

AGENDA
IRVINE RANCH WATER DISTRICT
WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE
TUESDAY, JUNE 6, 2017

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

ATTENDANCE Committee Chair: Steve LaMar _____
Member: Mary Aileen Matheis _____

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

COMMUNICATIONS

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.

INFORMATION

5. 50 YEARS OF RECYCLED WATER OUTREACH PLAN –
BEEMAN/WEGHORST

Recommendation: Receive and file.

6. TURF REMOVAL MULTIPLIER EFFECT STUDY UPDATE – JOHNSON/
MCNULTY/SANCHEZ/WEGHORST

Recommendation: Receive and file.

7. NEWPORT BAY WATERSHED SELENIUM TOTAL MAXIMUM DAILY
LOADS UPDATE – SANCHEZ/WEGHORST

Recommendation: Receive and file.

INFORMATION - Continued

8. NATURAL TREATMENT SYSTEM UPDATE – SWIFT/SHEILDS

Recommendation: Receive and file.

ACTION

9. WATER EFFICIENCY TACTICAL INCENTIVE FUNDING
AUTHORIZATION – MCNULTY/SANCHEZ/WEGHORST

Recommendation: That the Board authorize the General Manager to allocate \$1,400,000 in funding to the FY 2017-18 rebate programs administered through the Water Conservation Participation Agreement Between MWDOC and IRWD; and to execute addendums to the agreement as may be necessary to allocate funds to specific programs and modify device incentive levels based on customer participation rates and regional program funding levels.

10. 2017 LEGISLATIVE UPDATE – COMPTON/COOK

Recommendation: That the Board adopt a “WATCH” position on AB 1000 (Friedman).

11. ISDOC PROPOSED BYLAW AMENDMENTS – COMPTON/COOK

Recommendation: That the Committee recommend IRWD cast its vote in favor of approving the amended ISDOC bylaws, and authorize staff to submit IRWD’s ballot by the June 27, 2017 deadline.

OTHER BUSINESS

12. A. Directors’ Comments

B. Adjourn

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.

June 6, 2017

Prepared by: B. Beeman

Submitted by: P. Weghorst *PW*

Approved by: Paul Cook *PC*

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

50 YEARS OF RECYCLED WATER OUTREACH PLAN

SUMMARY:

Throughout 2017, IRWD will recognize its 50th year of producing and delivering recycled water to its customers. Various outreach efforts are being implemented that are designed to inform customers about the value of recycled water and how recycled water fits into IRWD's water supply reliability and sustainability programs. At the Committee meeting, staff will provide an overview of the 50 Years of Recycled Water Outreach Plan and will identify efforts implemented to date as well as those efforts planned for the remainder of the year. Staff recommends that the Committee provide feedback on the outreach plan.

BACKGROUND:

In 1967, IRWD began producing and delivering recycled water to supplement and expand its water supply portfolio. IRWD's recycled water infrastructure has evolved from a small scale operation, primarily focused on supplying recycled water to the District's agricultural customers, to one of the most comprehensive and technologically advanced recycled water systems in the nation.

Since the beginning of the year, staff has been implementing the 50 Years of Recycled Water Outreach Plan that is attached as Exhibit "A". This plan highlights IRWD's 50th year of producing and delivering recycled water and educates the community on how recycled water benefits all customers. One focus of the outreach plan is to demonstrate the value of recycled water and how it fits into IRWD's water supply reliability and sustainability programs. At the Committee meeting, staff will provide an overview of the outreach plan and will identify efforts that have been implemented to date as well as those efforts that will be completed throughout the remainder of the year.

FISCAL IMPACTS:

Funding for this effort is included in the FY 2016-17 operating budget.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Committee provide feedback on IRWD's 50 Years of Recycled Water Outreach Plan.

LIST OF EXHIBITS:

Exhibit "A" – IRWD 50 Years of Recycled Water Outreach Plan

EXHIBIT “A”

IRWD 50 Years of Recycled Water Outreach Action Plan

Action	Status
Dedicated Logo: to use throughout the year	Complete
Develop a Suite of Graphics for - Website sliders - Social media headers/advertisements - Lobby televisions/hallway screen	Complete
Table Top Display: for outreach events Featured at Business Outreach lunch	Complete
Conference Sponsorships Promotion - WaterReuse - ACWA	Complete Complete
Business Outreach Lunch Featured in remarks and display	Complete
Press Release w/ UCI re Cooling Towers	Complete
Liquid News Articles: - Pipelines - Liquid News article on home page	May 2017 – Complete April 2017 – Complete
Pop Up Banner for Lobby/Events	Complete
Recycled Water Sign at Sand Canyon Water Feature	Complete
Light Box Display: Sand Canyon hallway	Complete
Social Media Outreach Posts with photos on Facebook, Instagram, Twitter, LinkedIn and NextDoor	Ongoing
MWDOC Magazine Featuring Agency Members Features IRWD’s 50th Anniversary of Recycled Water	Copy and photos have been submitted to MWDOC. Publication will be by July 1, 2017
History of Recycled Water at IRWD Video 8-minute version 30 second version - Placements will include websites/cable television/YouTube - Will use for tours, etc.	Estimated completion date July 2017
Recycled Water Fact Sheets - General - Uses of recycled water	In development Done
IRWD.com webpage - 50 Years of Recycled Water	First phase: complete Enhancements: underway
Recycled Water Articles on IRWD Intranet	In development
Recycled Water Quality Report: Yearly	In development
Elected official/staff event at MWRP	September/October In planning stage

June 6, 2017

Prepared by: D. Johnson/A. McNulty

Submitted by: F. Sanchez/P. Weghorst

Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

TURF REMOVAL MULTIPLIER EFFECT STUDY UPDATE

SUMMARY:

Staff recently completed an update to the Irvine Ranch Water District Turf Removal Multiplier Effect Study, which builds on the findings from the original 2015 study. Both the update and the original study were focused on IRWD's participation in the Municipal Water District of Orange County (MWDOC) Regional Turf Removal Rebate Program over the past six years. Staff updated the study to further understand the overall benefits of the turf removal program. At the Committee meeting, staff will present an overview of the updated study and associated findings.

BACKGROUND:

IRWD is a significant participant in MWDOC's Regional Turf Removal Rebate Program. The goal of IRWD's participation is to increase water use efficiency by providing incentives for removing turf from residential and commercial properties and replacing it with drought tolerant landscaping. Since Fiscal Year 2011-12, IRWD customers have removed over 4.02 million square feet of turf that was replaced with drought tolerant landscaping. Approximately 1,600 IRWD customers participated in the program and combined received over \$7.4 million in incentive funding. To date, IRWD has provided \$874,000 toward the total incentive funding.

Water Savings:

Research conducted by the California Urban Water Conservation Council (CUWCC) found that water savings estimates associated with the turf removal program vary significantly from a minimum of 13.5 gallons per square foot per year to a maximum of 46 gallons per square foot per year. The range in savings estimates can be attributed to numerous factors including program participation requirements, climate variability and limited post-installation customer usage data. Using the CUWCC's median savings estimate of 34 gallons per square foot per year, IRWD customers with completed turf removal projects are expected to save approximately 4,200 acre-feet of water over the 10-year lifetime of the program.

Turf Removal Multiplier Effect Study:

To better understand aspects of the landscape market transformation associated with the replacement of turf with drought tolerant landscape in IRWD's service area, staff performed an initial study in 2015 to quantify the number of drought tolerant landscape conversions that were completed without participation in the turf removal rebate program. The study also examined motivational, social, and demographic variables associated with landscape market transformation, as well as the type and density of drought tolerant landscapes within 14 sample neighborhoods.

Study Update:

Recently, staff completed an update to the study that re-evaluated the same 14 sample neighborhoods to identify the following:

- Changes in previously identified landscapes that were converted by customers who participated in the turf removal program and customers who did not participate in the program;
- Identification of new drought tolerant landscape conversions since the 2015 study;
- Changes of previously converted landscape back to turf; and
- Changes of brown lawns to drought tolerant landscape that were previously identified in the 2015 study.

Results from the updated Turf Removal Multiplier Effect Study indicate a continuing positive trend between homes that participate in the turf removal rebate program and an associated benefit of neighboring homes that change to drought tolerant landscaping without participating in the rebate program. A key finding from the study shows that for every four turf removal program participants, approximately nine additional customers converted their front landscapes at no additional cost to the program. This benefit enhances the overall cost-effectiveness of the turf removal program. At the Committee meeting, staff will present a summary of the study update and associated findings.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

Receive and file.

LIST OF EXHIBITS:

None.

June 6, 2017

Prepared by: F. Sanchez

Submitted by: P. Weghorst

Approved by: Paul A. Cook



WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

NEWPORT BAY WATERSHED SELENIUM TOTAL MAXIMUM DAILY LOADS UPDATE

SUMMARY:

Staff will provide a summary of the proposed revised Total Maximum Daily Loads (TMDLs) for Selenium in Freshwater for the Newport Bay Watershed. On June 16, 2017, the Santa Ana Regional Water Quality Control Board (Regional Board) is expected to adopt an amendment that will incorporate the revised selenium TMDLs into the Santa Ana Region Basin Plan. Once adopted, the revised Selenium TMDLs will replace the Selenium TMDLs for San Diego Creek and Newport Bay that were promulgated by the U.S. Environmental Protection Agency (EPA) in 2002. At the Committee meeting, staff will provide an overview of the proposed revised Selenium TMDLs and discuss the applicability to the San Joaquin Marsh.

BACKGROUND:

Selenium is a bio-accumulative trace element that is naturally occurring in soils and geologic deposits in the Newport Bay Watershed. Excessive amounts of selenium can cause toxicity in fish and birds. In June 2002, the EPA established TMDLs for toxic pollutants, including selenium, in the Newport Bay Watershed. The EPA's TMDLs for selenium were based on the California Toxics Rule (CTR) limit of 5 micrograms per liter ($\mu\text{g/l}$) of selenium. EPA analyses found that the most significant sources of selenium were associated with groundwater entering surface waters, although it was identified that there is significant uncertainty regarding sources and impacts.

2004 Waste Discharge Requirements:

Based on recommendations from the EPA, the Regional Board adopted waste discharge requirements in 2004 to address selenium and nitrogen and a general NPDES Permit (R8-2004-0021) was issued specifically to the Newport Bay Watershed. The permit was amended by NPDES Permit R8-2007-0041 and extended by Time Schedule Order R8-2014-0025. The Regional Board acknowledged in the permit that while groundwater levels exceeded the CTR limit of 5 $\mu\text{g/l}$ for selenium, a feasible treatment technology did not exist to lower concentration levels to the CTR standard. The order incorporated an alternative compliance approach authorizing the formation of a working group that was tasked with development and implementation of a work plan that would provide a comprehensive understanding of groundwater-related sources of selenium and nitrogen in the watershed and a management plan to address the associated problems. The Nitrogen Selenium Management Program (NSMP), of which IRWD remains an active participant, was created in response to the permit. The NSMP Work Group was tasked with developing an NSMP Work Plan through a five-year work effort that was originally expected to be completed by December 2009, the date by which a revised TMDLs were to be adopted.

2009 Selenium TMDLs Revision Effort:

The approved NSMP Work Plan was completed in 2009 which resulted in the development of recommended revised TMDLs and an implementation plan. The TMDLs and the implementation plan were expected to be presented as a Basin Plan Amendment to be considered by the Regional Board in the spring of 2010. The NSMP Working Group also developed specific recommendations for site-specific objectives (SSOs) that would replace the CTR for selenium in the Newport Bay Watershed. The 2009 Basin Plan Amendment effort failed to be adopted by the Regional Board due to several regulatory issues and concerns associated with:

- The proposed compliance targets, particularly the fish tissue standards;
- Lack of clear understanding of how permits and discharger liabilities would be amended as new data became available over the 15-year compliance period;
- Lack of regulatory compliance assurance for participation in an offset program; and
- Responsibility for non-point sources, such as rising ground water.

2017 Revised Selenium TMDLs:

In late 2013, efforts were re-initiated to develop a Basin Plan Amendment for revised Selenium TMDLs that was prepared through a third-party process managed by the TMDLs funding partners, which includes IRWD. Challenges associated with developing Selenium TMDLs through the process included:

- The primary source of selenium is groundwater;
- The current lack of reasonably feasible treatment technologies; and
- The applicable water quality objectives are under revision at the federal, state and local levels.

The third-party process resulted in a phased approach to the implementation of revised TMDLs, numeric targets, wasteload and load allocations, and SSOs related to the TMDLs as described below.

Phased Approach to Implementation:

In consideration of the challenges described above, the proposed TMDLs are structured as phased TMDLs based upon a multi-part process that is designed to attain numeric objectives. Phase 1 will focus on actions designed to meet interim goals and requires the development and implementation of each of the following for the regulated parties:

- Best Management Practice (BMP) Strategic Plan or an Individual Action Plan;
- Offset and Trading Program;
- Monitoring Program; and
- Reporting Program.

Phase 1 must be completed as soon as possible, but not later than six years from the effective date of the Selenium TMDLs.

A TMDLs reconsideration process must be completed as soon as possible, but not later than two years after Phase 1. This process will likely result in revised TMDLs based upon a revised water quality objective, which could include SSOs, as well as new information developed through the implementation of Phase 1. Phase 1 implementation actions will continue during the TMDLs reconsideration period.

The reconsidered TMDLs will establish the specific requirements and schedule for actions to be taken in Phase II. Phase II actions will be determined based on the results of the Phase I implementation and will focus on actions designed to achieve the final wasteload and load allocations. Phase II must be completed as soon as possible, but not later than 30 years from the effective date of the reconsidered TMDLs.

Numeric Targets:

Because selenium is accumulated through diet, a tissue-based objective is considered more appropriate than water column concentration-based criteria. Since the CTR remains applicable, water column targets are included in the proposed numeric targets for selenium in the Newport Bay Watershed. These numeric targets are shown in Table 1.

Table 1. *Numeric Targets for Selenium in the Newport Bay Watershed*

Tissue-Based Numeric Targets Where Bird Egg Tissue Targets <u>Not Attained</u>		Water Column-Based Numeric Target
Bird Egg Tissue	Fish Tissue	Freshwater Water Column
8 µg Se/g dry weight (dw)	5 µg Se/g dw or Site-specific fish tissue concentration at which bird egg target is met	5 µg Se/L
Tissue-Based Numeric Targets Where Bird Egg Tissue Targets <u>Attained</u>		Water Column-Based Numeric Target
Bird Egg Tissue	Fish Tissue	Freshwater Water Column
8 µg Se/g dw	8.1 µg Se/g dw	5 µg Se/L

At the Committee meeting, staff will discuss numeric targets in more detail.

Wasteload and Load Allocations:

Wasteload allocations are applicable to point sources and load allocations are applicable to non-point sources. A selenium biodynamic model is used to develop wasteload and load allocations for the different sub-watersheds within the Newport Bay Watershed. Within the San Diego Creek Sub-Watershed, which includes the San Joaquin Marsh, it was determined that fish are the most sensitive endpoint. The wasteload allocation for this sub-watershed was calculated from the biodynamic model to attain the fish tissue targets. An optional conditional mass-based wasteload allocation was also developed as an alternative to the concentration-based allocation.

The wasteload allocations for the San Diego Creek Sub-Watershed are shown in Table 2 and are applicable year-round during dry-weather conditions.

