pride for residents. The Commission fully supports working with communities and annexing agencies on the preservation of community identity, whenever feasible.

### IV. TOOLS FOR PRESERVING COMMUNITY IDENTITY

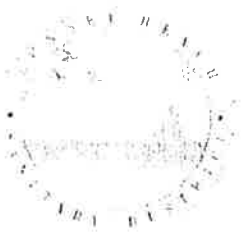
The following tools have been identified by OC LAFCO as opportunities to assist communities and annexing agencies in preserving their community's identity as part of a change of organization or reorganization, following LAFCO boundary changes. The Commission encourages the use of these tools and can assist communities and agencies in their implementation, where feasible:

- A. Formation of a stakeholder/community "transition team" to serve as a liaison between the community and the annexing ~~city~~ agency and to ~~\_\_\_\_\_~~ collaboratively address any service-related issues.
- B. City adoption of existing specific plans or land use plans to preserve existing land uses.
- ~~C. Use of signage to identify unique neighborhoods or communities.~~
- ~~DC.~~ Seek input from homeowner associations and/or community associations to ensure ongoing community dialog.
- ~~ED.~~ Preservation of current neighborhood signage, city street names and addresses, if feasible, and if emergency response coordination is not compromised.

Original Adoption Date: 3/14/2012

## ATTACHMENT H

Date of Last Review: ~~4/9/2014~~X/X/2018  
Date of Last Revision: ~~N/A~~X/X/2018



## Sunset Beach Sanitary District

P.O. Box 1185  
Sunset Beach, CA 90742  
(562) 493-9932  
[www.sunsetbeachsd.org](http://www.sunsetbeachsd.org)

April 30, 2018

Chairman McGregor and Commissioners  
OC LAFCO

RE: Proposed MSR Policy Changes

Please find attached comments and recommendations given to OC LAFCO staff last March as a follow up to their Webinar held regarding proposed MSR Policies.

We wanted to ensure that Commissioners were provided with our written feedback before the item is presented for approval on May 9<sup>th</sup>.

Sincerely,

A handwritten signature in cursive script that reads "John H. Woods". The signature is written in dark ink and is positioned above the printed name and title.

John H. Woods  
President  
Sunset Beach Sanitary District

## ATTACHMENT I

From: Chris Montana <blueskyhb@aol.com>

To: cemery <cemery@oclafco.org>; dkurita <dkurita@oclafco.org>; gcenteno <gcenteno@oclafco.org>

Subject: Follow Up to Webinar

Date: Thu, Mar 8, 2018 4:09 am

Attachments: SamplePublicInputLanguage.pdf (1202K)

Carolyn, Debra, Gavin -

Thank you for the invitation to your Webinar last week to provide input in regards to the SOI/MSR Policies and Guidelines.

As a follow-up to the March 1<sup>st</sup> Webinar, the Sunset Beach Sanitary District would like to reiterate the following suggestions and provide additional information in regards to the **Proposed Guidelines for Evaluating Service Plans and Preparing Municipal Service Reviews** Policy.

### 1. Section III – Definitions

#### a. Definition B - "Focused Municipal Service Review":

The Policy Purpose stated in Section I is to "assist in the objective review of service plans in accordance with the Cortese-Knox-Hertzberg Act". Therefore, we disagree with the addition of a new concept, "Focused Municipal Service Review", mainly since it's not provided for in the California Government Code.

Also, on the surface, it appears that this new Focused MSR would act to provide OCLAFCO with more leeway to target specific agencies. We also question why the statement that "service reviews are not intended to be agency specific" has been removed from the background section of the current Policy.

#### b. Definition D – "Stakeholder"

As we discussed during the Webinar, this definition as stated doesn't seem to include OCLAFCO, since this organization doesn't provide municipal services. Therefore, in the future, we request that LAFCO staff not identify themselves as a "Stakeholder" as was done during November's Stakeholder meeting.

### 2. Section V - Municipal Service Reviews

a. The opening statement that OCLAFCO's MSR program is unique and innovative distracts from the fact that its main purpose should be to comply with Government Code.

b. In order to ensure that the Public/Agencies input isn't diminished by the use of innovative strategies mentioned in Section B(5) of the Municipal Service Reviews section, we would like the following clause, or something similar added:

"in such a way that Agency input will not be diminished"

This would alleviate the concern that any unilateral innovations could lead to less public input.

Follow Up to Webinar



## ATTACHMENT I

Also, we would like to be able to provide input on "innovative strategies and procedures" before implemented if they have a direct effect on how an Agency data is presented.

In the past, our District's rates had been unfairly skewed as a result of LAFCO Staff's formulas which didn't consider all factors. It would be helpful if LAFCO Staff and Agencies could agree on rate calculations and other formulas to ensure equitable fairness in procedures before they are applied and published in the MSR.

### c. Additional Language Added to Ensure Adequate Public Input

Somewhere in the body of the Municipal Service Reviews section, there needs to be additional specific language to ensure adequate public and agency input during the Municipal Services Review Process.

As a follow-up to the Webinar, we have attached some language from other LAFCO agencies that could be included. Please see attached.

Having Policies for involving the Agencies during the review process of LAFCO Staff's draft MSRs, providing Procedures for ironing out any disagreements between LAFCO Staff and Agencies, and allowing opportunities to provide of additional necessary data during the process would be constructive.

Please share this feedback with the members of the Subcommittee reviewing these Policies.

Thank you,

Chris Montana  
Clerk of the Board  
Sunset Beach Sanitary District

**C. PUBLIC PARTICIPATION AND PUBLIC HEARINGS**

LAFCo encourages the early involvement of agencies, the public, and other stakeholders in development of the service review report. A formal review period shall be provided and a meeting/workshop with the Commission shall be held to accept comments from the public and the Commissioners prior to finalizing the document. The final report shall be available to the public at least 21 days prior to final consideration by the Commission. This public review period may be in conjunction with the 21-day notice requirement for the public hearing. The service review shall be adopted by resolution at a noticed public hearing. If the municipal service review supports a particular action such as a sphere of influence update or amendment application, and the required processes have been complied with, the Commission can take action on the proposals the same hearing.

**PROCEDURES:**

It is the Commission's position that service reviews must be conducted, whenever possible, through a participative and cooperative approach with affected agencies. As the Commission begins to undertake its sphere review/service review responsibilities, the first step shall be to convene a meeting with managers/board members of affected agencies.

Through those discussions, specific service review factors can be identified for further review, and some review factors might be set aside as not requiring further study. Where disagreements among agencies or LAFCo staff might exist as to the applicability of a specific factor, the matter will be brought back to the Commission for a public hearing and decision.

**G. Stakeholder Outreach and Public Participation**

1. LAFCO will encourage collaboration, cooperation, and information sharing among service review stakeholders.
2. LAFCO will encourage public participation in the service review process

**H. Service Review Process**

1. As an initial step, LAFCO will develop and mail a questionnaire to the agencies included in the service review. The questionnaire will request information pertinent to the seven evaluation categories stated herein. Meetings may be held as necessary, or additional questionnaires may be sent out to gather further input
2. LAFCO Executive Officer will prepare and issue a draft service review report which includes draft determinations required by state law. Notice of availability of the draft service review will be provided to all affected agencies and to interested persons who have submitted a written request for notice.
3. LAFCO will distribute and provide a minimum 21-day public review period for the draft service review.
4. LAFCO will conduct a noticed public hearing to consider and accept comment on the draft service review and appropriate CEQA review. At the hearing, LAFCO may:
  - a. Take the necessary CEQA action and find that the draft service review report, with any minor amendments, is adequate and final and adopt written determinations. A draft service review may be considered final if no substantive comments are received prior to the end of the hearing and LAFCO determines it satisfactory
  - b. Direct staff to address substantive comments and concerns and prepare a final service review report, or
  - c. Continue the hearing.
5. If a revised final service review is necessary, the LAFCO Executive Officer will prepare it including comments received during the public review period and schedule it on the next appropriate agenda
6. LAFCO may also take action on a SOI update at the same hearing
7. LAFCO will distribute the adopted Service Review Report to all participating and interested local and regional agencies for use as a resource in their work.



May 31, 2018

Mr. Derek McGregor, Chair  
Ms. Carolyn Emery, Executive Officer  
Orange County Local Agency Formation Commission  
2677 N. Main Street, Suite 1050  
Santa Ana, CA 92705

**Re: Updates to the Policies and Procedures**

Dear Chairman McGregor and Ms. Emery,

The signatories to this letter represent a significant number of the special districts in the County.

We understand that LAFCO staff are bringing several updates to the Commission's policies and procedures for approval on the May 9, 2018 agenda. In particular, we understand that the ad hoc committee on policies and procedures has approved proposed Policies for Assisting in the Preservation of Community Identity, Guidelines for Establishing and Updating Spheres of Influence, Guidelines for Evaluating a Plan for Services, and Guidelines for Preparing Municipal Service Reviews. We respectfully request that the Commission delay action on this issue and hold an in-person workshop with local agency representatives to discuss the proposed updated policies, prior to acting on them.

Your staff made some welcome changes to the proposals in response to input sought from stakeholders. Nonetheless, we believe that there remain significant policy issues that would benefit from a more thorough dialogue, hence the request for the workshop. For example, the proposed policies would:

- would delegate significant discretion to staff to decide when and how municipal service reviews will be combined.
- would base government structure changes recommendations in MSRs solely on efficiency and cost effectiveness, to the exclusion of other considerations.
- would require MSRs to study private service providers, despite LAFCO having no jurisdiction over them.
- would allow staff to demand that change of organization and reorganization applicants prepare costly and time-consuming "focused MSRs."
- would allow staff to determine whether particular standards in the service review guidelines apply or not.

May 31, 2018  
Page 2

None of these changes are required by the Cortese-Knox-Hertzberg Act. The Act requires policies and procedures to ensure that the public understands the LAFCO process and the types of decisions to expect from LAFCO. Policies and procedures should not be vehicles to expand the power of the Commission or staff at the expense of special districts.

We trust that the Commission will agree with us that the policy proposals would benefit from a more thorough discussion.

