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Brown Act noticing requirements.
The agenda is subject to change.



**Legislative Advocacy
Committee Members:**

*Molly Evans, Chair
Gary Hoffmann
Mary Adams*

Alternate:

Jeanne Byrne

Staff Contact

*Dave Stoldt,
General Manager*

*After staff reports have
been distributed, if
additional documents are
produced by the District
and provided to the
Committee regarding any
item on the agenda, they
will be made available at
5 Harris Court, Building
G, Monterey, CA during
normal business hours.
In addition, such
documents may be posted
on the District website at
mpwmd.dst.ca.us.
Documents distributed at
the meeting will be made
available in the same
matter.*

AGENDA

**Legislative Advocacy Committee
Of the Monterey Peninsula Water Management District**

Thursday, March 21, 2019, 4:00 pm
District Conference Room, 5 Harris Court, Building G, Monterey, CA

Call to Order

Comments from Public

*The public may comment on any item within the District's jurisdiction. Please limit
your comments to three minutes in length.*

Action Items -- Public comment will be received on all Action Items

1. Adopt Minutes of March 22, 2018 Committee Meeting
2. Develop Recommendation to the Board on 2019-20 Legislative Advocacy Plan
3. Adopt 2019 Committee Meeting Schedule

Discussion Items -- Public comment will be received on all Discussion Items

4. Report from JEA & Associates on Legislative Status and Bill Tracking
5. Report from Ferguson Group on Federal Activities
6. Report from General Manager on Recent or Upcoming Legislative Actions
7. Discuss Future ACWA Washington DC Attendance

Other Items

Set Next Meeting Date

Adjournment

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please send a description of the requested materials and preferred alternative format or auxiliary aid or service by 5 PM on Monday, March 18, 2019. Requests should be sent to the Board Secretary, MPWMD, P.O. Box 85, Monterey, CA, 93942. You may also fax your request to the Administrative Services Division at 831-644-9560, or call 831-658-5600.

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LEGISLATIVE ADVOCACY COMMITTEE

ITEM: ACTION ITEM

1. ADOPT MINUTES OF MARCH 22, 2018 COMMITTEE MEETING

Meeting Date: March 21, 2019

From: David J. Stoldt,
General Manager

Prepared By: Arlene Tavani

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the March 22, 2018 Legislative Advocacy committee meeting.

RECOMMENDATION: The Committee should review the draft minutes and approve them by motion.

EXHIBIT

1-A Draft Minutes of the March 22, 2018 Committee Meeting



EXHIBIT 1-A

DRAFT MINUTES Legislative Advocacy Committee of the Monterey Peninsula Water Management District March 22, 2018

Call to Order

The meeting was called to order at 4:00 pm in the MPWMD conference room.

Committee members present:

Molly Evans, Chair
Robert S. Brower, Sr.
Mary Adams

Committee members absent:

None

Staff members present:

David J. Stoldt, General Manager
Arlene Tavani, Executive Assistant

District Counsel present:

David C. Laredo

Legislative Consultant:

John Arriaga, JEA & Associates
Laurie Johnson, JEA & Associates

Comments from the Public:

No comments.

Action Items

1. Adopt Minutes of January 23, 2018 Committee Meetings

On a motion by Brower and second of Adams, minutes of the January 23, 2018 committee meeting were approved on a unanimous vote of 3 – 0 by Brower, Adams and Evans.

2. Develop Recommendation to the Board on 2018-19 Legislative Advocacy Plan

Brower offered a motion that was seconded by Adams to approve the 2018-19 Legislative Advocacy Plan as presented. The motion was approved on unanimous vote of 3 – 0 by Brower, Adams and Evans.

During the public comment period, Dan Turner asked for clarification of the goal “Better articulate CPUC activities to local ratepayer groups.” *General Manager Stoldt stated the goal is to work with ratepayer advocacy groups and citizens in general to keep them apprised of CPUC proceedings that affect local ratepayers. Possibly a CPUC portal could be added to the MPWMD website.*

Discussion Items

3. Report from John Arriaga on Legislative Status and Tracking

Arriaga reviewed Exhibit 3-A, MPWMD Legislative Tract as of March 12, 2018. Some of the water related bills to be followed are: **AB 747** Caballero – that would establish a tax or assessment on nitrogen based fertilizer as a means to address Monterey County water quality issues. Anna Caballero will not move this forward in 2018. The MPWMD supports it, and Exhibit A will be revised to reflect support. **AB1668** Friedman and **SB606** Skinner, were not supported by ACWA. It

is possible that Anna Caballero will propose enacting this as a regional measure, instead of state wide. **SB623** Monning – was not supported by ACWA. Staff has had conversations with the Senator about this proposal. Exhibit 3-A will be amended to remove the “oppose” designation. **AB2050** Caballero – there was consensus by committee members to support AB2050 which would create a small systems water authority to absorb non-compliant water systems.