Table 2. Final Wasteload Allocations as a Semi-Annual Arithmetic Mean for San Diego Creek Sub-watershed (From Point Sources)

Wasteload	Tissue-Based Wasteload Allocation Based on Biodynamic Model	CTR Based Water Column Wasteload Allocation ¹	Conditional Mass-Based Wasteload Allocation
MS4 and other NPDES Permittees	10 µg Se/L	5 µg Se/L	Can be used when the discharger participates in approved Offset and Trading Program and the entirety of the discharge is offset at a 2:1 ratio ² .

1. Will not apply once the CTR is depromulgated or SSOs are adopted.
2. 1:1 ratio applies for groundwater cleanup projects.

Load Allocations assigned to non-point sources within the San Diego Creek sub-watershed are shown in Table 3.

Table 3. Final Load Allocations as a Semi-Annual Arithmetic Mean for San Diego Creek Sub-watershed (From Non-Point Sources)

Load	Tissue-Based LA Based on Biodynamic Model	CTR Based Water Column WLA ¹
Agricultural Discharges	10 µg Se/L	5 µg Se/L
Open Space		
Rising Groundwater		

1. Will not apply once the CTR is depromulgated or SSOs are adopted.

At the Committee meeting, staff will provide an overview of the wasteload and load allocations and will describe the significance of the information provided.

Site Specific Objectives:

In a separate, but parallel process, the Regional Board also intends to develop tissue-based SSOs for selenium for the Newport Bay Watershed. The targeted date for the development of the objectives is within one to two years of the effective date of the TMDLs. It is anticipated that the tissue-based numeric targets will form the basis for the SSOs. A separate Basin Plan Amendment to incorporate the SSOs into the Basin Plan would be considered by the Regional Board at a future date.

Applicability to the San Joaquin Marsh:

Historic fish tissue samples taken from the San Joaquin Marsh (and the UC Irvine Marsh) have resulted in exceedances of the proposed numeric targets described above. Attainment of the described allocations in the Lower San Diego Creek, as measured at Campus Drive, is expected to result in selenium reductions at the San Joaquin Marsh, which could eliminate future exceedances of the numeric targets at the Marsh. Based on this expectation, no separate load allocations for the San Joaquin Marsh have been established.

IRWD will be required to participate in the implementation of the TMDLs by coordinating with the regulated parties in the development of a BMP Strategic Plan and a Regional Monitoring Program. The BMP Strategic Plan will assess the need to manage and reduce selenium bio-accumulation in the San Joaquin Marsh if the selenium reductions in San Diego Creek are not sufficient to meet the TMDLs numeric targets within the Marsh. The need to implement additional measures will be assessed during the TMDLs reconsideration process and/or as part of Phase II. At the Committee meeting, staff will provide an overview the proposed selenium TMDLs and their applicability to the San Joaquin Marsh.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

Receive and file.

LIST OF EXHIBITS:

None.

June 6, 2017

Prepared by: I. Swift

Submitted by: P. Sheilds

Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

NATURAL TREATMENT SYSTEM UPDATE

SUMMARY:

Currently, IRWD operates 27 Natural Treatment System (NTS) sites throughout the 76,000-acre San Diego Creek Watershed, including the San Joaquin Marsh. Due to increased urban development in the watershed over the past few years, staff anticipates that in Fiscal Year (FY) 2017-18, IRWD will accept up to nine new NTS sites, if their establishment and performance meet IRWD's *NTS Design Guidelines*. In this write-up staff will provide a summary of the sites and an overview of their pollution removal performance, along with acceptance procedures for new sites.

BACKGROUND:

Based on the success of the San Joaquin Marsh in reducing pollutants in San Diego Creek, IRWD implemented its Natural Treatment System Master Plan in 2005. The Master Plan evaluated over 70 potential NTS sites, and eventually narrowed the list to 31 sites. A list of these sites is attached as Exhibit "A". The list includes many sub-sites (e.g., 12A, 12B, etc.) which are disparately located from one another and are operationally separate NTS basins. Therefore, the total number of individual NTS sites based on the Master Plan is 55.

Demand for new NTS basins is driven by residential development, which varies from year to year. On average, the NTS system has been adding approximately five basins each year. In FY 2017-18, up to nine basins may be accepted, but only if they meet the District's NTS Design Guidelines following a minimum one-year performance period. Should one or more basins not meet IRWD's guidelines, the basins will not be accepted until they can conform, possibly pushing their acceptance beyond FY 2017-18.

NTS Performance

The NTS system has performed well over the past 12 years, outperforming modeled expectations predicted by the Master Plan. In 2005, the NTS Master Plan modeled a Total Nitrogen (TN) concentration of 5.0 mg/l in San Diego Creek at the San Joaquin Marsh intake at full NTS build-out. In FY 2015-16 the TN concentration was 5.26 mg/l, with just over half of the NTS sites in place as illustrated in Graph 1 (shown below), down from a high of 11 mg/l. Additional performance data that were modeled by the Master Plan are presented in Table 1 (also shown below). In addition to these pollutant levels, the NTS sites have captured 4,929 pounds of trash from reaching local creeks and the Newport Bay in FY 2017-18 and have also helped to reduce the overall volume of urban runoff reaching creeks and streams, receiving a total of 346 million gallons (MG) and discharging 278 MG. The San Joaquin Marsh received 879 MG and discharged 476 MG during this same period.

Graph 1. *San Joaquin Marsh Total Nitrogen Concentration*

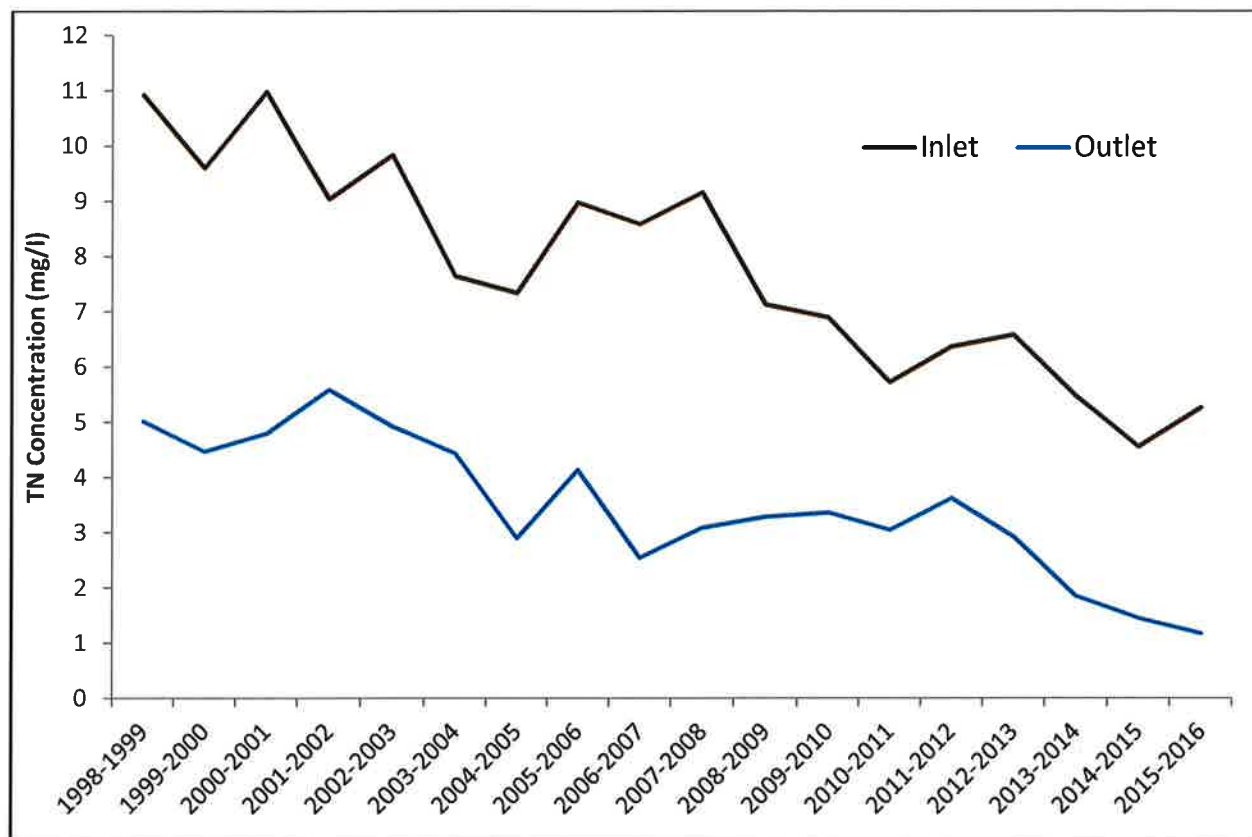


Table 1. *San Diego Creek Pollutant Concentrations and NTS Master Plan Model Projections*

Pollutant	Without NTS System	With NTS System (full build-out)	Current Concentration
Total Nitrogen (TN)	15 mg/l	5 mg/l	5.26 mg/l
TN Removal Efficiency	-	-	67%
Copper	14.5 µg/L	12.8 µg/L	6.53 µg/L
Cu Removal Efficiency	-	-	71%
Lead	2.1 µg/L	1.9 µg/L	0.26 µg/L
Lead Removal Efficiency	-	-	24%
Zinc	121 µg/L	105 µg/L	10.70 µg/L
Zinc Removal Efficiency	-	-	47%
Total Coliform	14,000 MPN/100 mL	9,000 MPN/100 mL	3900 MPN/100 mL

Acceptance Procedure

The requirement for urban runoff treatment for current and future development within the San Diego Creek watershed is required by the Santa Ana Regional Water Quality Control Board under the Municipal Separate Storm Sewer System (MS4) permit issued to the County and Cities. The District operates NTS basins as one type of treatment method on behalf of these agencies, but is not a permittee, or regulated under the MS4.

Acceptance of new NTS basins follows IRWD's NTS Design Guidelines, which were last updated and presented to the Engineering and Operations Committee in 2012. When a developer or an agency proposes to construct an NTS basin, an IRWD *Application for Service* must be submitted and approved by IRWD staff. The applicant must then submit engineering plans, which are also subject to approval by staff. Once the site is built, it must meet the District's NTS Design Guidelines following a minimum one-year performance period before it is transitioned to the District and operated by the NTS group.

ENVIRONMENTAL COMPLIANCE:

The NTS Master Plan and Environmental Impact Report were approved by the Board in 2005.

RECOMMENDATION:

Receive and file.

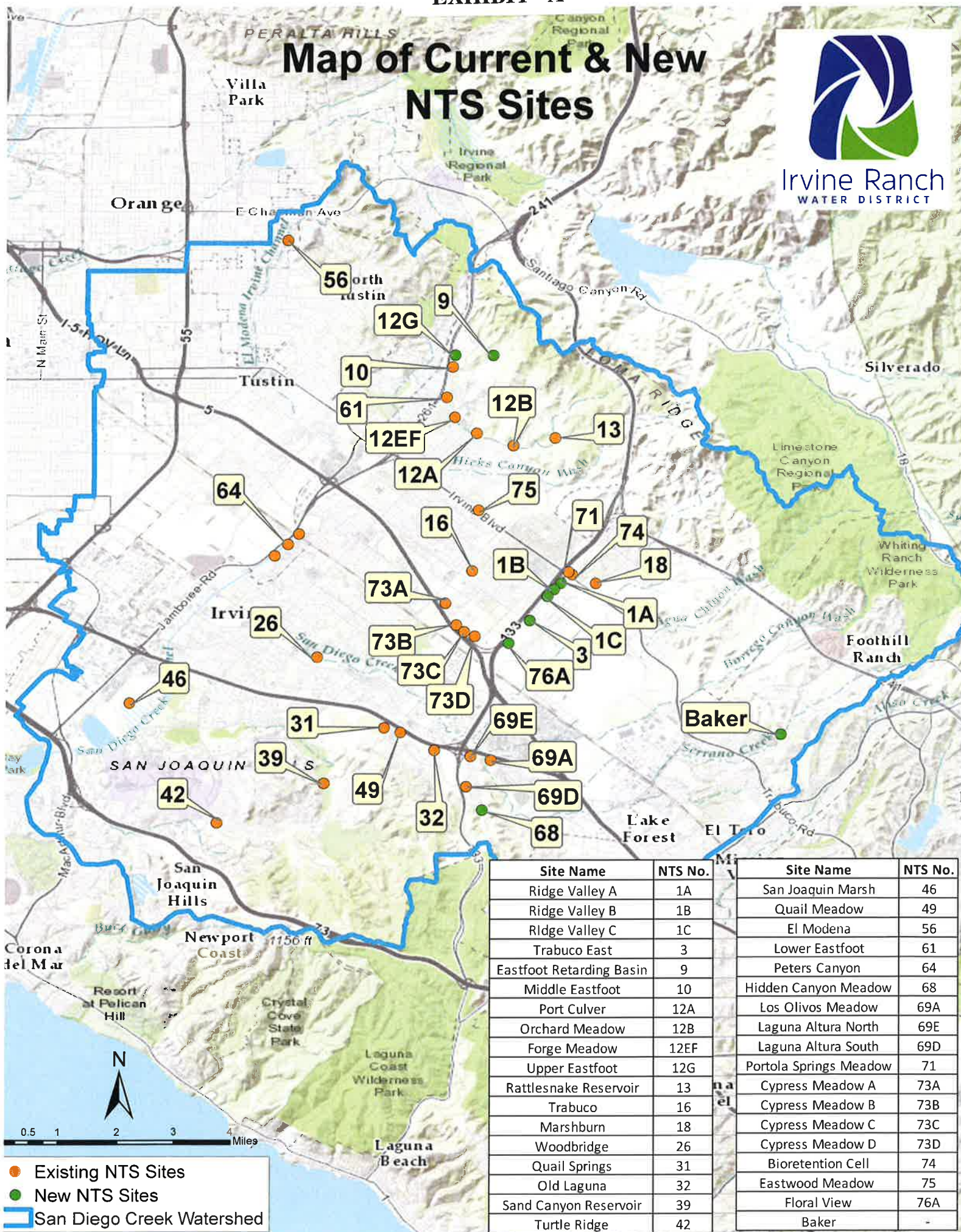
LIST OF EXHIBITS:

Exhibit "A" – Map of Current and New NTS Sites

Map of Current & New NTS Sites



Irvine Ranch
WATER DISTRICT



June 6, 2017

Prepared by: A. McNulty

Submitted by: F. Sanchez/P. Weghorst *FW*

Approved by: Paul Cook *PC*

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

WATER EFFICIENCY TACTICAL INCENTIVE FUNDING AUTHORIZATION

SUMMARY:

The Irvine Ranch Water District (IRWD) Water Use Efficiency Program includes a “Tactical Incentives” element to encourage customers to install water conservation devices that are cost-effective to the District. In 2015, IRWD executed a multi-year Water Conservation Participation Agreement with the Municipal Water District of Orange County (MWDOC) to administer IRWD’s incentives for regional rebate programs. The Fiscal Year 2017-18 Operating Budget includes funding for IRWD’s tactical incentive programs. Staff recommends that the Board authorize the General Manager to:

- Allocate \$1,400,000 in funding to the Fiscal Year (FY) 2017-18 rebate programs administered through the Water Conservation Participation Agreement with MWDOC; and
- Execute addendums to the agreement as may be necessary to reallocate the funds among the individual rebate programs and to modify incentive levels based on customer participation rates and changes in regional program funding levels.