Very truly yours,

Lisa Ohlund  
General Manager  
East Orange County Water District

Don Russell  
General Manager  
Capistrano Bay Community Services District

Scott Carroll  
General Manager  
Costa Mesa Sanitary District

Tim Deutsch  
General Manager  
Orange County Cemetery District

Paul Shoenberger  
General Manager  
Mesa Water

Marc Marcantonio  
General Manager  
Yorba Linda Water District

EXHIBIT "B"



June 12, 2018

Mr. Derek McGregor, Chair  
Ms. Carolyn Emery, Executive Officer  
Orange County Local Agency Formation Commission  
2677 N. Main Street, Suite 1050  
Santa Ana, CA 92705

Re: Item 9c Proposed 2018-19 OC LAFCO Workplan  
Item 9d Proposed revisions to OC LAFCO Policies and Procedures

Dear Chairman McGregor and Ms. Emery,

The Orange County City Managers Association is requesting that the Commission delay action on Items 9c and 9d on your June 13<sup>th</sup> 2018 agenda so that an in-person workshop with the Cities and Special Districts can be held to discuss the proposed revisions to the Workplan and the Policies and Procedures. The two agenda items appear to be linked together, as they both may contain significant policy changes and mission changes.

It has been brought to our attention that the following issues would change if these items moved forward as proposed. Given these proposed changes, we would ask for some additional time to discuss these three key issues:

- "Utilize LAFCO's facilitative role around growth forecasting and regional land use planning during the next MSR cycle."
- "Further develop the service delivery database... to include staffing workload, operational and financial indicators."
- "Assess the benefits, drawbacks and overall impacts of having multiple, small service providers versus fewer, larger service providers across different service areas during the next MSR cycle."

The following issues have also been brought to our attention and need further clarification for possible impacts to cities although we understand that some of them may be required of LAFCO by State Code. These issues include modifications to the Policies and Guidelines listed below including provisions that may have the following impacts:

- Create a new, undefined type of sphere called "transitional" and delegates authority to LAFCO staff to unilaterally assign it to an agency if they determine that the agency should restructure or reorganize.



## Orange County City Manager Association

- Change the identification of boundaries and services areas for local government agencies from "logical, long-term" to "probable physical," which is not the statutory definition, with no explanation of why this is being changed or how it may affect cities and special districts.
- Delete "Community Identify" (the historic, cultural, economic, physical and/or social context that defines a community) from consideration in assigning spheres and conducting MSR's.
- Base government structure change recommendations in MSRs solely on efficiency and cost effectiveness, to the exclusion of other considerations, including community and/or local elected official's desires.
- Require MSR's to study private service providers, despite LAFCO having no jurisdiction over them.
- Allow staff to demand that change of organization and reorganization applicants prepare costly and time-consuming "focused MSRs."
- Delegate significant discretion to staff to decide when and how municipal service reviews will be combined.
- Allow staff to determine whether particular standards in the service review guidelines apply or not.

At this time, the Orange County City Managers Association would request that the Commission delay action on items 9c and 9d to allow more time for cities to obtain more information on these issues.

Sincerely,

Thomas R. Hatch  
Vice President  
Orange County City Managers Association


CC: OC LAFCO Commission



July 5, 2018

Prepared by: B. Beeman

Submitted by: P. Weghorst

Approved by: Paul A. Cook 

## 2018 CUSTOMER SATISFACTION SURVEY RESULTS

### SUMMARY:

The purpose of the 2018 Customer Satisfaction Survey is to assist staff with the development of new programs and services that best meet the needs and expectations of IRWD's customers. The survey results indicate perceptions of IRWD's various programs and services, and examine attitudes about the ways IRWD communicates with its customers in areas that include customer service, water use efficiency and outreach programs. At the Committee meeting, consultants from Fairbank, Maslin, Maullin, Metz and Associates (FM3) will present the survey results. Recommended next steps in IRWD's customer communication programs will also be discussed.

### BACKGROUND:

With the assistance of consultants at FM3, a telephone survey of 800 randomly selected IRWD residential customers were conducted to test general perceptions of IRWD, water safety, conservation awareness and water usage, satisfaction with the District's bills and payments process, and contact and communication with IRWD. The survey results were compared to the 2013 Customer Satisfaction Survey, and the findings and results were used to develop the following recommended next steps in IRWD's customer communication programs:

- Educate customers about IRWD's long-term solutions for future droughts, including use and expansion of recycled water programs;
- Provide opportunities for customers to learn about the quality of IRWD's drinking water;
- Find new ways to reach customers about rebate programs, tours, water conservation workshops, in-home inspections and other conservation resources;
- Work closely with local homeowners associations to deliver information to IRWD's customers;
- Assist customers with finding additional steps to conserve water, especially outdoors; and
- Highlight ways for customers to save money or reduce their water bills.

The findings and results of the Customer Satisfaction Survey will be presented by FM3 at the Committee meeting.

### FISCAL IMPACTS:

Not applicable.

### ENVIRONMENTAL COMPLIANCE:

This item is not a project as defined in the California Environmental Quality Act as authorized under the California Code of Regulation, Title 14, Chapter 3, Section 15378.

RECOMMENDATION:

Receive and file.


LIST OF EXHIBITS:

None.

July 5, 2018

Prepared by: B. Beeman

Submitted by: P. Weghorst

Approved by: Paul A. Cook 

## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### 2018 WATER USE EFFICIENCY OUTREACH CAMPAIGN

#### SUMMARY:

A new creative water use efficiency outreach campaign was launched in fall 2017. The initial campaign focused on reducing outdoor watering among customer groups that have traditionally been difficult to reach. Based on the success of the 2017 fall water use efficiency campaign and the recent customer survey findings that indicate customers are willing to do more to save water, staff recommends the implementation of a 2018 fall water use efficiency campaign that will continue to focus on outdoor water use. To assist with the development and implementation of the campaign, staff recommends that the Board authorize the General Manager to execute a Professional Services Agreement with Suple Advertising & Design in the amount of \$790,330.

#### BACKGROUND:

With the abatement of drought conditions in 2016, customer focus groups indicated that IRWD's water use efficiency outreach efforts would benefit from an updated water use efficiency messaging strategy that would be sustainable during both drought and non-drought periods. In August 2017, IRWD retained Suple Advertising & Design to implement a creative new water use efficiency outreach plan that communicated the value of water, sustained current levels of water savings, and sought additional permanent water savings among customer groups that have been traditionally difficult to reach and who had a history exceeding their water budgets. The 2017 water use efficiency outreach campaign included the following elements:

- Development of creative water use efficiency campaign materials;
- A campaign media buy that was launched in October 2017 with the goal of combatting outdoor water usage during the fall shoulder season. The media buy included a primary media flight along with a sustained effort that occurred during winter 2017; and
- A winter 2017 campaign evaluation that tracked media and engagement metrics in coordination with the efforts of the survey firm Fairbank, Maslin, Maulin, Metz & Associates (FM3).

#### 2017 Campaign Highlights:

The integrated media campaign included cable television, online digital, social media, transit, cinema and print advertising. Highlights of the campaign included:

- Television advertising across 25 networks involving the airing of 8,350 15-second spots on networks such as CNN, ESPN, HGTV, MSNBC and FOXNEWS;
- Nearly 10 million digital advertising impressions, with an average frequency of 10 times;

- A cinema program in 11 theaters that delivered over 1.2 million impressions and drove almost 380,000 completed video views with a 96% video completion rate;
- A bus and bus shelter advertising program that delivered over 25 million impressions via six wrapped buses on eight routes and 60 bus shelters throughout IRWD's service area; and
- A print campaign that ran a total of 44 insertions in six community newspapers in English, Chinese and Korean for a total circulation of 745,288.

### *Campaign Results:*

Pre- and post-campaign surveys targeting single-family homes were conducted by FM3. Highlights of the survey results were:

- 48% of the customer surveyed said they saw at least one of the IRWD advertisements, suggesting the campaign reached a strong share of the audience;
- Television, bus/bus shelter advertisements and communications from IRWD were cited as the most seen mediums;
- One-third of post-survey respondents recalled "The days are shorter, water less" call-to-action and 29% said this encouraged them to make changes to their sprinkler timers; and
- Both pre and post-campaign surveys indicated that 86% of IRWD's customers continue to consider outdoor water use efficiency important; three in four customers agreed they could do more to waste less water.

### 2017 Campaign Water Savings Analysis:

Staff conducted an evaluation of over-allocation customers targeted in the 2017 fall campaign. The goal was to determine if there were data to support changes in water use behavior by these customers after the campaign ended. The evaluation concluded that no significant water savings or differences were identifiable due to the following factors:

- Pre-campaign water use data was affected by the severe statewide drought and drought messaging in 2016-17;
- An extremely wet 2016-17 and a dry 2017-18; and
- Non-drought pre-campaign water use and allocation data were affected by significant changes to customer allocations during and after the drought.

It was concluded that the first phase of the new long-term outreach campaign was too short to capture significant water savings data. However, the 2017 water use data does provide an excellent baseline for a future campaign water savings analysis.

2018 Customer Survey:

In May 2018, FM3 conducted a customer survey of 800 IRWD customers. A portion of the survey was dedicated to water conservation awareness and behavior among the survey group. Key findings of the survey include:

- Nearly 23% of respondents self-reported that they are using less water than one year ago; 66% are using about the same; 10% are using more;
- Just over half said they are likely to take additional steps to conserve water, however the additional steps mentioned most were indoor as opposed to outdoor; and
- Customers continue to focus more on indoor water use than on outdoor water use.

2018 Fall Campaign:

Based on the success of the 2017 fall water use efficiency campaign and the customer survey findings indicating that customers are willing to do more to save water, staff recommends the implementation of a 2018 fall water use efficiency campaign that will focus on outdoor water use. To assist with the development and implementation of the campaign, staff recommends that IRWD execute an agreement with Suple Advertising & Design.

*Scope of Work for Suple:*

Building on the momentum of last year's effort, Suple proposes to expand and reuse the "See it from Your Lawn's Perspective" campaign. Suple will lead the development of the 2018 water use efficiency outreach campaign platform as described in the scope of work provided as Exhibit "A". The following table provides the total not-to exceed costs for tasks that will be billed by Suple on a time and material basis.

Description	Task	Cost
Creative Revisions/Production	July 2018	\$145,000
Campaign Media Buy	July – October 2018	\$620,000
Evaluation	August – December 2018	\$ 15,000
Account Leadership	July – December 2018	\$ 9,530
Miscellaneous Hard Costs	July – December 2018	\$ 800
	Total	\$790,330

FISCAL IMPACTS:

The cost of the water use 2018 water use efficiency campaign is \$790,300. Funding for this effort is included in the FY 2018-19 operating budget.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Board authorize the General Manager to execute a Professional Services Agreement with Sukle Advertising & Design in the amount of \$790,330 for implementation of the 2018 water use efficiency campaign.