4. Follow-up Report on February 2018 Meetings in Washington DC

The committee members reported on meetings they attended while in Washington DC for the ACWA DC Conference. During the public comment period on this item, Dan Turner asked if legislators are more attentive to County issues than those of small water districts. *General Manager Stoldt responded that water infrastructure issues may not be a high priority for legislators.*

Other Items: No discussion.

Set Next Meeting Date – No date was set.

Adjournment – The meeting was adjourned at 4:55 pm.

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LEGISLATIVE ADVOCACY COMMITTEE

ITEM: ACTION ITEM

2. DEVELOP RECOMMENDATION TO THE BOARD ON 2019-20 LEGISLATIVE ADVOCACY PLAN

Meeting Date: March 21, 2019 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: David J. Stoldt **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: N/A

SUMMARY: Attached as **Exhibit 2-A** is a draft 2019-20 Legislative Advocacy Plan. The Committee should discuss state and federal priorities for the year. For the past 2+ years Pure Water Monterey has been the focal point of our efforts. New initiatives and/or redirection of District resources should be discussed and folded into the Plan.

RECOMMENDATION: Staff recommends that the Committee provide comments and recommend the Board of Directors review the Legislative Advocacy Plan and adopt it by consent at the April board meeting.

EXHIBIT

2-A Draft 2019-20 Legislative Advocacy Plan

EXHIBIT 2-A



2019-20 Legislative Advocacy Plan - DRAFT

This plan establishes the Monterey Peninsula Water Management District legislative and government affairs priorities for FY 2019-20.

Federal Strategy

1) Continue relationship and services with The Ferguson Group

- Identifying legislation or proposed regulatory changes that may impact the District.
- Track additional Title XVI and WIIN Act funding for Pure Water Monterey
- Track Trump Administration budget actions and Infrastructure Funding/Financing Proposals
- Consult with staff to develop positions on relevant legislation.
- Advocate the District's position on bills and matters of interest.
- Identify funding opportunities and notify of timing, requirements, and advocate on behalf of District or District's partners (e.g. WaterSMART) for, but not limited to:
 - ✓ Fisheries and watersheds
 - ✓ Pure Water Monterey Expansion
 - ✓ CSIP Annexations
 - ✓ Desalination (if proceeding)
- Prepare materials for briefing – talking points, briefing books, letters, as necessary
- Coordinate with other water district lobbyists and organizations
- Maintain close relationships with Monterey legislative delegation

2) Maintain Washington DC profile:

- Work with The Ferguson Group to organize timely trips as needed, but at least once a year separate from ACWA trip
- Both Congressional delegation and regulatory departments related to water, including but not limited to BLM, NOAA (NMFS), USBR, USDA, and EPA.
- Develop relationships with new staff, e.g. Rep. Panetta's water person moved on. Emphasis on developing staff relationship with Senator Harris office
- Attend ACWA trip each year (Discuss: Every other year?)
- Direct contact with associations including ACWA, WaterReuse, etc.

- 3) Provide support for relevant legislation.
- 4) Perform on existing federal grants:
 - Drought Contingency Plan (\$200,000 USBR to be completed in 2019)
 - Salinas and Carmel Rivers Basin Study (\$900,000 USBR to be completed in 2020)