BACKGROUND:

Tactical Incentives are one of the key elements of IRWD’s Water Use Efficiency Program. The financial incentives provided by IRWD are used to supplement existing regional rebate programs that are administered by Metropolitan Water District of Southern California or MWDOC. The IRWD incentives are provided taking into consideration costs that are avoided by the District as a result of the installation of the various water conservation devices.

In July 2015, the Board approved the multi-year Water Conservation Participation Agreement with MWDOC that is provided as Exhibit “A”. Each fiscal year, addendums to the agreement are executed to allocate funding and to specify device rebate funding levels for the Residential, Commercial, Water Savings Incentive and Turf Removal programs.

Device Funding Levels:

Proposed funding levels per device for FY 2017-18 are the same as FY 2016-17 with the exception of the incentives provided for cooling tower controls. Additional funding will be provided for cooling tower conductivity controllers and pH controllers. The additional funding will help increase customer participation in the incentive program while being cost-effective for IRWD. The proposed allocation of the IRWD tactical incentive funding and the specific device funding levels for FY 2017-18 are shown in Exhibit “B”. The allocation is based on prior customer participation rates and regional funding.

Total incentive program funding in the amount of \$1,400,000 is included in the adopted FY 2017-18 Operating Budget. Authorization from the Board of Directors is needed to allocate funds to the Water Conservation Participation Agreement with MWDOC which is necessary to continue providing program incentives through FY 2017-18.

FISCAL IMPACTS:

Funding from over-allocation revenues for tactical incentives in the amount of \$1,400,000 is included in the adopted FY 2017-18 Operating Budget.

ENVIRONMENTAL COMPLIANCE:

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

RECOMMENDATION:

That the Board authorize the General Manager to allocate \$1,400,000 in funding to the FY 2017-18 rebate programs administered through the Water Conservation Participation Agreement Between MWDOC and IRWD; and to execute addendums to the agreement as may be necessary to allocate funds to specific programs and modify device incentive levels based on customer participation rates and regional program funding levels.

LIST OF EXHIBITS:

Exhibit "A" – Water Conservation Participation Agreement with MWDOC
Exhibit "B" – Device Funding Levels FY 2017-18

EXHIBIT "A"

Water Conservation Participation Agreement between the Municipal Water District of Orange County and Irvine Ranch Water District

This Water Conservation Participation Agreement ("Agreement") is made between the Municipal Water District of Orange County ("MWDOC") and Irvine Ranch Water District ("Participant Agency"). MWDOC and Participant Agency may be collectively referred to as "Parties" and individually as "Party."

Recitals

- A. The Metropolitan Water District of Southern California ("Metropolitan") provides incentive funding to residential, commercial, and industrial water users in its service area for a variety of water conservation activities, including, but not limited to, rebates for the purchase and installation of water-saving devices ("Metropolitan Base Incentives").
- B. MWDOC is a member agency of Metropolitan and has agreements with Metropolitan that enable residential, commercial, and industrial water users in MWDOC's service area, and for the benefit of MWDOC's member agencies, to participate in and take advantage of Metropolitan's Base Incentives.
- C. Participant Agency, as a MWDOC member agency or a direct Metropolitan member agency, may elect to participate in Metropolitan's program to replace non-conserving items within its service area.
- D. The Metropolitan Base Incentives amounts for each eligible device or program available to MWDOC and Metropolitan member agencies are listed in the attached Addendums 1A and 1B. It is expected that Metropolitan will establish funding for additional water conservation items and to change some or all of the existing funding rates throughout the term of this Agreement. Any such changes will be incorporated herein by amendment to Addendums 1A and 1B.
- E. Metropolitan and MWDOC each have fiscal responsibility to manage their individual budgets, and hence may have a need to limit availability of funds.
- F. MWDOC and Metropolitan member agencies may also choose to provide additional supplemental funding of their own to augment the Metropolitan Base Incentives. Based on the terms and conditions of this Agreement, MWDOC will facilitate supplemental funding for Participant Agency through the Metropolitan rebate contractor ("Rebate Contractor") or MWDOC directly. Metropolitan member agencies will coordinate any supplemental funding directly with Metropolitan.
- G. In addition to the Metropolitan Base Incentives, MWDOC has developed and arranged additional local, state, and federal grant funding ("Grant Funding") for eligible devices in a number of water conservation programs ("MWDOC Administered Programs") that MWDOC offers to Participant Agency and Metropolitan member agencies. This grant funding may be used to enhance the Metropolitan Base Incentives. Granting agencies

include, but are not limited to, the Department of Water Resources and the United States Bureau of Reclamation.

- H. Participant Agency may also operate customized, local water conservation incentive programs in their respective service areas ("Participant Agency Administered Programs") and may have access to the Metropolitan Base Incentives and Grant Funding for such, subject to MWDOC and Metropolitan approval and the terms and conditions of this Agreement and any MWDOC and/or Metropolitan agreements.
- I. The purpose of this Agreement is to create a master water conservation participation agreement between MWDOC and Participant Agency that combines all of the conservation programs and incentives ("Programs") into one agreement. Addendums to this Agreement will be issued for changes involving Metropolitan approved items, MWDOC Board approved items, Grant Funding, adding and subtracting MWDOC Administered Programs and Participant Agency Administered Programs as identified in Section 2, and changes to incentive programs, including funding and incentive levels.

NOW THEREFORE, in consideration of the promises and covenants hereinafter set forth, the Parties do agree as follows:

Section 1: Agreement Term and Administration

- 1.1 This Agreement will be effective on July 1, 2015 or upon execution of this Agreement by all Parties, whichever is later, and shall terminate on June 30, 2025 ("Term"). Continuance of this Agreement will be subject to annual budget approval by MWDOC's Board of Directors.
- 1.2 This Agreement may be amended at any time by written mutual agreement of the Parties, or by Addendums issued by MWDOC as set forth in Recital I.
- 1.3 This Agreement may be terminated by either Party for any reason upon thirty (30) days written notice to the other Party.
- 1.4 All Addendums are enforced for the duration of this Agreement unless the Addendums are amended or terminated by either Party.
- 1.5 In the event the Agreement is terminated early, Participant Agency is responsible for payment of any funding contributions required by this Agreement that that were initiated prior to the effective date of the termination. For purposes of this Agreement, an application is deemed initiated when an application has been received by Metropolitan's rebate vendor, EGIA, by MWDOC, or a reservation has been made within any of MWDOC's online application portals that is pursuant to any of the programs described within this Agreement and the attached Addendums.
- 1.6 Notwithstanding any other provision in this Agreement, funds for all of the programs described within this Agreement and the attached Addendums are conditioned upon the

availability of funds and MWDOC is under no obligation to provide funding for any of the programs if MWDOC determines, in its own discretion, that such funding is exhausted, reduced, eliminated, or unavailable from any funding source, for any reason.

Section 2: Program Funding

2.1 Supplemental Funding

2.1.1 In addition to the Metropolitan Base Incentives, Participant Agency may provide additional funding to augment the Metropolitan Base Incentives amounts for those programs and devices that Participant Agency identifies, and in the amounts indicated, in the appropriate locations in Addendums 2A, 2B, and 2C (“Supplemental Funding”). The Supplemental Funding listed in Addendums 2A through 2C shall specify the amount of Supplemental Funding Participant Agency will provide per device or program, as well as the total maximum Supplemental Funding amount committed to each category of device or program. If the Participant Agency does not complete, sign, and return Addendums 2A through 2C to MWDOC, notwithstanding any other provision of this Agreement, the Participant Agency will not be bound by this Section or the provisions in Addendums 2A through 2C. In general, Supplemental Funding Addendums submitted by the 15th of a month will become effective the first of the following month.

2.1.2 If Participant Agency elects to provide Supplemental Funding or enhanced incentives under this Agreement for any device or program, Participant Agency is responsible for tracking the use of and the remaining availability of those funds. MWDOC will assist, in every way possible, but the ultimate responsibility for tracking all Participant Agency funding is the responsibility of Participant Agency. Participant Agency will ultimately be responsible for any overuse of Participant Agency Supplemental Funding.

2.1.3 Any requests for changes or revisions to Participant Agency’s Supplemental Funding, including funding transfers between Programs, must be submitted by Participant Agency to MWDOC in the form of revised Addendum 2s listing the new funding amounts/limits.

2.1.4 The Participant Agency may elect to participate in the Supplemental Funding Program and be bound by the provisions of this Section 2.1, Sections 3, 5, 6, 7, and 8 of this Agreement, and Addendum 2A through 2C by having its authorized representative complete and sign Addendum 2A through 2C in the spaces provided.

2.2 MWDOC Administered Programs

2.2.2 Participant Agency may elect to take advantage of the MWDOC Administered Programs by having its authorized representative complete and sign Addendums 3A through 3C in the spaces provided. If Participant Agency completes and signs Addendums 3A through 3C, Participant Agency agrees to be bound by the provisions of this Section 2.2, Sections 3, 5, 6, 7, and 8 of this Agreement, and Addendums 3A through

3C. If the Participant Agency does not complete, sign, and return Addendums 3A through 3C, notwithstanding any other provision of this Agreement, the Participant Agency will not be bound by this Section or the provisions in Addendums 3A through 3C.

2.3 Participant Agency Administered Programs

2.3.1 From time to time, funding may be made available for Participant Agency to operate a customized member agency administered local water conservation incentive program or programs ("Participant Agency Administered" "PA" or "MAA Program") in its service area and access the Metropolitan Base Incentives for such, subject to MWDOC approval of the program and the terms and conditions of this Agreement and Addendum 4. The Participant Agency Administered Program(s) and requirements in connection with it are described in more detail in Addendum 4.

2.3.2 Upon receipt of approval of a Participant Agency Administered Program by MWDOC, Participant Agency is bound by the provisions of Sections 3, 5, 6, 7, and 8 of this Agreement and Addendum 4.

2.4 Exhaustion of Funding

2.4.1 In the event Participant Agency provided funding for any Program or device is exhausted, and Participant Agency does not elect to add additional funding or transfer available funding from another Program or device, MWDOC will discontinue offering the additional rebate funding for that Program or device in Participant Agency's service area. Notwithstanding any other provision in this Agreement, MWDOC may terminate this Agreement as it relates to Section 2 at any time without prior notice in the event that MWDOC determines that funding for any device or program on Addendums 2 through 4 or MWDOC Grant Funding is exhausted, reduced, eliminated, or unavailable from any funding source, for any reason.

Section 3: Participant Agency Responsibility and Ownership

- 3.1 Participant Agency, at its sole discretion, may independently contract with its own agents under separate agreements for program administration and management for any Participant Agency Administered Program provided that doing so does not compromise program performance, create or present a conflict of interest, or violate the terms of this Agreement.
- 3.2 Participant Agency and/or its agent shall provide all necessary services and materials for such Participant Agency Administered Programs including, but not limited to the following: program administration, promotion, marketing materials, data collection, and analysis, installation verification, and reporting.
- 3.3 All materials and supplies necessary to implement a Participant Agency Administered Program shall be the exclusive property of Participant Agency. MWDOC shall have no

ownership, right, title, security interest, or other interest in any Participant Agency Administered Program materials or supplies, nor any rights duties, or responsibilities, therefor.

- 3.4 Participant Agency is responsible for assuring that any Participant Agency Administered Program complies with all federal, state, and local requirements.
- 3.5 Participant Agency agrees to cooperate with MWDOC's data management activities related to assessing device saturation and program success.
- 3.6 As part of any Participant Agency Administered Program, Participant Agency shall use, maintain, and submit to MWDOC within the designated timeframe an electronic database, to be approved by MWDOC prior to use, for any conservation items installed, distributed, or rebated by Participant Agency or its agents to avoid duplicate distributions and to determine the saturation rate of items by the appropriate geographic delineation.
- 3.7 Participant Agency is solely responsible for the performance of its staff or representatives in complying with the terms of this Agreement and for the proper allocation and appropriate use of funds provided by Metropolitan and/or MWDOC for the purpose of achieving water conservation savings under this Agreement.

Section 4: MWDOC's Obligations

- 4.1 MWDOC will be response to Participant Agency for ensuring that timely reports on the Programs' results are prepared by MWDOC's staff.
- 4.2 MWDOC will develop a database of information regarding participation in the Programs and provide monthly electronic and/or written reports of activity to Participant Agency.
- 4.3 MWDOC will invoice Participant Agency for any Participant Agency funding obligations on a monthly basis for rebates issued in the previous month.
- 4.4 MWDOC does not guarantee any minimum number of rebates will be available for Participant Agency's service area.

Section 5 Marketing.

- 5.1 Participant Agency agrees to assist in the marketing of programs it participates in under this Agreement. With regard to Participant Agency Administered Programs, Participant Agency will be solely responsible for marketing its Participant Agency Administered Program to customers in its service area.

Section 6: Installation Verification

- 6.1 Participant Agency shall be responsible for conducting installation verifications of items installed, distributed, and/or rebated by Participant Agency under Participant Agency

Administered Programs, and/or for paying all costs associated with this verification. Installation verification measures for program devices must be designed to ensure that materials, installation verifications of eligible program devices, and services meet requirements established by Metropolitan, which requirements will be provided to Participant Agency by MWDOC.

- 6.2 Participant Agency may be responsible for conducting installation verifications of items installed, distributed, and/or rebated by Participant Agency or MWDOC under MWDOC Administered Programs, and/or for paying all costs associated with this verification. Installation verification measures for program devices must be designed to ensure that materials, installation verifications of eligible program devices, and services meet requirements established by Metropolitan, which requirements will be provided to Participant Agency by MWDOC.
- 6.3 MWDOC reserves the right to conduct installation verification of items within Participant Agency's service area.
- 6.4 Participant Agency acknowledges that any device receiving funding from Metropolitan may be subject to an installation verification to be performed by Metropolitan, or its agent(s), at Metropolitan's discretion.
- 6.5 Participant Agency shall promptly refund to MWDOC any amounts paid under any Participant Agency Administered Program or MWDOC Administered Program for installed or distributed devices in the event MWDOC or Metropolitan establishes via installation verification that the program devices were not installed.

Section 7: Reporting and Invoicing

- 7.1 For any and all Supplemental Funding provided by Participant Agency and/or Participant Agency provided funding or inspection costs under the MWDOC Administered Programs pursuant to Section 2 of this Agreement, and as more particularly described in Addendums 2 and 3, MWDOC will invoice Participant Agency on a monthly basis for the cost of such funding, and Participant Agency must pay the full amount of such invoice within thirty (30) days of receipt of any such invoice.
- 7.2 For any and all Participant Agency Administered Program(s), Participant Agency will invoice MWDOC on a monthly basis, by the 10th of each month, for any approved funding and costs associated with the Participant Agency Administered Program(s) as indicated in and subject to the provisions of Addendum 4. MWDOC is under no responsibility to reimburse Participant Agency for any costs incurred by Participant Agency that are not approved by MWDOC consistent with the terms and conditions of this Agreement and Addendum 4. The invoice package shall include a fully completed, to the satisfaction of MWDOC, Excel customer/applicant spreadsheet showing program activity, and an invoice, signed by the General Manager or designee of Participant Agency, certifying the information provided as accurate. Participant Agency shall use the Excel customer/applicant spreadsheet and Invoice forms approved by MWDOC.