LIST OF EXHIBITS:

Exhibit "A" – Sukle Advertising & Design Scope of Work

**SUKLE**2430 WEST 32ND AVENUE  
DENVER, COLORADO 80211**P (303) 964-9100****F (303) 964-9663****SUKLE.COM**

# IRVINE RANCH WATER DISTRICT

## 2018 SCOPE OF WORK

June 25, 2018

### SITUATION

Irvine Ranch Water District has asked for Sukle's assistance in moving their water conservation outreach forward to a new frontier. Building on the momentum of last year's effort, the goal will be to continue a long-term outreach effort that communicates the value of water and promotes lasting water efficient behavior.

This proposal is designed to outline the scope of work required to develop the next phase of the campaign which will run in market during the fall shoulder watering season. The campaign "See It from Your Lawn's Perspective" will be expanded and used again this fall.

The 2018 Customer Satisfaction Study conducted by FM3 indicated a need to continue to educate IRWD customers about services provided. Over half of IRWD customers said they would be willing to do more to conserve water, yet the emphasis of their efforts is being directed in the wrong area. The study revealed that customers focus on indoor use and severely underestimate the percentage of water they use outdoors. This scope will center their attention on outdoor use and attempt to alter their behaviors during the critical month of September, when a disproportionate number of customers exceed their allocations.

Communication tactics will be revised, and media buys will be executed in July and early August in order to meet this crucial time period. The media will launch in mid-August and run through mid-October.

### INITIATIVE

Creative Revisions/Production  
Campaign Media Buy  
Evaluation

### PROJECTED TIMING

July 2018  
July - October 2018  
August - December 2018Account Leadership  
Miscellaneous Hard CostsJuly – December 2018  
July – December 2018

### 2018 APPROACH

This proposal outlines recommended communication activities and corresponding budgets for the 2018 Fall Outreach Campaign. Our approach is focused on maximizing change of attitudes and behaviors of IRWD customers within the district, while also balancing the need to be good stewards of available financial resources.

For 2018, the Outreach Campaign activity will target outdoor water use by reutilizing the "See It From Your Lawn's Perspective" campaign. 2018 media vehicles will include cable TV, cinema, digital video and banner advertising, bus advertising and community and ethnic newspapers.



## 2018 BUDGET ALLOCATIONS

The budgets were based on the 2017 Outreach Campaign and the research conducted by FM3 indicating a need to increase IRWD's visibility with customers. The impact of midterm elections and availability of media tactics also factored in.

### **2018 Campaign Updates**

The agency will reuse the "See It From Your Lawn's Perspective" campaign for 2018. The campaign will be updated to:

- Add additional executions for use in expanded social media buy
- Add additional executions for use in expanded digital banner ad buy
- Revise campaign elements by removing "Just Enough is Enough" from:
  - Cable TV (two revised :15 second spots)
  - Cinema (two revised :15 second spots)
  - Digital video (two revised :15 second spots)
  - Digital display banners in the standard sizes for mobile, tablet and desktop
  - Social posts
  - Newspaper executions
  - Revised bus wraps

Language translation for three languages is included in this estimate for the new set of additional banner ads. The language translation will be confirmed with the client prior to bidding.

Fees for production management and project oversight are included in this estimate range, as well as time and hard costs for production, editing and trafficking the various media elements to meet the in-market dates. Costs for renegotiating talent usage, rights, music and sound design are also included in this estimate range.

**Deliverables:** Revised integrated campaign, produced and trafficked for in-market dates

**Timing:** 5-6 weeks

**Cost:** \$145,000\*

*\*Note: The full estimate will be executed upon approval of the contract. 75% of the budget will be billed upon estimate signature for production.*

### **2018 Campaign Media Buy**

The media plan will target IRWD homeowners in the IRWD district with tactics that are design to eliminate waste and spill-over into other areas of the region. The tactics for this campaign have been discussed, but not yet planned or purchased. They will include:

- Cable TV
- Cinema
- Digital video
- Digital display banners
- Social posts
- Newspaper

- Bus wraps

Once the media plan is approved, the agency will execute the media buy for the 2018 campaign.

The agency will ensure all elements are provided to the appropriate media outlet in the appropriate formats. This estimate includes fees to develop and execute the media plan, as well as to monitor the tactics in market. The agency will manage all elements of the campaign while it is in-market and track key media metrics and deliver monthly reporting.

**Deliverables:** Paid media plan and buy for an integrated two-month campaign

**Timing:**

Fall Outreach Campaign

Flight: Mid-Aug 2018 – Mid-Oct 2018

- Cable TV & Cinema
- Digital videos & display banners
- Print – Community and ethnic newspapers
- Out-of-home – bus wraps

**Cost:** \$620,000

*\*Note: The full estimate will be executed upon approval of the contract. Invoices will be sent 60 days in advance of the media flight date(s).*

**2018 Campaign Evaluation**

The agency will track media and engagement metrics. We will work with IRWD and your research partner to develop a strategy to measure changes in attitude and behavior. At the conclusion of the fall outreach campaign a report will be created summarizing the campaign, key metric reporting, media analytics and recommendations.

**Deliverable:** Ongoing tracking and a final campaign report

**Timing:** On-going over the course of the campaign with the final report to be provided within 60 days of evaluation being completed

**Cost:** \$15,000

**2018 YEARLY BUDGET ALLOCATIONS**

**Account Leadership**

Account leadership entails all ongoing leadership that ensures your account is run as seamlessly and efficiently as possible. This often involves work that spans across multiple projects and initiatives and is critical to the overall success.

This include general account and campaign oversight and management functions that are not specific to any one component of the campaign(s), including regular status calls, budget/fiscal management and reconciliation, account onboarding discussions and learnings that impact multiple topics and projects.

## EXHIBIT A

### **Deliverables:**

- Weekly project status meetings
- Monthly budget management and reconciliation, including the creation of a master budget document and monthly billing summary reports
- Review of any documentation, presentations, research reports

**Timing:** Ongoing, July 2018-December 2018

**Cost:** \$9,530 (\$1,906/monthly)

### ***Miscellaneous Hard Costs***

Estimated cost to cover travel, such as mileage, postage, long-distance charges and conference calls will be invoiced at cost, as incurred.

**Timing:** Ongoing, July 2018-December 2018

**Cost:** \$800 (Billed as hard costs are incurred)

## 2018 PROPOSED BUDGET

2018 Creative Revisions/Production (July - August 2018)	\$145,000
2018 Campaign Media Buy (July 2018 -October 2018)	\$620,000
2018 Evaluation (August -December 2018)	\$15,000
2018 Account Leadership (July - December 2018)	\$9,530
2018 Miscellaneous Hard Costs (July - December 2018)	\$800
<b>Total:</b>	<b>\$790,330</b>

**PAYMENT TERMS:** Sukle will submit monthly invoices on a time and materials basis.

July 5, 2018

Prepared by: F. Sanchez

Submitted by: P. Weghorst

Approved by: Paul A. Cook 

## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### NEWPORT BAY WATERSHED COOPERATIVE AGREEMENT

#### SUMMARY:

A new agreement has been prepared for consideration by the members of the Newport Bay Watershed Executive Committee to implement and fund Total Maximum Daily Load (TMDL) programs and related activities in the Newport Bay Watershed. The new agreement will replace an existing agreement which expired on June 30, 2018. Staff recommends that the Board authorize the General Manager to execute the Cooperative Agreement to Fund Total Maximum Daily Load Programs and Related Activities in the Newport Bay Watershed (No. MA-080-18011416) and to approve the related Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs Work Plans and Budgets.

#### BACKGROUND:

The Newport Bay Watershed Executive Committee was established in 1978 to fund sediment dredging from Newport Bay. The Executive Committee was composed of the County of Orange and cities in the Newport Bay watershed. With the establishment of TMDLs for Newport Bay and its watershed, the Executive Committee expanded its responsibility to address TMDL requirements. In 1999, IRWD joined the Executive Committee to fund ongoing nutrient, fecal coliform and toxics monitoring studies through County Agreement D99-128. In 2012, the agreement was replaced by County Agreement D11-066, which expired on June 30, 2018.

The parties to this most recent agreement have met over the past 12 months to develop the new Cooperative Agreement to Fund Total Maximum Daily Load Programs and Related Activities in the Newport Bay Watershed (No. MA-080-18011416), which is provided as Exhibit "A". The key changes that are included in this new Cooperative Agreement are as follows:

- The term of the Cooperative Agreement is six years instead of three years. The agreement becomes effective July 1, 2018, or as soon as the last party has executed the agreement, whichever is later;
- The Cooperative Agreement requires approval of the related work plan and budget by enough of the parties that together represent 90% of the cost share and at least 12 of the 13 parties (when voting the County of Orange and the County of Orange Flood Control District constitute one party). The Cooperative Agreement will consider parties that have not responded by July 15 of each year to have provided an affirmative response; and
- A revised cost share allocation is incorporated into the Cooperative Agreement. It is based on weighted net land area and population within the watershed. The Flood Control District, IRWD and the Irvine Company are each assigned a fixed cost share. The fixed cost shares for IRWD and the Irvine Company were reduced from 10 % to 7.5%. Lennar, which previously was assigned a fixed cost share of 0.15%, has been removed from the cost share allocation.

The overall budget for FY 2018-19 for the Newport Bay Watershed TMDL program is \$1,332,597. The work plan and budget for the program is provided as Exhibit "B". The funding partners will be invoiced approximately \$987,500 due to a projected carry-over of \$345,000. IRWD's 7.5% cost share would be approximately \$74,000. Funding for this effort was included in IRWD's FY 2018-19 Operating Budget.

The new Cooperative Agreement, MA-080-18011416 and related work plan and budget have been circulated to 13 separate parties for approval. The Orange County Board of Supervisors is expected to consider the agreement by the end of July 2018.

#### FISCAL IMPACTS:

The budget for the FY 2018-19 Newport Bay watershed total maximum daily load program is approximately \$1.3 million. The County of Orange has \$345,000 in carry-over funds. Accordingly, the total budget to be invoiced to the funding partners will be approximately \$987,000. IRWD's 7.5% cost share for FY 2018-19 will be approximately \$74,000. Funding for the watershed TMDL program was included in the FY 2018-19 Operating Budget.