State of California Strategy

- 1) Monitor and pursue grant opportunities:
 - Proposition 68 (2018): Research allocation of moneys and determine eligibility. Position District to compete for funds.
 - Fisheries Restoration Grant Program (FRGP): Projects that monitor status and trends that directly contribute to population viability assessments for ESA-listed anadromous salmonids will be administered through a separate solicitation process outside of the 2019 Fisheries Habitat Restoration solicitation. The District's weir project falls in this category and we need to position the District to apply. Also position the District for a 2020 application for Monitoring Watershed Restoration (MO) for Carmel River in the aftermath of the San Clemente dam removal.
 - IRWM: Update the IRWM Plan, perform project solicitation, prioritize projects. Will maintain our lobbying effort to retain the funding agreement to ensure we receive over \$3 million in the next IRWM rounds of Prop 1 moneys
 - Storm water: Funds are available for multi-benefit storm water management projects. A Storm Water Resource Plan (SWRP) is required to be eligible for implementation or project-specific planning funding. The SWRP has been finalized and will be appended to the updated IRWM Plan. The District's Local Project Grant to the City of Monterey assisted funding this plan.
- 2) Maintain Sacramento profile:
 - Work with JEA Associates to organize timely trips as needed, but at least once a year separate from needs-based visits.
 - Meet Governor Newsom's new appointee's in relevant key positions
 - Meet with legislative team locally
 - Attend CSDA, ACWA, and/or WaterReuse legislative days
- 3) Provide support/opposition for relevant legislation.
 - Maintain JEA bill-tracking
 - Provide letters of support or opposition on legislation and regulations that affect

the water industry. Current effort on SB 669 as alternative to water tax and proposed SWRCB permanent conservation regulations.

- 4) Develop helpful relationships: ACWA, WaterReuse, Latino Water Coalition

Local Strategy

- 1) Maintain District role in regional water issues related to:
 - Pure Water Monterey – CSIP expansion and expansion for MCWD
 - Los Padres Dam and Reservoir studies
 - Funding plan for portion of desal project
 - Manage local IRWM effort
 - Groundwater Sustainability and Regionalism generally
- 2) Encourage information flow and public participation in Rule 19.8/Measure J feasibility analysis where possible.
- 3) Participate in County-wide efforts (CEQA, OES, Water planning, Carmel River/Lagoon)
- 4) Maintain outreach to local associations government affairs committees (Chambers, MCAR, MCHA, Coalition of Peninsula Businesses, jurisdictions' mayors and councils); Meet new councilmembers and board members.
- 5) Better articulate CPUC activities to local ratepayer groups

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: ACTION ITEM

3. ADOPT 2019 COMMITTEE MEETING SCHEDULE

Meeting Date: March 21, 2019

From: David J. Stoldt,
General Manager

Prepared By: Arlene Tavani

SUMMARY: Shown below is a proposed committee meeting schedule for 2019. Please review and advise Arlene Tavani if you cannot participate on any of the proposed dates. Any meeting may be cancelled if there is no business for committee consideration.

RECOMMENDATION: The Committee should review and adopt the meeting schedule.

Day of week	Date	Time
Thursday	June 13	4 pm
Thursday	September 12	4 pm
Thursday	December 12	4 pm

ITEM: DISCUSSION ITEM

Meeting Date: **March 21, 2019** **Budgeted:** **N/A**

Prepared By: David J. Stoldt **Cost Estimate:** N/A

SUMMARY: Attached as **Exhibit 4-A** is an overview of the bills being considered during this legislative session. JEA & Associates will be at the meeting to provide an oral presentation.

4-A MPWMD Legislative Track

EXHIBIT 4-A: MPWMD LEGISLATIVE TRACK

Measure	Author	Topic	Location	Brief Summary	Notes
<u>AB 60</u>	<u>Friedman D</u>	Water conservation: water meters: accuracy standards.	3/11/2019-A. RLS.	Would require the State Energy Resources Conservation and Development Commission, on or before January 1, 2022, to adopt regulations setting standards for the accuracy of water meters, as specified. The bill would prohibit any water meter manufactured on or after the effective date of those regulations from being sold or offered for sale in the state, or installed by a water purveyor, unless it is certified by the manufacturer to be in compliance with those standards.	
<u>AB 134</u>	<u>Bloom D</u>	Safe, clean, affordable, and accessible drinking water.	12/5/2018-A. PRINT	Would state findings and declarations relating to the intent of the Legislature to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water.	
<u>AB 217</u>	<u>Garcia, Eduardo D</u>	Safe and Affordable Drinking Water Fund.	2/4/2019-A. E.S. & T.M.	Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the board to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.	
<u>AB 223</u>	<u>Stone, Mark D</u>	California Safe Drinking Water Act: microplastics.	2/4/2019-A. E.S. & T.M.	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires the state board, on or before July 1, 2020, to adopt a definition of microplastics in drinking water and, on or before July 1, 2021, to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water, including public disclosure of those results. This bill would require the state board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with those requirements.	
<u>AB 292</u>	<u>Quirk D</u>	Recycled water: raw water and groundwater augmentation.	3/12/2019-A. W.,P. & W.	Current law requires the State Water Resources Control Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. Current law defines “direct potable reuse” and “indirect potable reuse for groundwater recharge” for these purposes. This bill would eliminate the definition of “direct potable reuse” and instead would substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these	