- 7.3 Participant Agency shall maintain all Participant Agency Administered Program information, including Participant Agency applications, water bills, and purchase receipts, for a period of seven years from the end date of this Agreement.
- 7.4 Payment of Participant Agency invoices shall be in the form of either a credit on MWDOC's water bill to Participant Agency or a check made payable to Participant Agency. Method of payment shall be at MWDOC's discretion.

Section 8: Confidentiality

- 8.1 MWDOC agrees to maintain the confidentiality of Participant Agency's customer names, addresses, and other information gathered in connection with this Agreement. MWDOC will not cause or permit the disclosure of such information except as necessary to carry out any of the MWDOC Administered or Participant Agency Administered Programs, or as required by law. To the extent that MWDOC contracts with third party contractors to carry out all or any portion of any of the Programs, MWDOC will require such contractors to maintain the confidentiality of such customer information.
- 8.2 Notwithstanding anything to the contrary in this Agreement, Participant Agency acknowledges and agrees that MWDOC may request and use historical water consumption data for purposes of satisfying any grant water use and water quality evaluation requirements of any of the Programs. Participant Agency also acknowledges and agrees that MWDOC may also request to use Program applicant information, such as name, mailing address, site photos, and email address to market other water use efficiency programs to past applicants. A similar provision will be required of every individual applicant.

Section 9. Indemnification.

- 9.1 The parties agree that each Party shall be responsible for its own actions, and the actions of its officers, employees, and agents, in performing services under this Agreement. Except as provided in this Agreement and its Addendums, each Party agrees to indemnify and hold the other Party and its officers and agents harmless and agrees to defend the other Party against any claim or asserted liability arising out of its actions, either willful or negligent, or the actions of its officers, employees, and agents, in performing services pursuant to this Agreement. Such indemnity will include any losses relating to any claim made, whether or not a court action is filed, and will include attorney fees and administrative and overhead costs related to or arising out of such claim or asserted liability.
- 9.2 Participant Agency shall include the following language in its agreement with any consultant or contractor retained by Participant Agency to work on any of the Program" "(Consultant) agrees at its sole cost and expense to protect, indemnify, defend, and hold harmless Metropolitan, MWDOC, and their associated Boards of Directors, officers, representatives, agents and employees from and against any and all claims and liability

of any kind (including, but not limited to, any claims or liability for injury or death to any person, damage to property, natural resources or to the environment, or water quality problems) that arise out of or related to Participant Agency's approval, construction, operation, repair, or ownership of any Program. Such indemnity shall include all damages and losses related to any claim made, whether or not a court action is filed, and shall include attorneys' fees, administrative and overhead costs, engineering and consulting fees, and all other costs related to our arising out of such claim or asserted liability."

Section 10. Certification re Lobbying (43 CFR 18)

- 10.1 The undersigned hereby certifies on behalf of Participant Agency that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Participant Agency, to any person for influencing or attempting to influence an officer or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with a Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions. To the extent federal funds are involved, the Participant Agency shall require that the language of this certification be included in the awards documents for any sub-awards by the Participant Agency at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that sub-recipients, if any, shall certify accordingly.

Section 11. Other Terms

- 11.1 Any alteration or variation of the terms of this Agreement will not be valid unless made in writing and signed by both Parties.
- 11.2 This Agreement will inure to the benefit of and be binding upon the Parties and their respective successors.
- 11.3 The partial or total invalidity of one or more parts of this Agreement will not affect the intent or validity of this Agreement.
- 11.4 This agreement shall be deemed a contract made under the laws of the State of California, and for all purposes will be interpreted in accordance with such laws. The Parties hereby agree and consent to the exclusive jurisdiction of the courts of the State of California, and that the venue of any action brought hereunder will be in Orange County, California.

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11.5 This Agreement constitutes the entire agreement between the Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

MUNICIPAL WATER DISTRICT
OF ORANGE COUNTY

IRVINE RANCH WATER DISTRICT

By: 
Robert J. Hunter
General Manager
Date: 7-14-15

By: 
Paul Cook
General Manager
Date: 7-9-15

Approved as to Form:
Bowie, Arneson, Wiles & Giannone


Joan C. Arneson
Legal Counsel
Date: 6/25/15

FIRST AMENDMENT TO WATER CONSERVATION PARTICIPATION AGREEMENT

This First Amendment to Water Conservation Participation Agreement ("First Amendment") is effective on July 1, 2016 ("Effective Date"), by and between the Municipal Water District of Orange County ("MWDOC") and Irvine Ranch Water District ("Participant Agency") MWDOC and Participant Agency may be collectively referred to as "Parties" and individually as "Party."

RECITALS

- A. MWDOC and Participating Agency entered into a Water Conservation Participation Agreement regarding the Participating Agency's participation in certain water conservation programs ("Agreement").
- B. The Parties now desire to amend the Agreement to make certain changes to provisions regarding verification of the installation of items and devices installed as part of certain water conservation incentive programs.

TERMS

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend the Agreement as follows:

1. Amendment. Section J is added to the Recitals to read as follows:

"J. The purpose of this Agreement is also to acknowledge that Participating Agency is participating in MWDOC's Choice Water Use Efficiency Program ("WUE Program") and in doing so is agreeing to pay for its proportionate share of MWDOC's administrative and direct program costs of the WUE Program."
2. Amendment. Section 1.7 is added to the Agreement to read as follows:

"1.7 Participating Agency understands that by entering into this Agreement it is participating in MWDOC's Choice Water Use Efficiency Program ("WUE Program") and agrees to pay MWDOC for its proportionate share of MWDOC's costs for administering the WUE Program based on Participating Agency's level of participation in the WUE Program. MWDOC will annually invoice Participating Agency."

3. Amendment. Section 6 is amended in its entirety to read as follows:

“Section 6: Installation Verification/Inspection

- 6.1 Participant Agency shall be responsible for conducting installation verifications/inspections of items and devices installed, distributed, and/or rebated by Participant Agency under Participant Agency Administered Programs to ensure compliance with program requirements, and/or for paying all costs associated with this verification/inspection. Installation verification/inspection measures must be designed to ensure that materials, installation verifications/inspections of eligible program items and devices, and services meet requirements established by Metropolitan and MWDOC, which requirements will be provided to Participant Agency by MWDOC as Attachment A.
- 6.2 Participant Agency shall be responsible for conducting installation verifications/inspections of items or devices installed, distributed, and/or rebated by Participant Agency or MWDOC under MWDOC Administered Programs to ensure compliance with program requirements, and/or for paying all costs associated with this verification/inspection. Installation verification/inspection measures for program items and devices must be designed to ensure that materials, installation verifications/inspections of eligible program items and devices, and services meet requirements established by Metropolitan and MWDOC, which requirements will be provided to Participant Agency by MWDOC as Attachment A.
- 6.3 Participant Agency may elect to (1) conduct its own installation verifications/inspections by either utilizing its in-house staff or contracting with a third party vendor of its choice; or (2) utilize MWDOC's installation verification/inspection contractor to conduct the installation verification/inspections. If Participant Agency elects to utilize MWDOC's verification/inspection vendor, Participant Agency may elect to contract directly with MWDOC's verification/inspection vendor. If Participant Agency elects not to enter into such contract, MWDOC, in MWDOC's sole discretion, may require that Participant Agency contract directly with MWDOC's verification/inspection vendor.
- 6.3.1 Notwithstanding any other provision in this Agreement, Participant Agency understands and agrees that if Participant Agency utilizes MWDOC's verification/inspection vendor, Participant Agency must still comply with all of the requirements of this Agreement, including the refund requirements in Section 6.6, and MWDOC is in no way liable or responsible for the acts or omissions of such vendor and makes no

representations or warranties regarding the quality of such vendor's work. Participant's sole recourse as to any action, claims or damages arising out of the acts or omissions of MWDOC's verification/inspection vendor is with the vendor and not with MWDOC.

- 6.4 MWDOC reserves the right to conduct installation verification/inspection of items and devices within Participant Agency's service area.
- 6.5 Participant Agency acknowledges that any item or device receiving funding from Metropolitan may be subject to an installation verification/inspection to be performed by Metropolitan, or its agent(s), at Metropolitan's discretion.
- 6.6 Participant Agency shall promptly refund to MWDOC any amounts paid under any Participant Agency Administered Program or MWDOC Administered Program for installed or distributed items or devices, including any grant funds, in the event MWDOC or Metropolitan establishes via installation verification/inspection and/or audit that the program items or devices were not installed in compliance with the requirements established by Metropolitan and MWDOC pursuant to this Agreement. If such a refund is not provided to MWDOC within thirty (30) days of request, the requested amount may be debited by MWDOC on Participating Agency's next water service invoice.
- 6.7 "Items" and "devices" includes, but is not limited to, plumbing fixtures, irrigation devices, turf (removal and replacement), and any other items, devices or materials that are installed in connection with a program covered by this Agreement.

4. Authority to enter into First Amendment. Each Party represents to the other that the person executing this First Amendment has the requisite power and authority to execute the First Amendment and to bind each respective Party.

5. Continuing Effect of Agreement. Except as amended by this First Amendment, all other provisions of the Agreement remain in full force and effect. From and after the date of this First Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this First Amendment.

6. Execution in Counterparts. This First Amendment may be executed in duplicate counterparts, each of which shall be deemed an original.

MWDOC and Participating Agency have each caused this First Amendment to be executed by its duly authorized representative as of the date set forth below the authorized signature.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment.

MUNICIPAL WATER DISTRICT
OF ORANGE COUNTY

PARTICIPANT AGENCY

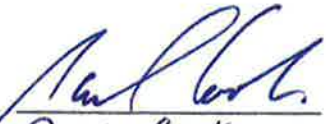
By: _____
Robert Hunter
General Manager

Date: _____

Approved as to Form:

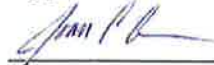
Joseph Byrne
General Counsel

Date: _____

By: 
Name Paul Cook
Title General Manager

Date: 18 OCTOBER 2016

Approved as to Form:



Joan C. Arneson
General Counsel

Date: September 8, 2016

Exhibit “B”

Rebate Program Funding Allocation FY 2017-18

Program	Maximum Funding	Devices	IRWD Rebate Funding Level Per Device
<u>SoCal WaterSmart</u> Residential Program	\$300,000	High Efficiency Clothes Washer	\$165
		High Efficiency Toilet (Premium)	\$110
		Residential Smart Timer	Up to \$75

Program	Maximum Funding	Devices	IRWD Rebate Funding Level Per Device
<u>SoCal WaterSmart</u> Commercial Program	\$500,000	Commercial High Efficiency Toilet	\$60
		Multi-Family High Efficiency Toilet	\$110
		Zero Water/Ultra Low Water Urinals	\$100
		Connectionless Food Steamer	\$485 Per Compartment
		Commercial Ice Making Machine (Tier III)	\$250
		Cooling Tower Conductivity Controller	\$700
		Cooling Tower pH Controller	\$400
Water Savings Incentive Program	\$100,000	Performance Based	\$3 Per 1,000 gallons/ 1 year
Turf Removal Program	\$500,000	Turf Removal	Not to exceed \$2/sqft
Total Funding for All Rebate Programs	\$1,400,000		

June 6, 2017
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

2017 LEGISLATIVE UPDATE

SUMMARY:

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

Staff recommends that the Board consider the following action/position:

- *AB 1000 (Friedman, D-Burbank): Water Conservation: Performance Standards for Water Meters — “WATCH”*

BACKGROUND:

The last day for fiscal committees to hear and report to the floor any bills introduced in its house was May 26, and the house of origin deadline was June 2. Any bill that did not meet the June 2 deadline and does not contain an urgency clause is now dead or a two-year bill. June 15 is the constitutional deadline for passage of the budget.

A copy of the 2017 Legislative Matrix is attached as Exhibit “A”. Exhibit “B” is the 2017 Legislative Update Report Links to Bill Texts, which contains links to the bills discussed below, unless a separate exhibit is noted.

State Budget Update:

April Revenue Numbers:

On May 10, 2017, State Controller Betty Yee released her monthly report on the State’s finances. She announced that the State took in \$15.98 billion during the month of April, which was \$1.05 billion, or 6.2 percent, less than projections contained in the Governor’s proposed Fiscal Year 2017-2018 budget. The lower-than-expected revenues were largely due to lower personal income tax receipts, which were \$707.6 million, or 5.3 percent lower, than estimates. Sales tax revenues were \$106.7 million, or 13.3 percent, lower than expected. Corporate taxes came in at \$1.97 billion, or 13.8 percent, lower than anticipated.

The State ended the month of April with unused borrowable resources of \$27.02 billion, and outstanding loans of \$12.28 billion

Governor’s May Revise:

Following the release of April’s disappointing fiscal news, Governor Brown released the May revision to his proposed State Fiscal Year 2017-2018 Budget (the May Revise). The May Revise

proposes \$183.42 billion in total expenditures, \$179.47 billion in total revenues and designates \$1.775 billion for the Budget Stabilization Account/Rainy Day Fund. This compares to the \$179.45 billion in total expenditures, \$175.71 billion in total revenues, and \$1.156 billion designated for the Budget Stabilization Account/Rainy Day Fund in the Governor's Proposed Budget, released in January.

While the May Revise includes higher revenue projections than the Governor's proposed budget, over the past year State revenues have come in lower than the projections contained in the Fiscal Year 2016-2017 budget. In fact, the proposed budget, released in January 2017, reflected a shortfall of \$5.8 billion. Since January, State revenues have come in \$2.5 billion higher than anticipated in the proposed budget and as a result, the revenue forecast contained in the May Revise is now \$3.3 billion below the 2016 budget forecast.

Despite the State's difficult revenue picture, the May Revise seeks to advance several key priorities of the Administration and the Legislature related to counteracting the effect of poverty and seeks to advance several key priorities of the Administration:

- Increasing Money for Schools — The May Revise increases funding for K-12 education by \$1.4 billion;
- Maintaining County Fiscal Health — The May Revise seeks to mitigate increased costs and seeks to preserve counties' ability to provide key health and human services programs;
- Restoring Child Care — The proposed budget paused scheduled provider rate increases for child care. The May Revise restores the \$500 million child care package from the 2016 Budget; and
- Reducing Pension Liabilities — The May Revise proposes a \$6 billion supplemental payment to CalPERS with a loan from other State funds to reduce unfunded liabilities, stabilize State contribution rates, and save the State \$11 billion over the next two decades.

Although the May Revise does not include any new major spending initiatives related to the water or wastewater industries, it does contain several items of interest to IRWD. Of interest to the District are the budget's proposed drought impact response actions and implementation of "Making Water Conservation a Way of Life". More detail on each of these proposals is provided below.

Concluding Drought Response Actions:

With the drought having ended, the May Revise proposes \$62.9 million, a decrease of \$115.8 million, to address continuing drought impacts. The proposed appropriations are summarized below:

Proposed Fiscal Year 2016-2017 Emergency Drought Funding

Investment Category	Department	Program	Proposed Revise Amount (millions)	May Revise Amount (millions)
Protecting Water Supplies and Water Conservation	Department of Water Resources	Drought Management and Response	\$ 7.0	\$ 0
		Local Assistance for Small Communities	\$ 5.0	\$ 5.0
		Save Our Water Campaign	\$ 2.0	\$ 1.0
	State Water Resources Control Board	Water Rights Management	\$ 5.3	\$ 0.6
Emergency Response	Department of Forestry and Fire Protection	Enhanced Fire Protection	\$91.0	\$41.7
	Office of Emergency Services	California Disaster Assistance Act	\$52.7	\$ 8.5
		State Operations Center	\$ 4.0	\$ 0
Protecting Fish and Wildlife	Department of Fish and Wildlife	Emergency Fish Rescues and Monitoring	\$ 8.2	\$ 2.6
	Department of Water Resources	Delta Smelt Resiliency Strategy	\$3.5	\$ 3.5
TOTAL			\$178.7	\$62.9

Staff continues to monitor the budget negotiations and the proposed water-related budget trailer bills, and engage on the policy issues of interest to the District. As budget negotiations continue and proposals change, staff will provide the Committee with an oral update on any new developments.