#### ENVIRONMENTAL COMPLIANCE:

This item is not a project as defined in the California Environmental Quality Act as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15378.

#### RECOMMENDATION:

That the Board authorize the General Manager to execute the Cooperative Agreement to Fund Total Maximum Daily Load Programs and Related Activities in the Newport Bay Watershed (No. MA-080-18011416) and approve the related Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs Work Plans and Budgets.

#### LIST OF EXHIBITS:

Exhibit "A" – Cooperative Agreement to Fund Total Maximum Daily Load Programs and Related Activities in the Newport Bay Watershed; Agreement No. MA-080-18011416

Exhibit "B" – County of Orange OC Public Works Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs 2018-19 Work Plan and Budget

COOPERATIVE AGREEMENT TO FUND TOTAL MAXIMUM DAILY LOAD PROGRAMS AND  
RELATED ACTIVITIES IN THE NEWPORT BAY WATERSHED

THIS AGREEMENT, for purposes of identification numbered MA-080-18011416, referred to hereinafter as “Agreement”, is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the County of Orange (“County”), the Orange County Flood Control District, the City of Costa Mesa, the City of Irvine, the City of Laguna Hills, the City of Laguna Woods, the City of Lake Forest, the City of Newport Beach, the City of Orange, the City of Santa Ana, the City of Tustin, Irvine Ranch Water District, and the Irvine Company. These entities are hereinafter sometimes jointly referred to as “Parties” and individually as “Party.” City entities are hereinafter sometimes jointly referred to as “Cities.” The Cities, County, and the Orange County Flood Control District are hereinafter sometimes jointly referred to as the “Municipal Parties.”

RECITALS

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (“Regional Board”) adopted Resolution No. 98-9, as amended by Resolution No. 98-100, amending the Water Quality Control Plan for the Santa Ana River Basin (“Basin Plan”) to incorporate a Nutrient Total Maximum Daily Load (“TMDL”) for the Newport Bay/San Diego Creek Watershed on April 17, 1998, and Resolution 99-10 amending the Basin Plan to incorporate a TMDL for Fecal Coliform in Newport Bay on April 9, 1999, pursuant to the provisions of Section 303(d) of the Clean Water Act; and,

WHEREAS, the United States Environmental Protection Agency established technical TMDLs for toxic pollutants (“Toxics TMDLs”) for San Diego Creek and Newport Bay, California, on June 14, 2002, and the Regional Board has been in the process of developing implementation plans or updating these Toxics TMDLs through separate Basin Plan processes, and, as of the end of 2017, Basin Plan amendments for Diazinon and Chlorpyrifos TMDLs and Organochlorines TMDLs have been adopted, Basin Plan amendments for selenium are in progress, and Basin Plan amendments for metals are in development; and,

WHEREAS, the Newport Bay Nutrient, Fecal Coliform, and Toxics TMDLs (collectively referred to as “Newport Bay TMDLs”) contain requirements for studies, monitoring, and the development of programs to attain TMDL targets over a multi-year period; and,

WHEREAS, the Newport Bay TMDLs are included in the National Pollutant Discharge Elimination System Municipal Stormwater Permit (“NPDES Permit”), Order No. R8-2009-0030, issued to the Municipal Parties by the Regional Board, which encourages a cooperative watershed program approach; and,

WHEREAS, the Parties entered into Agreement No. D99-128 on September 18, 2003 and subsequent amendments on July 5, 2006, March 29, 2008, and July 8, 2010, to provide funding for the studies and implementation activities related to the Newport Bay TMDLs; and,

WHEREAS, the Parties subsequently entered into Agreement No. D11-066 on June 26, 2012 as a successor to Agreement No. D99-128, with a further amendment on October 20, 2015; and,

WHEREAS, the Parties intend this Agreement as a successor to Agreement D11-066, to provide for the performance of: additional studies, research, monitoring, reporting, development and/or revision of programs related to the Newport Bay TMDLs; assessment and development of programs related to current and future Clean Water Act §303(d) listings and/or NPDES Permit requirements for watershed management plans; actions in response to threats of administrative enforcement and citizen suits; and planning, permitting, design, construction, and maintenance of TMDL pilot projects; and,

WHEREAS, the Parties have reached agreement on funding shares which are shown in Exhibit A; and,

WHEREAS, the Parties hereto share a common interest in the regulatory compliance gained through the activities to be funded and performed pursuant to this Agreement, and the Parties further acknowledge that: each Party is entering into this Agreement for such purpose; there are common issues/questions of law and fact among the Parties; it is the understanding of each Party that, in the



performance of this Agreement, as with preceding agreements to which this Agreement is successor, confidential communications protected by the attorney-client privilege and attorney work product doctrine may be disclosed among the Parties. Based on the foregoing, the parties now wish to enter into a common interest group agreement to memorialize their mutual understanding that confidential communications are to be kept confidential and protected from disclosure to the fullest extent allowed by law; and

WHEREAS, it is recognized that additional compliance efforts may be necessary and the Parties may choose to fund projects under separate agreements.

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the Parties agree as follows:

Section 1. PURPOSE. This Agreement is entered into for the purpose of funding and performing program activities related to the Newport Bay TMDLs, NPDES Permit requirements specific to the Newport Bay watershed, current and future Clean Water Act §303(d) listings in the Newport Bay watershed, and other related matters which may affect NPDES Permit compliance and/or enforcement within the Newport Bay watershed.

Section 2. TERM. The term of this Agreement shall commence upon approval and execution of this Agreement by all Parties or July 1, 2018, whichever is later, and shall continue until June 30, 2023.

Section 3. PROGRAM WORK PLAN. The County shall work in concert with all Parties to develop a work plan for the following fiscal year and will provide longer term financial forecasts. The work plan for the upcoming fiscal years shall be submitted to each of the Parties by January 15 of each year. The work plan may designate a Party as a lead other than the County for a work plan task(s).

Section 4. BUDGET AND COSTS. The budget for the initial 2018-19 fiscal year, subject to appropriations, is \$1,332,597 and is shown in Exhibit A. The County shall work in concert with all the Parties to develop a budget for the following fiscal years. Budgeted amounts for pilot project(s) shall not exceed \$200,000 for all pilot projects in any one fiscal year. For the following fiscal year and thereafter, a

budget shall be submitted to each of the Parties by January 15 of each year. The budget shall contain an explanation of any recommended program changes, an estimate of all planned expenditures and an estimate of the payment required from each Party for the following fiscal year.

The County shall be entitled to charge to the program all costs for direct labor, materials, equipment, and outside contract services for costs associated with carrying out the approved scope of work. Recoverable costs will also include an overhead charge.

Section 5. WORK PLAN TASK LEAD REIMBURSEMENT. The County may designate a Party as a task lead with respect to specific tasks on the operative work plan. If a Party is designated as a task lead, upon prior written authorization from County, the Party shall invoice the County for authorized expenses up to the approved budget amount for the work plan task.

Section 6. APPROVALS AND ADJUSTMENTS. The Parties shall be permitted to review and approve the budget and program work plan for the forthcoming year, review work products, and provide direction for performance of the work plan. The Parties shall be notified of the intent to issue contracts to perform the program work plan, shall be permitted to participate in the preparation and review of the scope of work for such contracts, and to serve on the committee evaluating consultant qualifications/proposals subject to the requirements of the County of Orange Contract Policy Manual. Criteria for approval of the work plan and budget shall be affirmative responses from Parties representing ninety percent (90%) of the funding shares in Exhibit A and 12 of the 13 Parties. The County and Orange County Flood Control District will constitute one approving Party. Any Party not providing a response by July 15 of each year shall be considered as rendering an affirmative response.

Criteria for approval of adjustments to scopes of work shall be the same as for the approval of the work plan and budget.

Section 7. FUNDING SHARE PERCENTAGES. Exhibit A, which is attached to this Agreement and by this reference is made a part hereof, presents the funding share percentages for the Parties for the term of the Agreement and the costs for the Parties for fiscal year 2018-19.

Section 8. PAYMENTS. For the initial year of the Agreement, the County shall invoice each Party for its deposit either at the beginning of the fiscal year or thirty (30) days after approval of the Agreement, whichever is later. In following years, the County shall invoice each Party for its annual deposit at the beginning of each fiscal year. Each Party shall pay the deposit within 45 calendar days of the date of the invoice. Each Party's deposit shall be based on its prorated share of the approved annual budget, reduced by the sum of (a) its prorated share of any surplus identified in the prior fiscal year end accounting, and (b) its prorated share of any funding provided for programs in the approved budget from entities not party to this Agreement.

Interest earned on the Parties' deposits will not be paid to the Parties, but will be credited against the Parties' share of the program costs.

The County shall notify each of the Parties if it appears that costs may exceed the budget approved by the Parties in any fiscal year. The County shall prepare a fiscal year end accounting within 60 calendar days of the end of the fiscal year. If the fiscal year end accounting results in costs (net of interest earnings) exceeding the sum of the deposits, and the County has notified and obtained approval from the Parties of potential cost overruns, the County shall seek approval of the excess cost from the Parties in the form of a revised budget and, upon approval, shall invoice each Party for its prorated share of the excess cost up to the amount of the revised approved budget. Each Party shall pay the billing within 45 calendar days of the date of the invoice. If the fiscal year end accounting results in the sum of the deposits exceeding costs (net of interest earnings), the excess deposits will carry forward to reduce the billings for the following year. The fiscal year end accounting results and associated invoices for each Party will take into consideration any outside funding provided for programs in the approved budget from entities not party to this Agreement.

Upon termination of the program, a final accounting shall be performed by the County. If costs remaining after the deduction of interest costs exceed the sum of the deposits, the County shall invoice each Party for its prorated share of the deficit. Each Party shall pay the invoice within 45 calendar days of

the date of the invoice. If the sum of the deposits, including interest, exceeds the costs, the County shall reimburse to each Party its prorated share of the excess, within 45 calendar days of the final accounting.