				definitions. The bill would revise the definition of “treated drinking water augmentation.”	
<u>AB 382</u>	<u>Mathis R</u>	Integrated regional water management plans: grant funding: upper watershed health.	3/12/2019-A. APPR.	Current law provides that an integrated regional water management plan is eligible for funding allocated specifically for implementation of integrated regional water management. Current law requires certain state agencies to include in any set of criteria used to select projects and programs for funding, a criterion that provides a preference for regional projects or programs. This bill would require the department to include in any criteria used to select a project or program for grant funding authorized on or after January 1, 2020 a criterion that provides a preference for a regional water management group undertaking a project improving upper watershed health upstream and outside of the defined geographical area covered by the group’s plan.	
<u>AB 402</u>	<u>Quirk D</u>	State Water Resources Control Board: local primacy delegation: funding stabilization program.	3/12/2019-A. APPR.	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The act requires the state board to provide the local primacy agency, to the extent funds are available from the Safe Drinking Water Account, with an annual drinking water surveillance program grant to cover the costs of conducting inspection, monitoring, surveillance, and water quality evaluation activities specified in the local primacy agreement. The act requires the state board to adopt a schedule of fees and requires a public water system under the jurisdiction of a local primacy agency to pay these fees to the local primacy agency in lieu of the state board. This bill would include enforcement costs as costs covered by an annual drinking water surveillance program grant.	
<u>AB 441</u>	<u>Eggman D</u>	Water: underground storage.	2/21/2019-A. W.,P. & W.	Under current law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Current law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Current law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would revise the above declaration to additionally provide that certain uses of stored water while underground constitute beneficial use.	
<u>AB 448</u>	<u>Garcia, Eduardo D</u>	Water rights: stockponds.	2/21/2019-A. W.,P. & W.	Would provide that the owner of a stockpond built prior to January 1, 2019, that does not have a capacity greater than 10 acre-feet has a valid water right	

				for the principal purpose of watering livestock if that person files a claim for a water right with the State Water Resources Control Board accompanied by a fee not later than December 31, 2021.	
<u>AB 489</u>	<u>Stone, Mark D</u>	Water development projects: state financial assistance.	2/21/2019-A. W.,P. & W.	For certain flood control projects authorized on or after January 1, 2002, or for which specified findings have been made on or after that date, the act requires the state to pay 50% of specified nonfederal costs. Current law authorizes the state to pay up to 70% of nonfederal costs upon the recommendation of the Department of Water Resources or the Central Valley Flood Protection Board if either entity determines that the project will advance one of several objectives. Those objectives include developing or enhancing certain recreational opportunities. This bill would, for purposes of eligibility for increasing the state share of those nonfederal costs to 70%, include in those recreational opportunities outdoor recreational areas, sports complexes, and musical venues.	
<u>AB 508</u>	<u>Chu D</u>	Drinking water: administrator: consolidation and extension of service.	2/13/2019-A. PRINT	The California Safe Drinking Water Act authorizes the State Water Resources Control Board to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, or managerial services, or any combination of those services, to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water. The act also authorizes the state board to order a designated water system to accept those services from an administrator appointed by the state board for full oversight of construction or development projects related to a consolidation or extension of service. This bill would make nonsubstantive changes in those provisions.	
<u>AB 510</u>	<u>Cooley D</u>	Local government records: destruction of records.	2/21/2019-A. L. GOV.	Current law authorizes the head of a department of a county or city, or the head of a special district to destroy recordings of telephone and radio communications maintained by that county, city, or special district after 100 days if that person receives approval from the legislative body and the written consent of the agency attorney. This bill would exempt the head of a department of a county or city, or the head of a special district from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.	
<u>AB 520</u>	<u>Kalra D</u>	Public works: public subsidy.	2/21/2019-A. L. & E.	Current law defines “public works” to include, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for, in whole or in part, out of public funds, but exempts	