“Making Water Conservation a Way of Life”:

The California Water Action Plan, which was released in 2014, outlines 10 actions to improve California’s water reliability, restoration and resilience. Those actions included:

- Making Water Conservation a Water of Life;
- Increase Regional Self-reliance and Integrated Water Management;
- Achieve the Co-Equal Goals for the Delta;
- Protect and Restore Important Ecosystems;
- Manage and Prepare for Dry Periods;

- Expand Water Storage Capacity and Improve Groundwater Management;
- Provide Safe Water for All Communities;
- Increase Flood Protection;
- Increase Operational and Regulatory Efficiency; and
- Identify Sustainable and Integrated Financing Opportunities.

The May Revision focuses on “Making Water Conservation a Way of Life” and identifies it as a key budget priority for the Administration. The May Revision summarizes the proposed budget actions as follows:

“While declaring the end to the drought emergency, the Governor directed the Water Board to maintain urban water use reporting requirements and prohibitions on wasteful practices, such as hosing off sidewalks. At the same time, the Department of Water Resources, Energy Commission, Public Utilities Commission, Department of Food and Agriculture, and the Water Board issued a final report with recommendations to (1) use water more wisely, (2) eliminate water waste, (3) establish permanent water use and conservation reporting requirements, (4) strengthen local drought resilience, and (5) improve agricultural water use efficiency and drought planning. The recommendations were developed through a public process and implementation will require new legislation to establish new water efficiency standards and additional drought planning requirements.

The May Revision supports these efforts to make conservation a way of life through the following adjustments:

Water Board — An additional five positions to be funded within existing resources to implement the Administration’s proposed legislation, released in early April, which would (1) establish new urban water use efficiency standards, (2) enhance state and local enforcement of these standards, (3) establish permanent water use and conservation reporting requirements, and (4) implement new urban water shortage contingency plans and agricultural water management plans.

Department of Water Resources — \$1 million General Fund to support the Save Our Water campaign, which will continue public outreach to encourage water conservation.”

(2017-18 May Revision, Natural Resources, Page 58).

The request for an additional five positions to implement “Making Water Conservation a California Way of Life” at the State Water Resources Control Board and the associated budget trailer bill, which was released by the Administration related to water conservation, have become controversial with the Legislature. More information is provided below on legislation related to the long-term water use efficiency. Staff continues to monitor the budget discussions and will provide an oral update on any new developments related to “Making Water Conservation a California Way of Life”.

2017 State Legislation and Regulatory Actions:

Long-Term Water-Use Efficiency Framework:

Since the beginning of the year staff has continued to work with various stakeholders and the Association of California Water Agencies (ACWA) on the long-term water use efficiency framework. Because legislation will be needed to implement significant portions of the long-term water use efficiency framework, the ACWA State Legislative Committee developed a working group on the framework, which was assigned the task of drafting legislative language to implement framework as supported by ACWA and the 113 signatories of the December 19 coalition letter.

As reported to the Board, AB 968 and AB 1654, authored by Assemblymember Blanca Rubio (D-West Covina) and co-sponsored by the Sacramento Regional Water Authority and IRWD, are the two legislative vehicles for the long-term water use efficiency framework language developed by ACWA. AB 968 seeks to implement portions of the framework related to establishing water use efficiency targets for 2025, and AB 1654 seeks to implement the portions of the framework related to drought planning, Urban Water Management Plans and Water Shortage Contingency Plans.

In addition to the two bills discussed above, there are also several other bills that may be vehicles for legislation related to the long-term water use efficiency framework. Those bills are AB 869 (Rubio, D-West Covina), AB 1323 (Weber, D-San Diego), AB 1668 (Friedman, D-Burbank), and AB 1669 (Friedman, D-Burbank). There is also a budget trailer bill, which has been put forth by the Administration.

Over the past few weeks, there has been a tremendous amount of activity related to these bills and the topic of long-term water use efficiency in California. Most notably, the Assembly formed a bipartisan Assembly Water Conservation Working Group to discuss how to move forward with implementing long-term water use efficiency and enhanced drought planning in California. The working group is comprised of Assemblymembers Laura Friedman (D-Glendale), Blanca Rubio (D-Baldwin Park), James Gallagher (R-Yuba City), Shirley Weber (D-San Diego), Anna Caballero (D-Salinas), Joaquin Arambula (D-Fresno), Richard Bloom (D-Santa Monica), Frank Bigelow (R-O'Neals), and Brian Dahle (R-Bieber). The Assembly Water Conservation Working Group has been working to develop principles to guide their house's drafting of water use efficiency legislation. At the same, the Governor's Office has held stakeholder meetings with members of the water community to discuss the differences between the Administration's framework and budget trailer bill proposals and the other bills proposed on the long-term water use efficiency.

While these discussions continue, the legislative process for the policy bills has continued. All of the bills had been referred to the Assembly Appropriations Committee. After the Committee took up its Suspense File at the end of May, only AB 869 (Rubio), AB 1323 (Weber), AB 1654 (Rubio) and AB 1668 (Friedman) are moving forward. Most political observers have wondered what the holding of AB 968 (Rubio) and AB 1669 (Friedman), which both related to long-term water use efficiency and 2025 target setting, on the Assembly Appropriations Suspense File means for a policy bill on the topic moving forward this year as opposed to a budget trailer bill.

Unfortunately, there are no answers yet although both the Assembly and Senate Budget Committee have rejected the Administration's original budget trailer bill language.

Staff continues to be engaged in the discussions taking place in Sacramento related to "Making Water Conservation a California Way of Life." Staff will provide an oral update on its efforts related to the long-term water use efficiency framework and the ongoing discussions taking place within the State Capitol regarding the framework.

AB 1000 (Friedman): Water Conservation: Performance Standards for Water Meters

Earlier this year, Assemblymember Laura Friedman (D-Burbank) introduced AB 1667. 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. Instead of dealing with water meters, the bill now related to agricultural water management planning.

While AB 1667 no longer deals with water meters, Assemblymember Friedman has recently amended another bill, AB 1000, to deal with water meters. AB 1000 would authorize the California Energy Commission to adopt regulations establishing performance standards for water meters installed in residential and nonresidential buildings. Staff has reviewed the amendments to AB 1000 and is working to learn more about the author's intent for the bills. Given the author's previous legislation this session, staff recommends that the Board adopt a "WATCH" position on AB 1000.

Proposition 218 Reform Efforts:

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. Most recently, Senator Bob Hertzberg (D-Van Nuys) has introduced SCA 4, a constitutional amendment, which is sponsored by ACWA and meant to put forth a constitutional amendment related to lifeline and tiered water rates.

Over the past month, ACWA has continued to work with Senator Hertzberg's staff to develop language for SCA 4. Discussions between ACWA and Senator Hertzberg's office are ongoing. Staff will provide an oral update on any new developments related to these discussions and SCA 4.

As in the past, IRWD will continue to communicate the District's concern over any water rate legislation which is not consistent with the California Constitution, not voluntary in nature, or that does not provide sufficient clarity or flexibility to water agencies. Staff will also continue to work with interested parties on issues related to tiered water rates.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Board adopt a “WATCH” position on AB 1000 (Friedman).

LIST OF EXHIBITS:

Exhibit “A” – IRWD Legislative Matrix

Exhibit “B” – 2017 Legislative Update Report Links to Bill Texts

EXHIBIT "A"
IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 18</u> 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.	03/20/2017 - In ASSEMBLY. Read third time, urgency clause adopted. Passed ASSEMBLY. *****To SENATE.
<u>AB 52</u> Cooper (D)	Public Employee: Orientation And Informational Programs		Requires the public employers regulated by specified acts to provide all employees an orientation and to permit an exclusive representative to participate.	04/19/2017 - In ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY: Not heard.
<u>AB 151</u> Burke (D)	California Global Warming Solutions Act		Amends the Global Warming Solutions Act. Requires the Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan. Requires the state board to report to the Legislature on the need for increased education, career technical education, job training, and workforce development in ensuring that statewide greenhouse gas emissions are reduced by a specified level.	05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 161</u> 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.	05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 166</u> Salas (D)	Safe Drinking Water: Household Filtration Systems		Requires the State Water Resources Control Board to conduct a study on the feasibility and financial stability of a rebate program that would provide a household that is served by a water system that does not meet primary drinking water standards with a rebate for the purchase of a household water filtration system.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 176</u> Salas (D)	Water Project: Friant-Kern Canal		Appropriates a specified sum from the General Fund for the Reverse Flow Pump-back Facilities on the Friant-Kern Canal Restoration Project. Makes legislative findings and declarations as to the necessity of a special statute for the Friant-Kern Canal.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 196</u> 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.	05/26/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 241</u> Dababneh (D)	Personal Information: Privacy: State and Local Breach		Relates to state and local breaches of privacy. Requires a state or local agency, if it was the source of a computer breach of information, to provide appropriate identity theft prevention and mitigation services at no cost to a person whose personal information, including social security number, driver license or identification card number.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 277</u> Mathis (R)	Water and Wastewater Loan and Grant Program		Authorize the State Water Resources Control Board to establish the Water and Wastewater Loan and Grant Program to provide funding to eligible applicants for specified purposes relating to drinking water and wastewater treatment. Authorizes a county or qualified nonprofit organization to apply to the board for a grant to award loans or grants, or both, to an eligible applicant. Authorizes the board to use a specified funding source.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 305</u> Arambula (D)	School Accountability Report Card: Drinking Water		Amends the Classroom Instructional Improvement and Accountability Act to require a specified school accountability report card to include an assessment of the drinking water access points at each school site. Requires the State Department of	02/13/2017 - To ASSEMBLY Committees on EDUCATION and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			Education to compile the assessments and transmit them to the State Water Resources Control Board.	
<u>AB 313</u> Gray (D)	Water		Establishes a Water Rights Division within the Office of Administrative Hearings. Provides for hearing requirements.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 321</u> Mathis (R)	Groundwater Sustainability Agencies		Includes farmers, ranchers, and dairy professionals in the agricultural users whose interests a groundwater sustainability agency is required to consider for sustainability plans.	05/17/2017 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>AB 408</u> Chen (R)	Eminent Domain: Final Offer of Compensation		Provides that if a court finds, that the offer of the plaintiff was a certain percentage of the compensation awarded in the eminent domain proceeding, then the court would be required to include the defendant's litigation costs in the costs allowed.	03/20/2017 - From ASSEMBLY Committee on JUDICIARY without further action pursuant to JR 62(a).
<u>AB 429</u> Grayson (D)	State Water Policy: Water Rights: Use/Transferability		Makes nonsubstantive changes to existing law concerning water policy, water use, rights and transferability of those rights.	02/13/2017 - INTRODUCED.
<u>AB 472</u> Frazier (D)	Water Transfers: Idled Agricultural Land: Wildlife		Requires the Department of Water Resources to allow nonirrigated cover crops or natural vegetation to remain on idled agricultural lands without penalty to the landowner, unless it is determined that it causes injury to another legal user of water. Requires the Department to establish an incentive program for landowners who cultivate or retain nonirrigated cover crops or natural vegetation on idled agricultural lands to provide waterfowl, upland game bird, and other wildlife habitat.	05/26/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 474</u> Garcia E (D)	Hazardous Waste: Spent Brine Solutions		Exempts spent brine solutions that are byproducts of the treatment of groundwater to meet California drinking water standards from Hazardous Waste Control Law requirements if certain conditions are met, including that the spent brine solutions are transferred for dewatering via a closed piping	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			system to lined surface impoundments regulated by the California regional water quality control boards.	
<u>AB 494</u> Bloom (D)	Land Use: Accessory Dwelling Units		Amends the Planning and Zoning Law to provide that an accessory dwelling unit may be rented separately from the primary residence. Requires that parking requirements for accessory dwelling units not exceed a certain number. Removes the prohibition on specified offstreet parking where that parking is not allowed anywhere else in the jurisdiction.	05/17/2017 - To SENATE Committees on TRANSPORTATION AND HOUSING and GOVERNANCE AND FINANCE.
<u>AB 524</u> Bigelow (R)	Public Utilities: Fines and Settlements		Appropriates moneys resulting from the collection of fines levied on, or settlement with, the Pacific Gas and Electric Company by the commission for the 2015 Butte Fire to the Boards of Supervisors of the Counties of Amador and Calaveras in proportion to the acreage burnt by the fire in those counties. Requires the moneys to be expended for certain purposes.	05/22/2017 - From ASSEMBLY Committee on UTILITIES AND ENERGY: Do pass to Committee on APPROPRIATIONS.
<u>AB 530</u> Cooper (D)	Public Employment: Collective Bargaining: Officers		Expands the jurisdiction of the Public Employment Relations Board to include resolving disputes and statutory duties and rights of persons who are peace officers.	05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 551</u> Levine (D)	Political Reform Act of 1974: Postemployment		Amends the Political Reform Act, which prohibits certain elected officials from acting as agents or attorneys for certain persons, and which excludes from that prohibition certain appearances and communications. Specifies that the one-year prohibition applies to independent contractors of a local government agency or a public agency who are appearing or communicating on behalf of that agency.	05/17/2017 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>AB 554</u> Cunningham (R)	Desalination: Statewide Goal		Relates to desalination projects and opportunities for state assistance and funding. Establishes a goal to desalinate a specified acre-feet of drinking water per year.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 567</u> Quirk-Silva (D)	School Facilities: Drinking Water Fountains		Requires a school district to ensure that every drinking water fountain at each school under its jurisdiction is equipped with both a water fountain and a spigot, or a combination water fountain and spigot, for filling water bottles.	03/14/2017 - From ASSEMBLY Committee on EDUCATION with author's amendments.;03/14/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on EDUCATION.
<u>AB 574</u> Quirk (D)	Potable Reuse	SUPPORT	Removes certain references related to potable water reuse and specifies different types of potable reuse projects. Requires the State Water Resources Control Board to adopt uniform water recycling criteria for potable reuse through raw water augmentation.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 577</u> Caballero (D)	Disadvantaged Communities		Amends existing law which defines a disadvantaged community as a community with an annual median household income that is less than a certain percentage of the statewide annual median household income for various purposes, that include, but are not limited to, the Water Quality, Supply, and Infrastructure Improvement Act of 2014. Expands the definition of disadvantaged community.	03/09/2017 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;03/09/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 589</u> Bigelow (R)	Water Diversion: Monitoring: University of California		Relates to water diversion, monitoring and reporting, and the University of California Cooperative Extension. Requires the board to presume that a measuring device or method has been installed or implemented correctly, is functioning properly, and is certified to provide an accurate account of the rate and quantity of water diverted and was installed by a person who has completed training regarding the devices or method.	05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 594</u> Irwin (D)	Water Supply Planning: Photovoltaic Energy Facility		Amends existing law which requires a city or county that determines that a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment.	02/27/2017 - To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and LOCAL GOVERNMENT.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 664</u> Steinorth (R)	Political Reform Act: Campaign Expenditure		Prohibits the payment of financial or material compensation from campaign funds held by a controlled committee of an elected officer or candidate for elective office, in exchange for services rendered, to any vendor that is majority-owned or controlled by any spouse or domestic partner, parent, grandparent, sibling, child, or grandchild of that officer or candidate.	04/26/2017 - In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Failed passage.;04/26/2017 - In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Reconsideration granted.
<u>AB 672</u> Jones-Sawyer (D)	Utility Services		Relates to civil actions brought by an electrical, gas, or water utility against a person who commits the diversion of utility services. Authorizes a defendant that prevails upon judgment to recover reasonable attorney's fees and costs of the suit from the utility.	05/01/2017 - From ASSEMBLY Committee on JUDICIARY with author's amendments.;05/01/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 732</u> Frazier (D)	Levee Maintenance		Extends indefinitely the operation of the authorization to advance funds to reimburse local agencies under a program for the maintenance or improvement of project or nonproject levees. Repeals certain related provisions.	05/30/2017 - In ASSEMBLY. Read second time and amended. To second reading.;05/30/2017 - In ASSEMBLY. Assembly Rule 63 suspended.;05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 791</u> Frazier (D)	Sacramento-San Joaquin Delta: Conveyance Facility	OPPOSE	Relates to the State Water Project and federal Central Valley Project. Require, before a water contractor enters into a contract to pay for these costs, that the lead agency provide the breakdown of costs for each water contractor entering into a contract and what benefits each contractor will receive based on the proportion it has financed of the proposed conveyance project.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 792</u> Frazier (D)	Sacramento-San Joaquin Delta Plan: Certification	OPPOSE	Prohibits the Delta Stewardship Council from granting a certification of consistency with the Sacramento-San Joaquin Delta Plan until the State Water Resources Control Board has completed its update of a specified water quality control plan.	03/28/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/28/2017 - In ASSEMBLY. Read second time and