Section 9: CONFIDENTIAL COMMUNICATIONS

- a. The term Confidential Communications shall mean all communications, regardless of form, including documents and oral or written communications, whether prepared by the Parties or by consultants or experts retained by any Party, exchanged by or among the Parties, their non-employee consultants or experts, and/or their counsel, that are: (i) related to the purpose and/or performance of this Agreement; and (ii) privileged or protected from disclosure to adverse or other persons by reason of the attorney-client privilege, the attorney work product doctrine, or the common interest and/or joint defense privilege. The term Confidential Communications does not include any publicly available information.
- b. The Parties agree that the disclosure of Confidential Communications between or among the Parties or their counsel will not diminish the confidentiality of such materials or constitute waiver of any applicable privilege or protection from disclosure. The Parties intend that all Confidential Communications shall be protected from disclosure and discovery, to the fullest extent allowed by law, including under the common interest and/or joint defense privileges. Inadvertent disclosure of Confidential Communications to third parties shall not constitute waiver of any applicable privilege, and shall be entitled to the fullest protection under the law, including the triggering of ethical obligations for the recipient(s) to return such inadvertently disclosed Confidential Communications.
- c. The Party providing or disclosing any Confidential Communications to another party to this Agreement, pursuant to this Agreement, shall mark it as: "PRIVILEGED AND CONFIDENTIAL PURSUANT TO AGREEMENT NO. MA-080-18011416." Communications marked in this or substantially similar manner shall be Confidential Communications. The failure to so mark such communications, however, will not diminish the confidentiality of such communications or constitute waiver of any applicable privilege or protection from disclosure.

- d. Confidential Communications shall be held in confidence by the Parties, unless disclosure is required by law or court order. Each Party shall take reasonable and appropriate measures to prevent inadvertent disclosures of Confidential Communications to third parties. In the event any Party receives a third-party request or demand for Confidential Communications marked "PRIVILEGED AND CONFIDENTIAL PURSUANT TO AGREEMENT NO. MA-080-18011416," per section 9.c., or bearing the name of one or more attorneys for any Party, prior to the release of any such Confidential Communications, the receiving Party shall notify all other Parties that such a request or demand has been received, so that the other Parties have the opportunity to seek a protective order or other relief. In the event any Party receives a third-party request or demand for Confidential Communications that are not marked per section 9.c. and do not bear the name of any attorney for any Party, prior to the release of such Confidential Communications, the receiving Party shall endeavor to notify all other Parties, so that the other Parties have the opportunity to seek a protective order or other relief.
- e. To the extent allowed by law, the obligations of the Parties under this Section 9 shall survive the termination of this Agreement and shall remain in full force and effect.
- f. Neither this Agreement nor the actions of any Party or counsel to a Party shall create any attorney-client relationship between any counsel and any Party that have not otherwise entered into an attorney-client relationship.

Section 10. ADDITIONAL PARTIES. It is recognized that there may be other parties who wish to participate in and provide funding for the activities described in this Agreement. Nothing in this Agreement is intended to preclude additional participants being added by written amendment as parties to this Agreement pursuant to Section 11. Exhibit A will be revised to add funding share percentage(s) for the additional party(ies) and proportionately reduced percentage shares for the Parties.

Section 11. AMENDMENT. This Agreement may be amended in writing only with the unanimous written approval of the parties.

Section 12. LIABILITY. It is mutually understood and agreed that, merely by the virtue of entering into this Agreement, each Party neither relinquishes any rights nor assumes any liabilities for its own actions or the actions of other Parties. It is the intent of the Parties that the rights and liabilities of each Party shall remain the same, while this Agreement is in force, as it was before this Agreement was made, except as otherwise specifically provided in this Agreement.

Section 13. TERMINATION. Any Party wishing to terminate its participation in this Agreement shall so notify all other Parties in writing by March 1 of any year. Such termination shall be effective the following June 30. The terminating Party shall be responsible for financial obligations hereunder to the extent incurred in accordance with this agreement by the Party prior to the effective date of termination. The balance of the Parties may continue in the performance of the terms and conditions of this Agreement with a proportionate reallocation of the terminating Party's cost share in Exhibit A among the remaining Parties.

Section 14. AVAILABILITY OF FUNDS. The obligation of each Party is subject to the availability of funds appropriated for this purpose, and nothing herein shall be construed as obligating the Parties to expend or as involving the Parties in any contract or other obligation for the future payment of money in excess of appropriations authorized by law.

Section 15. NO THIRD PARTY BENEFICIARIES. Nothing expressed or mentioned in this Agreement is intended or shall be construed to give any person (except the Parties hereto and any entity in which a Party has a legal interest (such as, but not limited to, a limited liability membership interest or a partnership interest), and any permitted successors or assigns of a Party) any legal or equitable right, remedy or claim under or in respect of this Agreement or any provisions herein contained. This Agreement and any conditions and provisions hereof is intended to be and is for the sole and exclusive benefit of the Parties and the entities in which they have a legal interest and their successors or assigns and for the benefit of no other person, agency or entity.

Section 16. REFERENCE TO CALENDAR DAYS. Any reference to the word “day” or “days” herein shall mean calendar day or calendar days, respectively, unless otherwise expressly provided.

Section 17. ATTORNEY’S FEES. In any action or proceeding brought to enforce or interpret any provision of this Agreement, or where any provision hereof is asserted as a defense, each Party shall bear its own attorney’s fees and costs.

Section 18. ENTIRE AGREEMENT. This Agreement is intended by the Parties as a final expression of their agreement and intended to be a complete and exclusive statement of the agreement and understanding of the Parties hereto in respect of the subject matter contained herein. There are no restrictions, promises, warranties or undertakings, other than those set forth or referred to herein. This Agreement supersedes all prior agreements and understandings between the Parties with respect to such matter.

Section 19. SEVERABILITY. If any part of this Agreement is held, determined or adjudicated to be illegal, void, or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

Section 20. SUCCESSORS AND ASSIGNS. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their successors and assigns.

Section 21. NOTICES. All notices required or desired to be given under this Agreement shall be in writing and (a) delivered personally, or (b) sent by certified mail, return receipt requested or (c) sent by electronic mail followed by a mailed copy, to the addresses specified below, provided each Party may change the address for notices by giving the other Parties at least ten (10) days written notice of the new address. Notices shall be deemed received when actually received in the office of the addressee or when delivery is refused, as shown on the receipt of the U.S. Postal service, or other person making the delivery, except that notices sent by electronic mail shall be deemed received on the first business day following transmission.



## Exhibit “A”

Agreement No. MA-080-18011416

Director of Public Services  
City of Costa Mesa  
P.O. Box 1200  
Costa Mesa, CA 92628-1200  
Facsimile: (714) 754-5028

Director of Community Development  
City of Irvine  
P.O. Box 19578  
Irvine, CA 92623-9578  
Facsimile: (949) 724-6440

Director of Public Services  
City of Laguna Hills  
24035 El Toro Road  
Laguna Hills, CA 92653  
Facsimile: (949) 707-2633

Director of Community Development  
City of Laguna Woods  
24264 El Toro Road  
Laguna Woods CA 92637  
Facsimile: (949) 639-0591

Director of Public Works  
City of Lake Forest  
25550 Commercentre Dr. Suite 100  
Lake Forest, CA 92630  
Facsimile: (949) 461-3511

Director of Public Works  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Facsimile: (949) 644-3308

Director of Public Works  
City of Orange  
300 E. Chapman Ave  
Orange, CA 92866  
Facsimile: (714) 744-5573

Executive Director, Public Works Agency  
City of Santa Ana  
20 Civic Center Plaza (M21)  
Santa Ana, CA 92702  
Facsimile: (714) 647-5635

Director of Public Works  
City of Tustin  
300 Centennial Way  
Tustin, CA 92780  
Facsimile: (714) 734-8991

Director, OC Public Works  
County of Orange  
300 N. Flower Street  
Santa Ana, CA 92702-4048  
Facsimile: (714) 834-2395

Executive Director of Water Policy  
Irvine Ranch Water District  
15600 Sand Canyon Avenue  
Irvine, CA 92618  
Facsimile: (949) 453-0228

Vice President of Environmental Affairs  
The Irvine Company  
550 Newport Center  
Newport Beach, CA 92658-8904  
Facsimile: (949) 720-2448

Section 23. EXECUTION OF AGREEMENT. This Agreement may be executed in counterparts and the signed counterparts shall constitute a single instrument.

Section 24. GOVERNING LAW AND VENUE. This Agreement has been negotiated and executed in the State of California and shall be governed by and construed under the laws of the State of California. In the event of any legal action to enforce or interpret this Agreement, the sole and exclusive venue shall be a court of competent jurisdiction located in Orange County, California, and the Parties hereto agree to and do hereby submit to the jurisdiction of such court, notwithstanding Code of Civil Procedure section 394. Furthermore, the Parties have specifically agreed, as part of the consideration given and received for entering into this Agreement, to waive any and all rights to request that an action be transferred for trial to another county under Code of Civil Procedure Section 394 or any other provision of law.

# Exhibit "A"

Agreement No. MA-080-18011416

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first  
above written:

**COUNTY OF ORANGE,**  
a political subdivision of the State of  
California

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman of the Board of Supervisors

**ORANGE COUNTY FLOOD CONTROL DISTRICT**  
a body corporate and politic

By: \_\_\_\_\_  
Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS  
AGREEMENT HAS BEEN DELIVERED TO THE  
CHAIR OF THE BOARD.

Date: \_\_\_\_\_

By \_\_\_\_\_  
Robin Stieler  
Clerk of the Board of Supervisors of  
Orange County, California

APPROVED AS TO FORM  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy

Date: \_\_\_\_\_

**CITY OF COSTA MESA**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Costa Mesa

**CITY OF IRVINE**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Irvine

**CITY OF LAGUNA HILLS**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Laguna Hills

CITY OF LAGUNA WOODS

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Laguna Woods



**CITY OF LAKE FOREST**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Lake Forest

**CITY OF NEWPORT BEACH**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Newport Beach

CITY OF ORANGE

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Orange

ATTEST:

CITY OF SANTA ANA

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
RAUL GODINEZ II  
City Manager

APPROVED AS TO FORM:

SONIA CARVALHO  
City Attorney

By: \_\_\_\_\_  
John M. Funk  
Assistant City Attorney

CITY OF TUSTIN

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney of Tustin

THE IRVINE RANCH WATER DISTRICT

Date: \_\_\_\_\_

By: \_\_\_\_\_  
General Manager

Approved as to Form

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE IRVINE COMPANY**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**EXHIBIT A - FUNDING SHARES\***

<b>PARTIES</b>	<b>FUNDING SHARE PERCENTAGES</b>	<b>FISCAL YEAR 2018-19 BUDGET</b>
Costa Mesa	4.00	\$53,304
County of Orange	9.00	\$119,934
Irvine	29.00	\$386,453
Laguna Hills	1.00	\$13,326
Laguna Woods	1.00	\$13,326
Lake Forest	6.00	\$79,956
Newport Beach	9.00	\$119,934
Orange	1.00	\$13,326
Santa Ana	9.00	\$119,934
Tustin	6.00	\$79,956
Orange County Flood Control District	10.00	\$133,260
Irvine Ranch Water District	7.50	\$99,944
Irvine Company	7.50	\$99,944
<b>Total</b>	<b>100.00</b>	<b>\$1,332,597</b>

\*Funding shares are based on a consideration of land area and population, an equal split for some compliance responsibilities, and a minimum share of one percent.