				from that definition, among other projects, an otherwise private development project if the state or political subdivision provides, directly or indirectly, a public subsidy to the private development project that is de minimis in the context of the project. This bill would provide that a public subsidy is de minimis if it is both less than \$275,000 and less than 2% of the total project cost. The bill would specify that those provisions do not apply to a project that was advertised for bid, or a contract that was awarded before July 1, 2020.	
<u>AB 533</u>	<u>Holden D</u>	Income taxes: exclusion: water conservation or efficiency programs: water runoff management improvement program.	2/21/2019-A. REV. & TAX	The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines “gross income” as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. This bill would provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for any water conservation or efficiency program or water runoff management improvement program, as provided.	
<u>AB 636</u>	<u>Gray D</u>	State Water Resources Control Board: water quality objectives.	2/15/2019-A. PRINT	Would prohibit the State Water Resources Control Board from implementing water quality objectives for which the state board makes a certain finding relating to environmental quality until it has submitted the water quality objectives and a statement of that finding to the appropriate policy committees of the Legislature and each committee has held a hearing on these matters.	
<u>AB 637</u>	<u>Gray D</u>	State Water Resources Control Board: regional water quality control boards: severely disadvantaged communities: drinking water supplies.	2/25/2019-A. E.S. & T.M.	Would prohibit the State Water Resources Control Board or a regional board from adopting or implementing any policy or plan that results in a significant reduction to the drinking water supplies that serve a severely disadvantaged community, as defined.	
<u>AB 638</u>	<u>Gray D</u>	Department of Water Resources:	2/25/2019-A. W.,P. & W.	Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state,	

		water storage capacity.		which is known as The California Water Plan. This bill would require the department, on or before January 1, 2021, with updates every 2 years thereafter, to identify the statewide water storage capacity, the adverse impacts to the capacity from the effects of climate change, and the mitigation strategies for anticipated adverse impacts.	
<u>AB 658</u>	<u>Arambula D</u>	Water rights: water management.	2/25/2019-A. W.,P. & W.	Would authorize a groundwater sustainability agency or local agency to apply for, and the State Water Resources Control Board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified.	
<u>AB 841</u>	<u>Ting D</u>	Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.	3/4/2019-A. E.S. & T.M.	Would require the Office of Environmental Health Hazard Assessment to adopt and complete a work plan within prescribed timeframes to assess which substances in the class of perfluoroalkyl and polyfluoroalkyl substances should be tested as a risk to human health. The bill would require the office, as part of those assessments, to determine which of the substances are appropriate candidates for notification levels to be adopted by the State Water Resources Control Board.	
<u>AB 945</u>	<u>McCarty D</u>	Local government: financial affairs: surplus funds.	3/4/2019-A. L. GOV.	Existing law prescribes the instruments and criteria by which a local agency, as defined, may invest and deposit its funds, including its surplus funds. This bill would, commencing January 1, 2020, authorize a local agency to invest and deposit the agency's surplus funds in deposits at specified types of financial institutions whether those investments are certificates of deposit or another form, and would increase the percentage of the local agency's funds that can be invested to 50%. The bill would make additional conforming changes.	
<u>AB 1180</u>	<u>Friedman D</u>	Water: recycled water.	3/11/2019-A. E.S. & T.M.	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires, on or before January 1, 2020, the state board to adopt standards for backflow protection and cross-connection control through the adoption of a policy handbook, as specified. This bill would require that handbook to include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.	
<u>AB 1204</u>	<u>Rubio, Blanca D</u>	Public water systems:	3/11/2019-A. E.S. & T.M.	Would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal	

		primary drinking water standards: implementation date.		primary drinking water standard or that is more stringent than a federal primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard. The bill would authorize the state board to delay the effective date of the primary drinking water standard adoption or amendment by no more than 2 additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.	
<u>AB 1375</u>	<u>Bigelow R</u>	Disaster relief: dead and dying tree removal: allocation to local agencies.	2/22/2019-A. PRINT	The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share for the removal of dead and dying trees in connection with the Governor's Proclamation of a State of Emergency issued on October 30, 2015, is no more than 90% of total state eligible costs.	
<u>AB 1381</u>	<u>Salas D</u>	Safe Drinking Water Plan.	2/22/2019-A. PRINT	Current law, known as the California Safe Drinking Water Act, requires the State Water Resources Control Board to maintain a drinking water program and carry out various duties, responsibilities, and functions relating to drinking water, including submission to the Legislature, every 5 years, of a comprehensive Safe Drinking Water Plan for California. This bill would make nonsubstantive changes to the provision requiring submission of a Safe Drinking Water Plan.	
<u>AB 1432</u>	<u>Dahle R</u>	Urban water use objectives: indoor residential water use.	2/22/2019-A. PRINT	Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use, beginning January 1, 2025, establishes the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would make a nonsubstantive change to those provisions.	
<u>AB 1486</u>	<u>Ting D</u>	Local agencies: surplus land.	2/22/2019-A. PRINT	Current law prescribes requirements for the disposal of surplus land by a local agency. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the	