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
				amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 793</u> Frazier (D)	Sacramento-San Joaquin Delta: Financing	OPPOSE	States that the maintenance and repair of the Sacramento-San Joaquin Delta are eligible for the same forms of financing as other water collection and treatment infrastructure and would specify the maintenance and repair activities that are eligible are limited to certain cleanup and abatement-related restoration and conservation activities.	03/27/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/27/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 869</u> Rubio (D)	Sustainable Water Use: Recycled Water		Requires recycled water delivered in the service area of an urban retail water supplier or its urban wholesale water supplier for either nonpotable or potable use or that replenishes a groundwater basin and supplements the groundwater supply available to an urban retail water supplier be excluded from the calculation of any urban water use target or reduction in urban per capita water use. States that for these purposes recycled water use is an efficient use of water and would require recycled water use.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 851</u> Caballero (D)	Local Agency Design-Build Projects		Authorizes the Santa Clara Valley Water District to use the design-build procurement process when contracting for the construction of a building or buildings and improvements directly related to the construction of a building or buildings. Authorizes the utilization of the design-build procurement process by the Santa Clara Valley Water District for the purposes of, among other things, flood protection improvements, habitat restorations or enhancements, and enhancement of surface water facilities.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 884</u> Levine (D)	Dams and Reservoirs: Inspections		Requires the Department of Water Resources to make annual physical inspections of dams and reservoirs at state expense for the purpose of determining their safety.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 891</u> Garcia E (D)	California Communities Environmental Health Screening		Require the State Air Resources Board to include data from certain local air monitoring studies, including certain data on ozone and diesel particulate matter, in a certain report. Requires funds to be allocated to the board and the office to support the continued collection of this data. Requires the board to add air monitoring stations at additional locations in the California-Mexico border region and to submit a report concerning cross-border pollution.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 898</u> Frazier (D)	Property Taxation: Revenue Allocations: Fire District		Requires the auditor of the County of Contra Costa to allocate certain ad valorem property tax revenues to the East Contra Costa Fire Protection District that would otherwise be allocated to the county's Education Revenue Augmentation Fund.	04/04/2017 - From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.;04/04/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
<u>AB 947</u> Gallagher (R)	Fish and Wildlife: Streambed Alteration Agreements		Relates to streambed alteration agreements of the Department of Fish and Wildlife. Defines river and stream for purposes of provisions requiring certain notification.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.
<u>AB 967</u> Gloria (D)	Human Remains Disposal: Alkaline Hydrolysis		Requires the Cemetery and Funeral Bureau to license and regulate hydrolysis facilities. Enacts requirements applicable to hydrolysis facilities substantially similar to those applicable to crematoria. Requires a local registrar of births or deaths to issue permits for the disposition of hydrolyzed remains.	05/30/2017 - In ASSEMBLY. Read second time and amended. To second reading.;05/30/2017 - In ASSEMBLY. Assembly Rule 63 suspended.;05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 968</u> Rubio (D)	Retail Water Use: Water Efficiency	CO-SPONSOR & SUPPORT	Requires the Urban Stakeholder Committee to submit a report to the Legislature recommending for potential adjustments to water efficiency targets and commercial, industrial, and institutional performance measures. Requires the Department of Water Resources to recommend appropriate water efficiency measures for various segments of the commercial, industrial, and	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			institutional water use sector. requires each urban retail water supplier to develop a water efficiency target. Revises definitions.	
<u>AB 975</u> Friedman (D)	Natural Resources: Wild and Scenic Rivers		Specifies that certain rivers that possess scenic, recreational, fishery, wildlife, historical, cultural, geological, or other similar values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state.	05/04/2017 - In ASSEMBLY. Read third time and amended. To third reading.
<u>AB 1000</u> Friedman (D)	Water Conservation: Certification		Requires the State Energy Resources Conservation and Development Commission to certify innovative water conservation and water loss detection and control technologies that meet certain criteria.	05/30/2017 - In ASSEMBLY. Read second time and amended. To second reading.;05/30/2017 - In ASSEMBLY. Assembly Rule 63 suspended.;05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1008</u> McCarty (D)	Employment Discrimination: Prior Criminal History		Repeals the prohibition on a state or local agency from asking an applicant for employment to disclosure information regarding criminal conviction, provides that it is an unlawful employment practice under California Fair Employment and Housing for an employer to include on any application for employment any question that seeks the disclosure of an applicant's criminal history, to inquire into or consider the conviction history of an applicant until that applicant has received a conditional offer.	05/30/2017 - In ASSEMBLY. Read second time and amended. To second reading.;05/30/2017 - In ASSEMBLY. Assembly Rule 63 suspended.;05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1030</u> Ting (D)	Energy Storage Systems		Establishes energy policy goals of the state with respect to energy storage. Requires the Public Utility Commission to undertake specified actions with respect to customer- and load-sited energy storage systems in order to achieve those energy policy goals, including a rebate program dedicated to energy storage that carves out a portion of funding for low-income customers and disadvantaged communities.	05/24/2017 - From ASSEMBLY Committee on UTILITIES AND ENERGY without further action pursuant to JR 62(a).