# Exhibit "B"

COUNTY OF ORANGE

OC PUBLIC WORKS

## Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs

### 2018-19 WORK PLAN AND BUDGET

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*March 2018 Draft Final for Approval*

Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs  
2018-19 Work Plan and Budget  
March 2018 Draft Final for Approval

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## 1.0 INTRODUCTION

This workplan and budget have been prepared in accordance with the terms of Agreement MA-080-18011416 to cooperatively fund the Newport Bay Nutrient, Fecal Coliform and Toxics Total Maximum Daily Loads (TMDLs). The County, in concert with all Agreement Parties, prepares an operating budget for shared costs to provide for the performance of studies, monitoring and development of programs to attain Nutrient, Fecal Coliform and Toxics TMDL reduction targets over a multi-year period. Review and approval of the scope of work and budget is required from Agreement Parties representing ninety percent (90%) of the funding share and 12 out of 13 Agreement Parties.

## 2.0 2018-19 WORK PLAN

### 2.1 Overview

Costs are incurred by the County acting as designated program lead, on behalf of the other Agreement Parties, with specific responsibilities for work coordination and implementation. Work Plan elements for 2018-19 have been developed to address program requirements and anticipated Regional Board activities in 2018-19. The major TMDL activities will include:

- Continuation of the revised Nutrient TMDL Regional Monitoring Program (RMP) and evaluation of the need for TMDL revision for San Diego Creek Reach 2 nutrients and phosphorus targets.
- Continuation of Fecal Coliform TMDL routine monitoring; provision of support to expedite Regional Board amendments of the Basin Plan, including a stakeholder process; evaluation of the shellfish harvesting beneficial use and regulatory pathways for Newport Bay.
- Continued selenium regulatory compliance support, including the tasks specified in the Time Schedule Order R8-2014-0025, the BMP Strategic Plan, the Regional Monitoring Plan and preparation of the annual report; support for final regulatory approval of the Selenium TMDL by the State Board and USEPA; support for assembling administrative record; implementation of offset and trading program and development of site-specific objectives (SSO) documentation; support for reviewing and approval of the SSO.
- Revision of the Organochlorines TMDL and extension of the compliance deadline, including revised impairment assessment, and assistance with regulatory support. Participating in the Bight'18 sediment quality study will assist this effort.

- Support for the development of Newport Bay Watershed Metals TMDL by the Regional Board staff.

The major work tasks by TMDL are presented below. A schedule of projected milestones/deliverables is shown in **Table 1**. Please see **Table 2** and **Section 3.2.3** for individual task costs.

## 2.2 Nutrient TMDL

### 2.2.1 Nutrient TMDL Regional Monitoring Program

The Nutrient TMDL RMP is required by Santa Ana Regional Board Resolution 99-77, amended by Orders 2004-0079 and 2014-0079, and is composed of two components: a routine monitoring component and a special monitoring component. The routine monitoring component tracks progress in the attainment of the interim and final TMDL targets. In addition, algae samples are collected from Upper Newport Bay to analyze the extent, magnitude, and duration of algal blooms. With the approval of the new Regional Monitoring Program (RMP) in December 2014, the routine monitoring and reporting requirements have been significantly reduced. Currently, the tasks for 2018-19 include:

- Sample collection and laboratory analysis Preparation of semiannual data tables and annual data assessment reports

While the final TMDL targets have been met, the above routine RMP tasks will continue.

The Nutrient TMDL RMP Annual Data Report for the monitoring year 2017-18 has been significantly revised to make it more focused and streamlined.

### 2.2.2 Nutrient TMDL Revision

The Nutrient TMDL targets have been largely met in the last few years. However, the phosphorus targets for urban and overall loads would be exceeded once the rainfall amount returns to normal. There are issues to be resolved pertaining to how nutrients are measured and reported in Reach 2 of San Diego Creek. Since the eutrophication issues in the Newport Bay have been well under control, the need for a revision of the TMDL will be evaluated. Consultant support will be needed to accomplish this.

## 2.3 Fecal Coliform TMDL

### 2.3.1 Fecal Coliform TMDL Routine Monitoring

The Fecal Coliform TMDL (Section 3.a.ii.a - Routine Monitoring) requires weekly monitoring at 35 Bay and tributary stations from April – March. Historically, Orange County Health Care

Agency (OCHCA) has conducted this monitoring as a part of its AB411 program. Since 2009-10, OCHCA has conducted bacteria monitoring only during the AB411 period (April-September). Consistent with the requirements of the Fecal Coliform TMDL and subsequent amendments, funding is included in the budget for monitoring from October – March. Since 2016, the annual report underwent significant revisions to make it more focused and streamlined.

### **2.3.2 Fecal Coliform TMDL Revision**

Resources will be applied to assist the Regional Board on impairment assessment of recreational (REC) and shellfish harvesting (SHEL) beneficial uses; revising the existing fecal coliform TMDL; and, if appropriate, revising the monitoring requirements of the TMDL. A stakeholder process was initiated to provide guidance on these tasks. While the process will end in FY 2017-18, additional consultant support is anticipated for TMDL revision based on the outcome of the stakeholder process.

With the compliance deadline for SHEL water quality objective approaching (December 30, 2019; extended to December 30, 2022), it is necessary to evaluate the SHEL beneficial use and identify a regulatory pathway to compliance. The regulatory pathway is part of the stakeholder process. Consultant support is needed for SHEL beneficial use survey by the same consultant (Kinnetics Laboratory).

## **2.4 Selenium TMDL**

### **2.4.1 Selenium TMDL Regional Monitoring Program (RMP)**

TSO R8-2014-0025 requires implementation of the Selenium RMP. The Selenium RMP was originally approved by the Regional Board as part of the Time Schedule Order BMP Strategic Plan approved by the Regional Board by the order R8-2013-0060 and modified by R8-2014-0025. A revised RMP is expected as part of the Selenium TMDL requirements, which will include the following routine monitoring and special studies:

- **Watershed Routine Selenium Monitoring**  
  
Selenium monitoring of water and sediment is largely embedded in the routine watershed monitoring mandated by the existing MS4 permit. Monthly or quarterly samples are collected from six (6) stations across the watershed and selenium is analyzed among many other constituents. These selenium data, some of which trace back to the 1990s, provide excellent baseline information and will help evaluate the effectiveness of selenium implementation activities.
- **Watershed Tissue Monitoring**

Tissue monitoring will continue in 2018-19. Organochlorines have been added to the target analytes to assist the effort on OC TMDL.

- **Selenium Special Studies**

Special studies are part of the BMP Strategic Plan and Regional Monitoring Plan to augment knowledge on selenium and flow balance and biogeochemical cycles. With the conclusion of a Regional Board special study in 2017, additional special study will be focused on effectiveness evaluation of two pipeline diversion projects.

#### **2.4.2 Selenium TMDL Implementation**

- **Selenium Treatment Technology Evaluation**

This task is required by BMP Strategic Plan and TSO. The current strategy for this task is that other than small expenditures for chemical analyses associated with new treatment technologies, no funding will be provided for pilot testing unless exceptional performance and cost-effectiveness can be demonstrated.

#### **2.4.3 Selenium Site-Specific Objectives**

Tissue-based selenium site-specific water quality objectives (SSOs) need to be adopted during Phase I of the Selenium TMDL implementation. The SSOs, once promulgated, will replace the California Toxics Rule selenium criteria and become the primary numeric target of the Selenium TMDL. The work has started in FY 2017-18 and most of the work will be carried out in the same fiscal year. The final USEPA Aquatic Life criterion will be evaluated as part of the effort. Efforts in FY 2018-19 will focus on supporting peer review and the regulatory approval of SSO.

#### **2.4.4 Selenium Trading/Offset Program**

The completion of the Peters Canyon Channel Water Capture and Reuse Pipeline, a selenium trading/offset program is needed for the watershed. It could also be applicable to the Santa Ana-Delhi Project, and potentially other future projects upon completion. The offset and trading tools will be completed in FY 2017-18. Regulatory approval of the Offset and Trading Program is anticipated around the end of FY 2017-18 or early FY 2018-19. Limited consultant support may be needed.

### **2.5 Organochlorine Compounds TMDL**

#### **2.5.1 OC TMDLs Regional Monitoring Program**

Additional information is needed to assess the potential impacts of OCs on biota. Monitoring of OCs in tissue samples has been ongoing since 2012-13 in combination with the selenium - related biota sampling. In 2018-19, similar efforts will continue and up to 50 biota samples are anticipated.



### **2.5.2 OC TMDLs**

The Toxicity Reduction and Investigation Program (TRIP) was developed in response to Regional Board approval of the OC TMDL. The draft Work Plan, which was submitted to the Regional Board for approval in 2013, will be retracted and a new impairment assessment with different geographic zones will be prepared to assist the design of the optimal strategy. The TMDL compliance deadline of 2020 will need to be extended to incorporate new data and science. The Regional Board staff has initiated a workgroup process that involves dischargers, regulators, environmental groups, and resource agencies. Staff time and consultant support will be required.

## **2.6 Other TMDLs**

### **2.6.2 Metals TMDL Review Support**

The Metals TMDL for Newport Bay is currently under development by the Regional Board. Staff time and consultant support will be required for document review and data analysis.

### **2.6.2 Diazinon and Chlorpyrifos TMDLs**

Diazinon and chlorpyrifos have been banned for commercial uses for many years and have rarely been detected in the watershed. An impairment analysis and data submission to California Environmental Data Exchange Network (CEDEN) to justify delisting will be carried out.

## **2.7 Other Tasks**

### **2.7.1 Long Term Funding Source Investigation**

Agreement Parties have expressed concerns about the ability of general funds to continue to support funding requirements for the TMDLs and other water quality regulations. This task will be carried out by the countywide funding through the NPDES program.