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1041</u> Levine (D)	Transportation Funding: Transportation Improvement Fee		Amends the Road Repair and Accountability Act of 2017 which imposes a transportation improvement fee on each vehicle. Requires that the revenues from fee be available for expenditure only on specified transportation purposes. Provides for provisions to be added by SB 1 to correct an erroneous cross-reference in these provisions.	04/24/2017 - Re-referred to ASSEMBLY Committee on TRANSPORTATION.
<u>AB 1050</u> Allen T (R)	Endangered Species Act: Delta Smelt		Requires the Fish and Game Commission to remove the Delta smelt from the endangered species list.	03/28/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/28/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 1066</u> Aguiar-Curry (D)	Public Works: Definition		Specifies that the term demolition within the definition of public works, with respect to the payment of prevailing wages, includes tree removal.	05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1089</u> Mullin (D)	Local Elective Offices: Contribution Limitations		Prohibits a person from making to a candidate for local elective office any a contribution totaling more than a certain amount. Authorizes a county, city, special district, or school district to impose a different limitation.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1132</u> Garcia (D)	Nonvehicular Air Pollution: Order for Abatement		Authorizes an air pollution control officer, if they find that any person is causing an imminent and substantial endangerment to the public health or welfare, or the environment, by violating requirements related to the emission of air pollutants by stationary sources, to issue an interim order for abatement pending a hearing before the hearing board of the air district. Requires the air pollution control officer to notify the alleged violator and establishes procedure for a hearing.	05/22/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1133</u> Dahle (R)	California Endangered Species Act		Provides that the California Endangered Species Act (CESA) prohibits the taking of an endangered or threatened species. Authorizes the take of listed species if the take is incidental to an otherwise lawful activity. Provides that a person who obtains a federal enhancement of survival permit requires no further authorization under CESA for that person to take that species as identified in the enhancement of survival permit.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 1180</u> Holden (D)	California Tire Fee: Stormwater Permit Compliance		Makes conforming changes to The California Tire Recycling Act which would increase the California tire fees. Deposits the additional moneys in the Stormwater Permit Compliance Fund and make the moneys available to the State Water Resources control Board Division of Financial Assistance.	05/30/2017 - In ASSEMBLY. Read second time and amended. To second reading.;05/30/2017 - In ASSEMBLY. Assembly Rule 63 suspended.;05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1235</u> Daly (D)	Santa Ana River Conservancy Program		appropriates a specified sum from the General Fund to the conservancy to be expended for the purposes of the the Santa Ana River Conservancy Program.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1271</u> Gallagher (R)	Dams and Reservoirs		Amends the existing law which requires the Department of Water Resources supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Requires the department to order the owner to take action to remove the resultant danger to life and property. Provides for continuously appropriate the moneys in the fund to the department for the administration of the dam safety program.	03/21/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/21/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 1323</u> 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.	05/30/2017 - In ASSEMBLY. Read second time and amended. To second reading.;05/30/2017 - In ASSEMBLY. Assembly Rule 63 suspended.;05/30/2017 - In ASSEMBLY. Read second time. To third reading.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1333</u> Dababneh (D)	Political Reform Act: Local Government Agency Notices		Requires every local government agency to prominently post on its Internet Web site a notice of any upcoming election in which voters will vote on a tax measure or proposed bond issuance of the agency. Requires every local government agency that publishes an electronic newsletter to include the notice in the electronic newsletter.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1342</u> Flora (R)	Greenhouse Gas Reduction Fund: Appropriations		Appropriates from the fund to the Department of Forestry and Fire Protection for healthy forest programs that reduce greenhouse gas emissions caused by uncontrolled wildfires. Appropriates from the fund to the Department Resources Recycling and Recovery for instate organic waste recycling projects that reduce greenhouse gas emissions.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1369</u> Gray (D)	Water Quality and Storage		Requires the Department of Water Resources to increase statewide water storage capacity by a certain percent by a specified year. Provides for the appropriation of moneys from the Greenhouse Gas Reduction Fund. Requires all groundwater basins designated as high- or medium-priority basins by the department that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan.	03/27/2017 - To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and NATURAL RESOURCES.
<u>AB 1420</u> 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.	05/26/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1427</u> Eggman (D)	Water: Underground Storage		Revises the declaration to additionally provide that certain uses of storage water while underground constitute beneficial use. Provides that the forfeiture periods of a water right do not apply	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			to water being beneficially used or being held in storage for later beneficial use.	
<u>AB 1438</u> Env Safety & Toxic Material Cmt	State Water Resource Control Board		Amends the Environmental Laboratory Accreditation Act. Updates obsolete references. Authorizes the state board to require an owner of a laboratory under these provisions to provide certain information or records to the state board. Amends the California Safe Drinking Water Act. Authorizes the state board to suspend or revoke a permit if the state board determines that the permittee is in violation of the act.	05/17/2017 - To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.
<u>AB 1490</u> Gray (D)	State Water Resources Control Board: School Water		Requires the State Water Resources Control Board to prepare and submit to the Legislature a report evaluating potential adverse impacts resulting from the implementation of the Bay-Delta Water Quality Control Plan on the quality and supply of drinking water provided to schools in disadvantaged communities, in the state, including a summary describing any measures that may be implemented to address any adverse impacts identified in the report. Relates to school financial assistance.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1524</u> Brough (R)	Political Reform Act: Mass Mailing Prohibitions		Amends the Political Reform Act of 1974 which prohibits the sending of a mass mailing by either a candidate or an agency. States violation of the act's provisions is punishable as a misdemeanor.	03/16/2017 - To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.
<u>AB 1529</u> Thurmond (D)	Cross-Connection or Backflow Prevention Inspectors		Requires valid and current certifications for cross-connection inspection and testing or backflow prevention device inspection, testing, and maintenance that were determined by the Department of Public Health to demonstrate competency to be approved state-specific certifications until the state Water Resources Control Board promulgates specified regulations. Prohibits a water supplier from refusing to recognize statewide certifications that meet standards set by regulations of the Board.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1548</u> Fong (R)	Occupational Safety and Health: Penalties		Expands the application of an existing law which authorizes certain entities to apply for a refund of civil penalties assessed against them if specified conditions are met and which requires moneys in a certain fund to be expended to assist schools in establishing effective occupational injury and illness prevention programs.	03/16/2017 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 1605</u> Caballero (D)	Maximum Contaminant Levels: Replacement Water		Deems a person that causes or permits, or threatens to cause or permit, any waste to be discharged that contributes to the exceedance of the maximum contaminant level for nitrate in drinking water to not have caused pollution or a nuisance or to not be liable for negligence or trespass, if the person or entity takes certain actions relating to replacement water until the maximum contaminant level for nitrate is no longer exceeded.	04/27/2017 - From ASSEMBLY Committee on JUDICIARY with author's amendments.;04/27/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 1654</u> Rubio (D)	Water Shortage: Urban Water Management Planning	CO-SPONSOR & SUPPORT	Requires urban retail water suppliers to report the status of its water supplies, including whether supplies will be adequate to meet projected demand. Requires the implementation of mandatory demand reduction measures if the supplier determines its supply is not adequate. Prohibits an urban water supplier, during a water shortage, from being required to reduce its use or reliance on any water supply available for its use or from being required to take actions beyond its water shortage contingency plan.	05/26/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1667</u> Friedman (D)	Agricultural Water Management Planning	OPPOSE <i>(on prior version related to water meters)</i>	Revises the components of specified agricultural water management plans and require such plans to quantify measures to increase agricultural water use efficiency, describe the agricultural water supplier's water management strategy with specified elements, and include a drought plan describing specified actions. Subjects certain agricultural water suppliers to the water management planning requirements and efficient water management practices.	05/30/2017 - In ASSEMBLY. Read second time and amended. To second reading.;05/30/2017 - In ASSEMBLY. Assembly Rule 63 suspended.;05/30/2017 - In ASSEMBLY. Read second time. To third reading.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1668</u> Friedman (D)	Water Management Planning		Requires an urban water management plan to be updated at specified intervals, incorporating updated and new information and containing a drought risk assessment that examines water shortage risks for a drought lasting for a certain number of consecutive years. Requires an urban water supplier to prepare, adopt, and periodically review a water shortage contingency plan as part of its urban water management plan. Provides requirements for the water shortage contingency plan.	05/30/2017 - In ASSEMBLY. Read second time. To third reading.
<u>AB 1669</u> Friedman (D)	Urban Water Conservation Standards and Use Reporting		Requires the State Water Resources Control Board, in consultation with the Department of Water Resources, to adopt long-term standards for urban water conservation and water use by a specified date. Provides for the adoption of interim standards. Requires the board, before adopting an emergency regulation, to provide a certain number of days for the public to review and comment on the regulation and requires the board to hold a public hearing.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>AB 1671</u> Caballero (D)	Backflow Prevention Assemblies		Requires the state Water Resources Control Board to update its backflow protection and cross-connection control regulations.	05/30/2017 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
<u>AB 1673</u> Aguiar-Curry (D)	The California Water Plan		Makes technical, nonsubstantive changes to existing law which requires the Department of Water Resources to update every five years, the plan for the orderly and coordinated control, protection, conservation, development and use of the water resources of the state.	02/17/2017 - INTRODUCED.
<u>SB 5</u> de Leon (D)	California Drought, Water, Parks, Climate		Enacts the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, authorizes the issuance of bonds in an amount of a specified sum pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.	05/30/2017 - In SENATE. Read third time, urgency clause adopted. Passed SENATE. *****To ASSEMBLY.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 24</u> 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 income received from each reportable source. Revises the dollar amounts associated with these ranges.	05/18/2017 - To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.
<u>SB 49</u> de Leon (D)	Environmental and Workers Defense Act of 2017		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. Prohibits state or local agencies from amending or revising their rules and regulations implementing these state laws to be less stringent than the baseline federal standards. Prohibits a state agency from amending rules to be less stringent in protection of worker rights and worker safety.	05/30/2017 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 62</u> Jackson (D)	Affordable Senior Housing Act		Establishes the Affordable Senior Housing Program within GO-Biz, for the purpose of guiding and serving as a catalyst for the development of affordable senior housing dwelling units. Requires the director of GO-Biz to undertake various actions in implementing the program, including establishing and implementing a process for identifying and convening public and private stakeholders and assisting participants in identifying locations and funding sources, obtaining permits, and other matters.	05/26/2017 - In SENATE. Read second time and amended. To third reading.
<u>SB 72</u> Mitchell (D)	Budget Act of 2017		Makes appropriations for the support of state government for the 2017-18 fiscal year.	05/26/2017 - From SENATE Committee on BUDGET AND FISCAL REVIEW with author's amendments.;05/26/2017 - In SENATE. Read second time and amended. Re-referred to Committee on BUDGET AND FISCAL REVIEW.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 80</u> 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.	05/18/2017 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>SB 146</u> Wilk (R)	Water Resources: Permit To Appropriate		Amends an existing law which prohibits the taking or possession of a fully protected fish, except as provided, and designates the unarmored threespine stickleback as a fully protected fish. Prohibits the issuance of a new permit to appropriate water from any river source or stream that has, or is reasonably suspected to have, a population of unarmored threespine stickleback.	04/25/2017 - In SENATE Committee on NATURAL RESOURCES AND WATER: Not heard.
<u>SB 205</u> Governance and Finance Cmt	Local Government Omnibus Act of 2017		Requires an officer to take an oath following any election or appointment and before entering the duties of his or her office. Authorizes the County of Merced to enter into a lease, concession, or managerial contract involving a specified area of county property, by a four-fifths vote of the board of supervisors. Makes changes relating to the Committee on County Auditing Procedures, sexual harassment prevention training, certain appointments lists, and certain flood control facilities.	05/18/2017 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>SB 206</u> Governance and Finance Cmt	Validations		Enacts the First Validating Act of 2017, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	05/18/2017 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>SB 207</u> Governance and Finance Cmt	Validations		Enacts the Second Validating Act of 2017, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	05/18/2017 - To ASSEMBLY Committee on LOCAL GOVERNMENT.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 208</u> Governance and Finance Cmt	Validations		Enacts the Third Validating Act of 2017, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	05/18/2017 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>SB 210</u> Leyva (D)	Pupil Health: Drinking Water		Requires priority for grants from the State Water Resources Control Board to be given to projects for schools that have tested their drinking water fixtures, and the results show that the drinking water either does not meet the United States Environmental Protection Agency drinking water standards for lead or is above the California maximum contaminant level for any other contaminant.	05/26/2017 - In SENATE. Read second time and amended. To third reading.
<u>SB 224</u> Jackson (D)	Environmental Quality Act: Baseline Conditions		Requires the Office of Planning and Research to prepare, develop, and transmit to the secretary proposed changes or amendments to guidelines for the Environmental Quality Act to determine the baseline physical conditions by which a lead agency determines whether a project has a significant effect on the environment. require the office, in developing the recommendations to limit the consideration of modifications to the environment at the project site cause by certain action.	05/25/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>SB 229</u> Wieckowski (D)	Accessory Dwelling Units		Authorizes an ordinance creating accessory dwelling units in single-family and multi-family residential zones to prohibit the sale or other conveyance of the unit separate from the primary residence. Extends a provision concerning the location of certain required replacement parking spaces. Extends the applicability of certain provisions concerning utility charges to special districts and water corporations.	05/22/2017 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 231</u> Hertzberg (D)	Local Government: Fees and Charges		Relates to a provision of the California Constitution that requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Defines the term	05/22/2017 - To ASSEMBLY Committee on LOCAL GOVERNMENT.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			sewer for these purposes. Makes findings and declarations relating to the definition of the term sewer for these purposes.	
<u>SB 252</u> Dodd (D)	Wells	SEEK AMENDMENTS	Requires an applicant for a new well permit in a city or county overlying a critically overdrafted basin to comply with certain requirements as part of an application for a permit. Requires a city or county to make certain information included in the application publicly available. Provides for state funding for groundwater recharge or other water supply projects. Makes changes concerning actions alleging liability for interference with a well.	05/30/2017 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 372</u> Cannella (R)	San Joaquin River Exchange Contractors Groundwater		Creates the San Joaquin River Exchange Contractors Groundwater Sustainability Agency as the exclusive groundwater sustainability agency and successor agency. Establishes the initial boundaries of the agency and authorizes the agency's boundaries to be changed after a noticed public hearing.	05/30/2017 - From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.;05/30/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
<u>SB 423</u> Cannella (R)	Indemnity: Design Professionals		Amends an existing law which provides, with respect to certain contracts and amendments to contracts with a public agency for design professional services, that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting these contracts or amendments that purport to require the professional to defend the agency under an indemnity agreement are unenforceable, except for certain cases. Makes such provisions applicable to all design professional services.	03/29/2017 - Re-referred to SENATE Committee on JUDICIARY.
<u>SB 427</u> Leyva (D)	Community Water Systems: Lead User Service Lines		Requires a community water system to provide the timeline for replacement of known lead user service lines in use in its distribution system to the State Water Resources Board. Requires certain public water systems to provide related findings. Authorizes the application and enforcement of these provisions under the Safe Drinking Water Act.	05/30/2017 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 450</u> Hertzberg (D)	Public Bodies: Bonds: Public Notice		Requires the governing body of a public body to obtain and disclose specified information regarding the issuance of bonds in a meeting open to the public. Requires the information to be obtained as a good faith estimate from an underwriter, financial advisor, or private lender or from a third party borrower, as specified, if the public body issuing bonds is a conduit financing provider, as defined.	05/30/2017 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 454</u> Moorlach (R)	Public Employees' Health Benefits		Relates to the Public Employees' Medical and Hospital Care Act. Provides that, for state employees who are first employed and become members of the retirement system on or after a specified date, the employer contribution for annuitants shall be limited to a certain percent of the weighted average of the health benefit plan premiums for an active employee enrolled for self-alone. Makes other changes concerning employer contributions and prefunding of retiree health care.	04/24/2017 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Failed passage.;04/24/2017 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Reconsideration granted.
<u>SB 473</u> Hertzberg (D)	California Endangered Species Act		Amends the California Endangered Species Act to authorize the Department of Fish and Wildlife to develop certain programmatic incidental take permits. Makes changes concerning surface mining operations, agricultural activities, conservation easements, addition or removal of species from the endangered species list, and other matters.	05/26/2017 - In SENATE. Read second time and amended. To third reading.
<u>SB 506</u> Nielsen (R)	Department of Fish and Wildlife: Lake or Streambed		Requires the Department of Fish and Wildlife to periodically upgrade the information on its Internet Web site regarding lake or streambed alteration agreements, to update its "Frequently Asked Questions" document and other appropriate sources of information regarding the lake and streambed alteration program, and to provide guidance on its Internet Web site to facilitate members of the public in obtaining individualized guidance regarding the lake and streambed alteration program.	05/18/2017 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 564</u> McGuire (D)	Water Bill Savings Act		Enacts the Water Bill Savings Act. Authorizes a joint powers authority to provide funding for a customer of a local agency or its publicly owned utility to acquire, install, or repair a water efficiency improvement on the customer's property served by the local agency or its publicly owned utility. Requires the customer to repay the authority through an efficiency charge on the customer's water bill.	05/26/2017 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>SB 580</u> Pan (D)	Water development projects: Sacramento-San Joaquin		Revises authorization for flood control projects along the American and Sacramento Rivers.	05/26/2017 - In SENATE. Read second time. To third reading.;05/26/2017 - In SENATE. To Special Consent Calendar.
<u>SB 623</u> Monning (D)	Safe and Affordable Drinking Water Fund		Establishes the Safe and Affordable Drinking Water Fund in the State Treasury. Provides that moneys in the fund are available to the State Water Resources Control Board. Requires the Board to expend moneys in the fund for grants, loans, contracts, or services to assist those without access to safe and affordable drinking water.	05/30/2017 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 634</u> Wilk (R)	Santa Clarita Valley Water District		Repeals the Castaic Lake Water Agency Law. Recognizes the Newhall County Water District and the Castaic Lake Water Agency into the Santa Clarita Valley Water District which prohibits the Castaic Lake Water Agency and the Newhall County Water District from operating as separate entities or exercising independent functions.	05/30/2017 - In SENATE. Read second time. To third reading.
<u>SB 638</u> Leyva (D)	Heavy Duty Motor Vehicles		Requires the State Air Resource Board to adopt regulations that require owners or operators of heavy duty motor vehicles used for commercial purposes to perform regular inspections of their vehicles for compliance with emission standards of the State board. Requires a fleet of these vehicles to comply with the State boards emission standards in order for any vehicle of the fleet to be registered.	03/02/2017 - To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 667</u> Atkins (D)	Riverine and Riparian Stewardship		Requires the Department of Water Resources to establish a program to implement watershed-based riverine and riparian stewardship improvements by providing technical and financial assistance in support of projects with certain benefits. Requires the program to support the purposes of and be coordinated with the Urban Stream Restoration Program, fish passage improvements, and other similar programs.	05/26/2017 - In SENATE. Read second time. To third reading.
<u>SB 686</u> Wilk (R)	Public Contracts: Claims Resolution		Requires a public entity to conduct a meet and confer conference within a specific period for the settlement of disputes.	03/09/2017 - To SENATE Committee on JUDICIARY.
<u>SB 700</u> Wiener (D)	Energy Storage Initiative		Requires the Public Utilities Commission and the governing boards of local publicly owned electric utilities to establish an Energy Storage Initiative to provide rebates to customers of electrical corporations for the installation of energy storage systems consistent with certain requirements.	05/26/2017 - In SENATE. Read second time and amended. To third reading.
<u>SB 740</u> Wiener (D)	Onsite Treated Water		Requires the State Water Resources Control Board to adopt regulations for a comprehensive risk-based standards for local jurisdictions permitting programs for onsite recycling of water in multifamily residential, commercial, and mixed-use buildings for nonpotable use. Requires the regulations to address specified issues and practices relating to the management, monitoring, and treatment of recycled water for nonpotable use.	05/25/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>SB 748</u> Glazer (D)	Public Contracts		Amends an existing law which requires a state agency or department to follow specified rules regarding the negotiation of fees and execution of contracts for professional consulting services of a private architectural, engineering, land surveying, environmental, or construction project management firm. Requires certain negotiations to begin within a specified time period.	03/09/2017 - To SENATE Committee on GOVERNMENTAL ORGANIZATION.

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 771</u> 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 responsibility for overseeing compliance.	05/30/2017 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
<u>SB 778</u> 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, including publishing information on 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.	05/26/2017 - In SENATE. Read second time and amended. To third reading.
<u>SB 780</u> Wiener (D)	Water Conservation in Landscaping Act		Requires the Department of Water Resources to establish guidelines for designing landscapes consistent with the watershed approach to landscaping. Requires funding to provide preference for projects that comply with the guidelines. Requires the Department to promote this approach by providing education, and training for persons who plan, develop, or implement landscaping projects. Authorizes the promotion of application of compost to assist with projects that follow these guidelines.	05/25/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>SCA 4</u> 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.
<u>HR 23</u> Valadao (R)	Drought Relief in the State of California		Provides drought relief in the State of California.	02/10/2017 - In HOUSE Committee on NATURAL RESOURCES: Referred to Subcommittee on WATER, POWER AND OCEANS.
<u>HR 434</u> Denham (R)	Water Project Financing Program Pilot Project		Authorizes a pilot project for an innovative water project financing program.	02/07/2017 - In HOUSE Committee on NATURAL RESOURCES: Referred

IRWD 2017 LEGISLATIVE MATRIX
Updated 05/31/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
				to Subcommittee on WATER, POWER AND OCEANS.
<u>HR 448</u> Huffman (D)	Conservation Subsidies Water Conservation Exclusion		Amends the Internal Revenue Code of 1986, expands the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.	01/11/2017 - INTRODUCED.;01/11/2017 - To HOUSE Committee on WAYS AND MEANS.

Exhibit “B”

2017 Legislative Update Report: Links to Bill Texts (as of May 31, 2017)

Bill Number/Version Date	Link to Bill Text
AB 869 (Rubio), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB869
AB 968 (Rubio), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB968
AB 1000 (Friedman), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1000
AB 1323 (Weber), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1323
AB 1654 (Rubio), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1654
AB 1667 (Friedman) as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1667
AB 1668 (Friedman) as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1668
AB 1669 (Friedman) as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1669
SCA 4 (Hertzberg), as introduced	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SCA4

“Making Water Conservation a California Way of Life” Budget Trailer Bill Language

http://www.dof.ca.gov/Budget/Trailer_Bill_Language/documents/810WaterConservationasaCaliforniaWayofLife.pdf

June 6, 2017

Prepared and

submitted by: C. Compton 

Approved by: Paul Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

ISDOC PROPOSED BYLAW AMENDMENTS

SUMMARY:

The Independent Special Districts of Orange County (ISDOC) Executive Committee has submitted proposed amendments to the ISDOC bylaws for consideration and approval by the organization's membership. Member ballots on the amended bylaws are due no later than 5:00 p.m. on Thursday, June 29, 2017. Staff recommends that IRWD cast its vote in favor of approving the amended ISDOC bylaws, and submit its ballot by the deadline.

BACKGROUND:

ISDOC is the affiliated Orange County chapter of the California Special Districts Association. Its purpose is to advocate and represent the interests of Orange County's special districts. The organization is currently governed by a Board of Directors and an Executive Committee. The Board of Directors is comprised of an appointed representative from each ISDOC regular member special district, and the seven-member Executive Committee is comprised of the ISDOC President, three Vice Presidents, Secretary, Treasurer, and Immediate Past President.

As with all non-profit organizations, ISDOC is governed by its bylaws. Last month, the ISDOC Executive Committee issued proposed amendments to the bylaws for consideration by the membership.