### **2.7.2 Watershed Model**

A watershed model can be used to simulate stream runoff as a result of rainfall and groundwater-surface water interaction, as well as contaminant generation, transport, and fate. Once developed, the watershed model can be coupled with a model for Newport Bay to study environmental processes in the Bay. Therefore, the model can be a useful tool many TMDL programs in the watershed. Consultant support will be needed for this effort.

### 3.0 2018-19 BUDGET ANALYSIS

For a detailed summary of the total costs, see **Table 2**. The total anticipated budget is:

2018-19 Budget **\$1,332,597**

Some budgeted FY 2017-18 tasks with an estimated combined cost of \$345,000 are delayed to FY2018-19 budget. Therefore, the estimated amount to be invoiced for FY 2017-18 will be:

2018-19 Budget to be invoiced **\$987,597**

#### 3.1 Salaries and Employee Benefits

The total number of County personnel required to implement the 2018-19 Work Plan, including water quality monitoring programs, is **3.25** Full Time Equivalents (FTE) at a cost of **\$566,697**, reflecting a 5% increase over FY 2017-18. The labor task categories and level of effort are described below:

Task	Total FTE	Total Costs by Task
Financial management: budgeting, agreement preparation and processing, consultant contract administration and processing	0.30	\$66,700
Meeting organization, management and presentations, TMDL Newsletters	0.10	\$20,851
Development of recommended TMDL strategies, advocacy, and responses to Regional Board	0.60	\$121,643
Preparation of monitoring reports to Regional Board	1.05	\$234,999
Field monitoring, data analysis and QA/QC	1.20	\$160,104
<b>Total</b>	<b>3.25</b>	<b>\$566,697</b>

#### 3.2 Services and Supplies

The total cost of services and supplies required for implementation of the Newport Bay TMDLs 2018-19 Work Plan is **\$756,000** (Accounts 1500, 1809, 1900, 2150 and 2700).

Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs  
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**3.2.1 Professional and Specialized Services (Account 1900)**

This item includes consultant services related to implementation of the Newport Bay TMDL 2018-19 Work Plan. County staff time is not included in this category. The professional and specialized services include providing laboratory analytical services, conducting special study projects, and preparing TMDL/planning documents.

2018-19 Budget \$756,000

Professional and Specialized Services	FY 2018-19 Budget
Nutrient TMDL	
<i>Nutrient TMDL Revision</i>	\$25,000
<i>Regional Monitoring Program</i>	\$30,000
Fecal Coliform TMDL	
<i>Routine Monitoring</i>	\$90,000
<i>TMDL Revision</i>	\$100,000
<i>Stakeholder Process</i>	\$30,000
TSO	
<i>Review of SHEL Beneficial Use</i>	\$100,000
Selenium TMDL	
<i>Regional Monitoring Program: Routine Monitoring and Tissue Monitoring</i>	\$100,000
<i>Regional Monitoring Program: Special Studies/BMP Effectiveness Monitoring</i>	\$5,000
<i>Se TMDL Implementation: Treatment Technology Evaluation</i>	\$1,000
<i>Selenium Site Specific Objectives</i>	\$20,000
Trading and Offset Program	\$10,000
Se TMDL Admin Record	\$20,000
Organochlorine (OC) TMDL/TRIP	
<i>OC Regional Monitoring Program</i>	\$50,000
<i>TRIP Workplan Revision</i>	\$50,000
OC TMDL Implementation	\$0
Target Revision	
Other TMDLs	
<i>Metal TMDL development</i>	\$20,000
<i>Diazinon and Chlorpyrifos TMDL Evaluation</i>	\$5,000
Miscellaneous	
<i>Long-term Funding Source Study</i>	\$0
<i>Modeling/Bioobjective/SQO</i>	\$100,000
<b>Total</b>	<b>\$756,000</b>

### 3.2.2 Laboratory Supplies (Account 1500)

This item includes the costs of necessary laboratory and sampling equipment parts, supplies and reagents for the implementation of the Nutrient RMP and other required monitoring.

2018-19 Budget	\$1,500
----------------	---------

### 3.2.3 General Transport and Travel (Account 2150)

This item covers the cost of County vehicle maintenance and mileage reimbursements for vehicle use associated with field activities and meetings.

2018-19 Budget \$7,500

### 3.2.4 Other Transport and Travel (Account 2700)

This item includes the costs of representing the Agreement Parties at a State Water Resources Control Board hearing for TMDL approval or other TMDL-related hearing and the provision of training.

2018-19 Budget	\$900
----------------	-------

#### 4.0 2018-19 COST SHARES AND TRENDS

Cost sharing of the 2018-19 Budget is based on Agreement D11-066 as well as MA-080-18011416. The Agreement Party cost shares are presented in Table 3.

Program expenditure and budget trends from 2008-09 through 2018-19 are presented in **Figure 1**.

Program labor hours and full-time equivalents from 2008-09 through 2018-19 are presented in **Figure 2**.

Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs  
 2018-19 Work Plan and Budget  
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**Table 1 2018-19 Projected Work Plan Milestones and Deliverables**

<b>Monitoring and Reporting</b>	<b>Date</b>
Watershed Nutrient Monitoring (Nutrient RMP)	Monthly/Quarterly
Upper Newport Bay Algae Monitoring (Nutrient RMP)	Monthly (summer only)
Nutrient TMDL Annual Data Report	December 15, 2018
Fecal Coliform TMDL Annual Report	Sept. 1, 2018
BMP Strategic Plan (including RMP) Annual Report	November 15, 2018
Selenium RMP/OC TMDL Tissue Monitoring	April-June 2019

Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs  
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Table 2 2018-19 Budget Details

Budget Line Item	FY2017-18 Budget	FY 2018-19 Proposed Budget	Task deferral/ carryover
<b>Salaries and Benefits – Account 0100</b>	<b>\$539,712</b>	<b>\$566,697</b>	
<b>Laboratory Supplies – Account 1500</b>	<b>\$1,000</b>	<b>\$1,500</b>	
<b>Equipment Usage – Account 2150</b>	<b>\$7,000</b>	<b>\$7,500</b>	
<b>Other Transport and Travel - Account 2700</b>	<b>\$800</b>	<b>\$900</b>	
<b>Small Tools/Instruments</b>			
<b>Professional Services – Account 1900</b>	<b>\$1,096,000</b>	<b>\$756,000</b>	
Nutrient TMDL			
<i>Nutrient TMDL Revision</i>	\$25,000	\$25,000	25000
<i>Regional Monitoring Program</i>	\$30,000	\$30,000	
Fecal Coliform TMDL			
<i>Routine Monitoring</i>	\$70,000	\$90,000	
<i>TMDL Revision</i>	\$200,000	\$100,000	
<i>Stakeholder Process</i>	\$130,000	\$30,000	
TSO			
<i>Review of SHEL Beneficial Use</i>	\$150,000	\$100,000	100000
Selenium TMDL			
<i>Regional Monitoring Program: Routine Monitoring and Tissue Monitoring</i>	\$100,000	\$100,000	
<i>Regional Monitoring Program: Special Studies/BMP Effectiveness Monitoring</i>	\$5,000	\$5,000	5000
<i>Se TMDL Implementation: Treatment Technology Evaluation</i>	\$1,000	\$1,000	
<i>Selenium Site Specific Objectives</i>	\$50,000	\$20,000	
Trading and Offset Program	\$50,000	\$10,000	
Se TMDL Admin Record		\$20,000	
Organochlorine (OC) TMDL/TRIP			
<i>OC Regional Monitoring Program</i>	\$20,000	\$50,000	
<i>TRIP Workplan Revision</i>	\$200,000	\$50,000	150000
<i>OC TMDL Implementation</i>	\$0	\$0	
<i>Target Revision</i>	\$50,000		50000
Other TMDLs			
<i>Metal TMDL development</i>	\$10,000	\$20,000	10000
<i>Diazinon and Chlorpyrifos TMDL Evaluation</i>	\$5,000	\$5,000	5000
Miscellaneous			
<i>Long-term Funding Source Study</i>	\$0	\$0	
<i>Modeling/Bioobjective/SQO</i>		\$100,000	
<b>Budget Total</b>	<b>\$1,644,512</b>	<b>\$1,332,597</b>	<b>\$345,000</b>
<b>Budget Total to be Involved</b>		<b>\$987,597</b>	

Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs  
2018-19 Work Plan and Budget  
March 2018 Draft Final for Approval

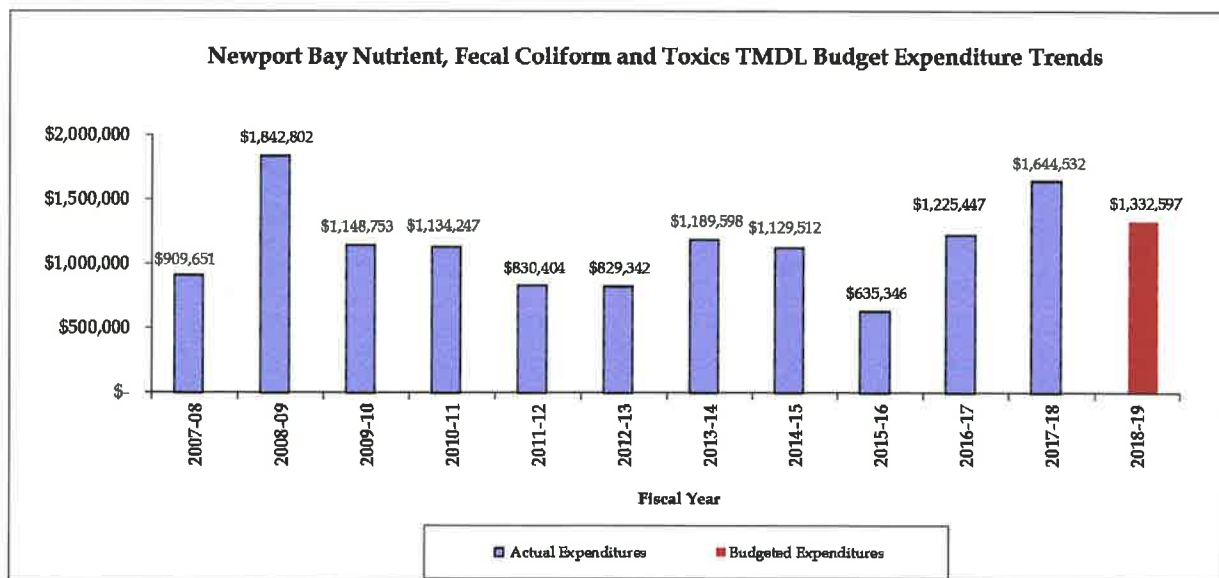
**Table 3 2018-19 Cost Shares Based on D11-066 and MA-080-18011416**

<b>Party</b>	<b>Old Formula Percentages</b>	<b>Proposed New Percentages</b>	<b>FY 2018-19 Cost Share Old Formula</b>	<b>FY 2018-19 Cost Share New Formula</b>
Costa Mesa	4.29	4.00	\$42,375	\$39,504
County of Orange	7.07	9.00	\$69,816	\$88,884
Irvine	26.52	29.00	\$261,910	\$286,403
Laguna Hills	0.59	1.00	\$5,828	\$9,876
Laguna Woods	0.96	1.00	\$9,523	\$9,876
Lake Forest	5.20	6.00	\$51,347	\$59,256
Newport Beach	7.56	9.00	\$74,675	\$88,884
Orange	0.94	1.00	\$9,311	\$9,876
Santa Ana	10.79	9.00	\$106,581	\$88,884
Tustin	6.07	6.00	\$59,951	\$59,256
OCFCD	10.00	10.00	\$98,760	\$98,760
IRWD	10.00	7.50	\$98,760	\$74,070
Irvine Company	10.00	7.50	\$98,760	\$74,070
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>\$987,597</b>	<b>\$987,597</b>

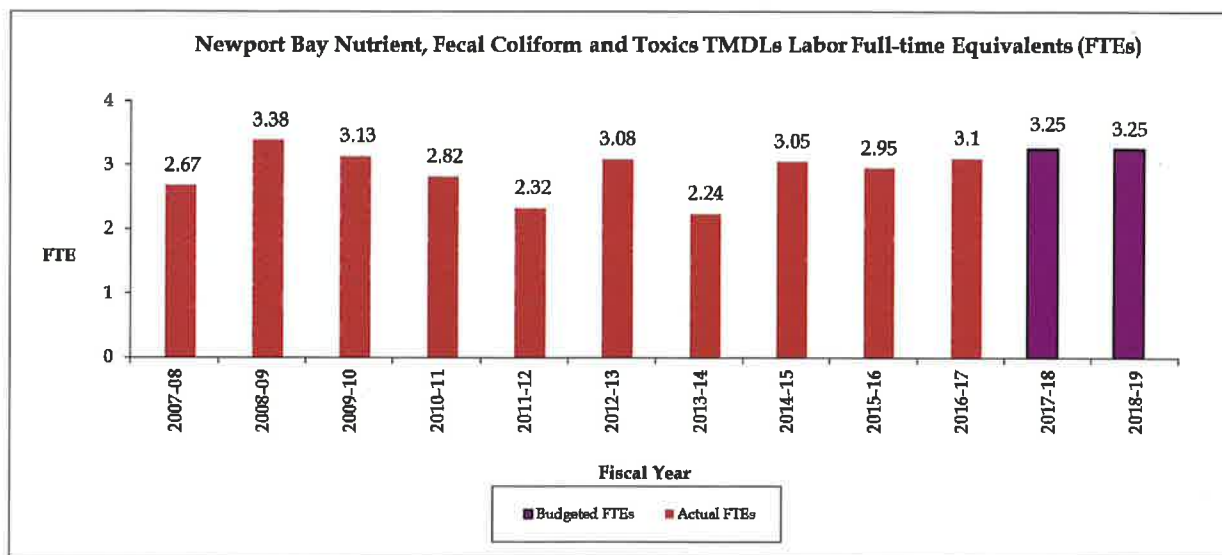
Note: Subject to decimal point rounding

Newport Bay Nutrient, Fecal Coliform and Toxics TMDLs  
2018-19 Work Plan and Budget  
March 2018 Draft Final for Approval

**Figure 1 Budget Expenditure Trends 2008-2019**



**Figure 2 TMDL Labor Full-Time Equivalents (FTEs) 2008-2019**





July 5, 2018

Prepared by: K. Welch

Submitted by: F. Sanchez/P. Weghorst

Approved by: Paul A. Cook 

## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### RESOLUTION FOR TITLE XVI GRANT FUNDING FOR THE SYPHON RESERVOIR IMPROVEMENT PROJECT

#### SUMMARY:

The Bureau of Reclamation is accepting applications for grant funding under its WaterSMART: Title XVI Water Reclamation and Reuse Program (Title XVI). Through this program, the Bureau provides financial and technical assistance to water agencies for the planning, design and construction of water reclamation and reuse projects. Staff is preparing an application for Title XVI funding for the Syphon Reservoir Improvement Project for up to 25% of total project costs that are planned to be incurred through September 30, 2020. As part of the application process, the Bureau requires a resolution adopted by each applicant's governing body designating an authorized representative to submit a proposal for the grant and to enter into an agreement to receive the funding with a commitment to provide the cost share up to 75% of the project costs. Staff recommends that the Board adopt a resolution:

- Authorizing staff to submit an application to the Bureau for grant funding through the WaterSMART: Title XVI Water Reclamation and Reuse Program for up to 25% of the total Syphon Reservoir Improvement Project costs that will be incurred before September 30, 2020, and
- Authorizing the General Manager to execute a related agreement to receive grant funding with a commitment for the District to provide a 75% cost share.

#### BACKGROUND:

The Bureau has issued a funding opportunity announcement under its WaterSMART: Title XVI Water Reclamation and Reuse Program. The program will offer federal funding in an amount up to 25% of the total project costs that will be completed before September 30, 2020. Applicants are required to provide 75% or more of total project costs as the cost share. The due date for grant applications is July 27, 2018. Awards will be announced in the fall of 2018 or later based on the enactment of FY 2018 appropriations.

Eligible applicants include sponsors of water recycling projects that have completed a Title XVI Feasibility Study that the Bureau has reviewed and found to meet all of the Bureau's requirements and sponsors of water reclamation and reuse projects specifically authorized for funding under Title XVI of Public Law 102-575, as amended. The Syphon Reservoir Improvement Project has an approved Title XVI Feasibility Study and is eligible to receive funding under this program.

As part of the application process, the Bureau requires a resolution adopted by each applicant's governing body that designates an authorized representative to submit an application for a grant and to enter into an agreement with the Bureau to receive the funding. After review of conditions for project eligibility, staff recommends submitting a resolution, which is attached as

Exhibit “A”, in support of an application for the Syphon Reservoir Improvement Project authorizing staff to submit an application to the Bureau for a WaterSMART: Title XVI Water Reclamation and Reuse Program grant for up to 25% of the total project costs that will be completed before September 30, 2020, and authorizing the General Manager to execute a related agreement to receive grant funding.

**FISCAL IMPACTS:**

The Syphon Reservoir Improvement Project (Project 03808) is included in the FY 2017-18 Capital Budget as a flagged project. On July 7, 2017, the Board approved an Expenditure Authorization in the amount of \$2,500,000 for design, environmental compliance and permitting work associated with the project.

**ENVIRONMENTAL COMPLIANCE:**

This project is subject to the California Environmental Quality Act. In conformance with the California Code of Regulations Title 14, Chapter 3, Section 15004, IRWD is preparing an Environmental Impact Report for the project.

**RECOMMENDATION:**

That the Board adopt the following resolution by title authorizing staff to apply for a Bureau of Reclamation WaterSMART: Title XVI Water Reclamation and Reuse Program grant for up to 25% of the total project costs for the Syphon Reservoir Improvement Project that will be completed before September 30, 2020, and authorizing the General Manager to execute a related agreement to receive grant funding:

**RESOLUTION NO. 2018 –**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
IRVINE RANCH WATER DISTRICT AUTHORIZING SUBMISSION OF  
A GRANT APPLICATION FOR THE WATERSMART TITLE XVI WATER  
RECLAMATION AND REUSE PROGRAM TO THE DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION, POLICY AND ADMINISTRATION**

**LIST OF EXHIBITS:**

Exhibit “A” – Resolution for the WaterSMART Title XVI Water Reclamation and Reuse Program

# EXHIBIT "A"

## RESOLUTION NO. 2018 -

### RESOLUTION OF THE BOARD OF DIRECTORS OF IRVINE RANCH WATER DISTRICT AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR THE WATERSMART TITLE XVI WATER RECLAMATION AND REUSE PROGRAM TO THE DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, POLICY AND ADMINISTRATION

The Department of the Interior, Bureau of Reclamation, Policy and Administration (“**Reclamation**”) has released a Funding Opportunity Announcement to provide federal grants under the WaterSMART: Title XVI Water Reclamation and Reuse Projects funding opportunity as amended by the Water Infrastructure Improvements for the Nation Act (“**WIIN Act**”).

Reclamation is seeking applications from water agencies with projects eligible under section 4009(c) of the WIIN Act for grant funding for the planning, design and/or construction of water reclamation and reuse projects.

The Irvine Ranch Water District is eligible to submit an application for grant funding for up to 25 percent of the total Project cost for its Syphon Reservoir Improvement Project.

The Board of Directors of Irvine Ranch Water District therefore resolves as follows:

Section 1. The General Manager of the Irvine Ranch Water District or his designee is hereby authorized to submit an application to Reclamation for grant funding for up to 25 percent of the total project cost for its Syphon Reservoir Improvement Project.

Section 2. The Board of Directors of the Irvine Ranch Water District has reviewed and supports the application for a grant from Reclamation for the WaterSMART Title XVI Water Reclamation and Reuse Program.

Section 3. The Irvine Ranch Water District hereby confirms that it has the capability to provide 75 percent or more of the total project costs as specified in the application’s project funding plan.

Section 4. The General Manager or his designee is hereby authorized to enter into a cooperative agreement and any amendments thereto with Reclamation on behalf of the Irvine Ranch Water District.

Section 5. The General Manager or his designee is hereby authorized to work with Reclamation to meet the established deadlines for entering into a cooperative agreement.

Section 6. The Secretary is hereby authorized to certify a copy of this resolution to accompany the grant application.

ADOPTED, SIGNED AND APPROVED this 9th day of July, 2018.

\_\_\_\_\_  
President, IRVINE RANCH WATER DISTRICT  
and the Board of Directors thereof

\_\_\_\_\_  
Secretary, IRVINE RANCH WATER DISTRICT  
and the Board of Directors thereof

APPROVED AS TO FORM:  
Lewis Brisbois Bisgaard & Smith, LLP

By: \_\_\_\_\_  
District Counsel