Summary of Proposed Bylaw Amendments:

The proposed amendments to the ISDOC bylaws seek to clarify ISDOC's role as a not-for-profit organization and unincorporated association. Specifically, the proposed amendments would:

- Add a statement that ISDOC will not engage in activities for the pecuniary gain or profit of its members;
- Add a statement that ISDOC is an unincorporated association;
- Add a new section that specifies that ISDOC members may assume responsibilities for certain association duties and that they will not be compensated or assume any obligations;
- Add a new section that specifies that ISDOC may only engage in activities or exercise its authority for the furtherance of the organization's purposes;
- Add a new section that specifies that member agencies are not liable for the obligations, debts or liabilities of ISDOC; and

- Add a new section that states, “All official correspondence to the members will be approved in advance by the President or the President’s designee.”

A redline version of the proposed amended bylaws is attached as Exhibit “A” in order to highlight the changes being made from the current bylaws.

Timeline for Amendment Consideration:

At this time, ISDOC is conducting a vote of the regular special district members on the proposed amended ISDOC bylaws. The May 16, 2017, letter sent out by ISDOC serves as the official notice of the election. Each regular members may submit its voted ballot by 5:00 p.m. on Thursday, June 29. Staff recommends that IRWD cast its vote in favor of approving the amended ISDOC bylaws.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Committee recommend IRWD cast its vote in favor of approving the amended ISDOC bylaws, and authorize staff to submit IRWD’s ballot by the June 27, 2017 deadline.

LIST OF EXHIBITS:

Exhibit “A” – Proposed ISDOC Bylaw Amendments

EXHIBIT "A"



DATE: May 16, 2017
TO: ISDOC Members
FROM: James R. Fisler, President, ISDOC Executive Committee
SUBJECT: Proposed Amendments to ISDOC Bylaws

ISDOC is conducting a vote of regular special district members on proposed changes to the bylaws. The primary purpose to the bylaw amendments is to add language pursuant to State requirements and to protect the liability of ISDOC members. They were discussed at the February, March, April and May Executive Committee meetings. Upon a motion and a second, the Executive Committee has unanimously approved the revisions and authorized a vote of the membership.

A ballot has been included with this memo, as well as a copy of the proposed amended bylaws. Each regular member in good standing is entitled to one vote. **The ballot must be signed by the presiding officer of the special district or an alternate designated by official action of the district. Ballots must be received by 5:00 p.m. on Tuesday, June 27, 2017; the results will be announced on Thursday, June 29, 2017 at the ISDOC Quarterly Luncheon.**

The proposed amendments are as follows:

1. Addition to Section II of Article 1
This Organization will not engage in activities for the pecuniary gain or profit of the members.
2. Addition of Section IV to Article I
This new section specifies that the Independent Special Districts of Orange County is an unincorporated association.
3. Addition of Section V to Article I
This new section specifies that association members may assume responsibilities for certain association duties, but that they will not be compensated or assume any obligations.

4. Addition of Section VI to Article II

This new section specifies that ISDOC's limitation is to only engage in activities and exercise its authority for the furtherance of the organization's purpose.

5. Addition of Section VI to Article III

This new section specifies that member agencies will not be liable for the obligations, debts or liabilities of the association unless they have expressly assumed such liability in writing. Further, no member will have the authority to enter into any obligation, debt or liability on behalf of the association unless first approved in by the Board of Directors.

6. Addition to Section III of Article III

Secretary: All official correspondence to the members will be approved in advance by the President or the President's designee.

Thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. R. Fisler". The signature is stylized with a large, looping initial "J" and a cursive "Fisler".

James R. Fisler, President
ISDOC Executive Committee

**INDEPENDENT SPECIAL DISTRICTS
OF
ORANGE COUNTY**

AMENDED AND RESTATED BYLAWS

INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY

BYLAWS

ARTICLE I GENERAL

SECTION I. NAME

The name of the organization shall be **INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY**, herein referred to as **the Organization**.

SECTION II. PURPOSE

The purpose of the Organization is to advance the interests of Orange County special districts through its advocacy of sound public policy, its facilitation of educational opportunities to enhance special district governance and the services provided, and its collaboration with others to elevate awareness of the role special districts play as the form of government closest and most directly accountable to the people. The purpose of the Organization shall not include any duties or responsibilities held by the Orange County Special Districts Selection Committee, which is a separate and unrelated entity from the Organization. Furthermore, these Bylaws shall have no effect on, and are independent and distinct from, the Bylaws of the Orange County Special District Selection Committee. This Organization will not engage in activities for the pecuniary gain or profit of the members.

SECTION III. ADMINISTRATIVE OFFICE

The administrative office for the transaction of the business of the Organization is located at the Municipal Water District of Orange County. All official documents (agendas, minutes, voted ballots, voting authorization and financial records) of the Organization shall be maintained and stored at the administrative office. The Board of Directors is granted full power and authority to change the administrative office from one location to any place within the County of Orange, State of California, and such change shall not be considered an amendment of these bylaws.

SECTION IV. UNINCORPORATED ASSOCIATION

The Organization is an unincorporated association within the meaning of Part 1 of Title 3 of the California Corporations Code and shall have all of the powers and authority of an unincorporated association as set forth therein.

SECTION V. ADMINISTRATIVE SERVICES

One or more members may agree to provide administrative services on behalf of Organization, but except as expressly set forth in writing, such member or members will not be entitled to compensation for such services, nor will such member or members be deemed to have assumed any obligation of the Organization.

SECTION VI. LIMITATION

Notwithstanding any of powers enumerated herein or in the California Corporations Code, this Organization shall not, except to an insubstantial degree engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this organization as set forth in Section II.

ARTICLE II MEMBERSHIP

SECTION I. QUALIFICATION FOR MEMBERSHIP

A. There shall be two categories of membership in the Organization:

1. **REGULAR MEMBERS:** Shall be INDEPENDENT SPECIAL DISTRICTS that are public agencies within the County of Orange, State of California, for the local performance of governmental proprietary functions within limited boundaries, governed by a publicly elected Board of Directors or those officials appointed, in whole or in part, by another governmental body. Independent

Special Districts do not include the State, the county, cities, or school districts.

Independent Special Districts shall be further defined in accordance with California Government Code Section 56044: *"Independent district" or "independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district, or whose members are appointed to fixed terms, and excludes any special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of those officers other than those who are appointed to fixed terms. "Independent special district" does not include any district excluded from the definition of district contained in Sections 56036 and 56036.6.*

2. ASSOCIATE MEMBERS: Shall be those persons, organizations, or governmental entities that have evidenced interest in the purposes and goals of the Organization, but are not Independent Special Districts. Officers or members of an Independent Special District are ineligible to be an Associate Member.

B. APPROVAL OF MEMBERSHIP: The Executive Committee shall review and approve all applications for membership, provided that the applicant meets the established membership criteria.

SECTION II. VOTING RIGHTS

A. Each Regular Member district, in good standing, shall be entitled to one vote on all matters brought before the membership for a vote. The presiding officer of the governing body of each Regular Member district shall be recognized by the Organization as the voting representative for his/her district. Each district shall designate in writing and submit to the Organization's Secretary one alternate governing board member who shall have the right to vote in the absence of the presiding officer.

B. The Executive Committee may, at its discretion, authorize the voting upon any issue by written ballot which shall be sent via U.S. mail

and email to each Regular Member district or by electronic distribution/email. Such authorization shall specify the time, date and method by which the completed written ballots must be received by the Organization.

C. A majority vote of all members present at a meeting or of all written ballots received by the submission deadline shall be necessary to carry any matter voted upon.

D. Associate Members shall not have the right to vote on any matter before the Organization.

SECTION III. ANNUAL DUES

A. Annual dues shall be due and payable on or before the first day of January of each year. New members shall pay their annual dues at the time they are approved for membership in the Organization. New member dues for the initial year shall not be pro-rated.

B. The dues of the Organization shall be reviewed and set by the Executive Committee for Regular Members and Associate Members. Associate Member dues need not be the same as dues for Regular Members. A minimum of two months' notice of changes in dues will be provided to the membership.

C. No assessments, other than annual dues, shall be levied on the members of the association without an affirmative majority vote of the membership.

SECTION IV. TERMINATION OF MEMBERSHIP

A. Any member in arrears in the payment of dues for a period of thirty (30) days after said dues are due and payable shall be notified in writing by the Treasurer of such arrearage, and, if such dues shall continue unpaid for a period of another thirty (30) days, such member shall automatically cease to be a member of the Organization.

B. Any member that voluntarily terminates membership in the Organization shall not be eligible for a refund of membership dues or other assessment already paid to the Organization.

SECTION V. REINSTATEMENT OF MEMBERSHIP

Regular and Associate memberships that were previously terminated may be reinstated after the Executive Committee receives a written petition for reinstatement and payment of the petitioners annual membership dues and other assessments for the current calendar year have been received by the Organization.

SECTION VI. LIABILITY OF MEMBERS; NO AUTHORITY

No member will be liable for the obligations, debts or liabilities of the Organization unless such member has expressly assumed such liability in writing. No member will have the authority to enter into any obligation, debt or liability on behalf of the Organization unless approved in by the Board of Directors.

ARTICLE III BOARD OF DIRECTORS

SECTION I. NUMBER AND TERM OF OFFICE

A. The Board of Directors shall consist of the presiding officer from each Regular Member district, in good standing. If the presiding officer is not present, then that district's alternate representative shall act in his/her stead.

B. The members of the Board of Directors shall serve until replaced by another governing board member as the presiding officer of his/her district. Any vacancy on the Board of Directors shall be filled by the new presiding officer of the District from which the vacancy occurred.

SECTION II. DUTIES OF THE BOARD OF DIRECTORS

A. The Board of Directors shall set policy for the Organization.

B. The Board of Directors shall elect, at or before its final meeting in even years, a President, a First Vice President, a Second Vice President, a Third Vice President, a Secretary, and a Treasurer, who shall serve for two-year terms.

C. These officers, along with the Immediate Past President, shall be designated as the Executive Committee.

D. The Executive Committee shall be elected following a notice of position availability and solicitation for nominations. At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed selected. If two or more candidates are nominated, the Secretary shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the Secretary by the date specified in the voting instructions.

E. With the exception of the immediate past president, if a vacancy occurs on the Executive Committee, the Committee shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

F. If the vacancy is in the offices of President or Vice President, the Executive Committee may, prior to an election to fill the vacancy, move current officers into vacant positions, and proceed then to fill the resulting vacant position in accordance with Section E above.

SECTION III OFFICERS AND DUTIES

A. The Executive Committee shall assist the Board of Directors in setting and implementing policy, and conducting the business of the Organization, as noted in the bylaws or approved at a General Membership Meeting or a Special Meeting of the membership. The members of the Executive Committee shall consist of:

1. **PRESIDENT:** The President shall be the chief executive officer of the Organization. The President shall preside at all meetings of the Board of Directors, the Executive Committee and the general membership.

The President shall appoint all committees.

The President shall represent the Organization as its official spokesperson and he/she shall also have the authority to delegate such responsibility, with approval of the Executive Committee.

The President shall be an ex-officio member of all Committees.

2. **FIRST VICE PRESIDENT:** The First Vice President, in the absence or disability of the President, shall perform all the duties of the President, and when so acting, he/she shall have the powers of and be subject to all the restrictions upon the President.

The First Vice President shall be the Chair of the Program Committee.

3. **SECOND VICE PRESIDENT:** The Second Vice President, in the absence or disability of the President and First Vice President, shall perform all the duties of the President and when so acting, shall have all the powers of and be subject to all the restrictions upon the President.

The Second Vice President shall be Chair of the Membership Committee.

4. **THIRD VICE PRESIDENT:** The Third Vice President, in the absence or disability of the President, First Vice President, and Second Vice President, shall perform all the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President.

The Third Vice President shall be Chair of the Legislative Committee.

5. **SECRETARY:** The Secretary or his/her designee shall be responsible for all correspondence and the dissemination of information to members. All official correspondence to the

members will be approved in advance by the President or the President's designee.

6. TREASURER: The Treasurer shall maintain the complete financial records and, establish and maintain bank accounts in the name of the Organization, and pay all bills duly approved by the Executive Committee in accordance with the yearly budget.

There shall be an annual audit of the books of the Treasurer by a competent accountant or accounting agency, designated by the Executive Committee, with a report to be presented to the membership at the Organization's next membership meeting.

7. IMMEDIATE PAST PRESIDENT: The Immediate Past President shall serve as a voting, ex-officio member of the Executive Committee.

B. All officers of the Organization shall be elected or appointed officials of a Regular Member district.

C. Officials who wish to seek election or appointment as an officer of the Organization shall first secure from his/her district an official endorsement of his/her candidacy in the form of a board resolution.

D. The Executive Committee may consider removing Officers who miss three consecutive meetings. Prior to removing an Officer, the Committee shall consider the reasons for absence and the potential for continued absence. A unanimous vote of the Executive Committee shall be required to remove an officer.

ARTICLE IV MEETINGS

SECTION I BOARD OF DIRECTORS

A. The Board of Directors shall meet quarterly or no less than three times per calendar year. The last meeting of the calendar year shall be designated as the ANNUAL MEETING of the Organization.

B. The Organization shall disseminate notices of Board Meetings at least thirty (30) days prior to the Meeting. Said notices shall be disseminated via email to all Regular and Associate Members. The Notice shall give the date, time, location and any action items for the meeting.

C. Special Meetings of the Board of Directors may be called at any time by the President, any ten (10) Members of the Board of Directors or by a majority of the Executive Committee. The Organization shall disseminate notices of the Special Meeting at least five (5) business days prior to the meeting. Said notice shall give the date, time, location, and the subject matter of the Special Meeting. Action may only be taken on matters listed on the Special Meeting notice.

D. All meetings of the Board of Directors shall be held in Orange County.

E. No action shall be taken unless a quorum has first been established. A quorum shall be established when the designated representatives of fifty percent (50%) of the Regular Members are present at a duly noticed Regular or Special Meeting of the Organization, or, if a vote has been authorized by written ballot, a quorum shall be established only when the designated representatives of fifty percent (50%) of the Regular Members have submitted a ballot in the manner and by the deadline authorized by the Executive Committee.

SECTION II. EXECUTIVE COMMITTEE

A. The Executive Committee shall meet monthly at the Municipal Water District of Orange County, at a time specified by the President and announced in the meeting notice. The monthly meeting may be cancelled by the President if he/she determines that there is not sufficient business to justify a meeting.

B. A Special Meeting of the Executive Committee may be called by the President or a majority of the Executive Committee, with five (5) business days advance notice given in writing via email by the Organization. Such notice shall state the date, time, location and agenda for the Special Meeting.

C. All meetings of the Executive Committee shall take place in Orange County.

D. A quorum shall be established by 50% of the then-filled Executive Committee.

ARTICLE V AMENDMENTS

These Bylaws may be amended by a majority of the Board of Directors present at a duly noticed membership meeting or, if a vote has been authorized by written ballot, by the combined majority vote of the designated representatives present and submitting a written ballot. All proposed amendments shall be disseminated via U.S. Mail and email to each Regular Member district no less than thirty (30) days prior to the membership meeting.

ARTICLE VI ENACTMENT OF AMENDMENTS

These Amended and Restated Bylaws are to take effect immediately upon approval of the Board of Directors.

ARTICLE VII PARLIAMENTARY AUTHORITY

All matters not covered under these Bylaws shall be governed by Roberts' Rules of Order.