				disposal of surplus land.	
<u>AB 1588</u>	<u>Gloria D</u>	Drinking water and wastewater operator certification programs.	2/22/2019-A. PRINT	Would require for purposes of water treatment operator certification experience a treatment plant using advanced water treatment processes, as defined, that treats water of wastewater origin for purposes of water reuse to be considered to provide certain equivalent experience to working at a water treatment plant. The bill would require for purposes of water distribution operator certification experience operation of a recycled water distribution system to be considered to provide equivalent experience to operating a potable distribution system.	
<u>AB 1613</u>	<u>O'Donnell D</u>	Public works: prevailing wages.	2/22/2019-A. PRINT	Would expand the definition of “public works,” for the purposes of provisions relating to the prevailing rate of per diem wages, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a project for a charter school, as defined, when the project is paid for, in whole or in part, with the proceeds of conduit revenue bonds, as defined, that were issued on or after January 1, 2020.	
<u>AB 1644</u>	<u>Levine D</u>	Coastal resources: California Coastal Commission: scientific advice and recommendations: agriculture.	2/22/2019-A. PRINT	Would include agriculture among the specified issues on which the California Coastal Commission may receive technical advice and recommendations, with regard to its decision making, from members of the scientific and academic communities in the social, physical, and natural sciences.	
<u>ACA 3</u>	<u>Mathis R</u>	Water: minimum funding guarantee.	1/16/2019-A. PRINT	Would additionally require, commencing with the 2021–22 fiscal year, not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects administered by the department, and water quality projects administered by the state board, as provided.	
<u>SB 1</u>	<u>Atkins D</u>	California Environmental, Public Health, and Workers Defense Act of	1/16/2019-S. E.Q.	Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the	

		2019.		Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species. This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified.	
<u>SB 45</u>	<u>Allen D</u>	Wildfire, Drought, and Flood Protection Bond Act of 2020.	1/16/2019-S. N.R. & W.	Would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$4,300,000,000 pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.	
<u>SB 134</u>	<u>Hertzberg D</u>	Water conservation: water loss performance standards: enforcement.	1/24/2019-S. N.R. & W.	Current law authorizes the State Water Resources Control Board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, and existing law authorizes the board to impose civil liability for a violation of an order or regulation issued pursuant to these provisions, as specified. Current law requires the board, no earlier than January 1, 2019, and no later than July 1, 2020, to adopt rules requiring urban retail water suppliers to meet performance standards for the volume of water losses. This bill would prohibit the board from imposing liability for a violation of the performance standards for the volume of water losses except as part of the enforcement of an urban water use objective.	
<u>SB 200</u>	<u>Monning D</u>	Safe and Affordable Drinking Water Fund.	2/13/2019-S. E.Q.	Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the board to administer the fund to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to the provision of safe and affordable drinking water.	

<u>SB 324</u>	<u>Rubio D</u>	Local government: meetings.	2/28/2019-S. GOV. & F.	Would clarify that the list of entities subject to the Ralph M. Brown Act includes infrastructure financing districts, enhanced infrastructure financing districts, affordable housing authorities, and community revitalization and investment authorities.	
<u>SB 414</u>	<u>Caballero D</u>	Small System Water Authority Act of 2019.	2/28/2019-S. GOV. & F.	Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.	MPWMD supported last year's version AB 2050
<u>SB 474</u>	<u>Stern D</u>	Department of Water Resources: appropriations of water.	3/7/2019-S. N.R. & W.	Under existing law, the Department of Water Resources is required to make and file with the State Water Resources Control Board applications for the appropriation of any water that, in the department's judgment, is or may be required in the development and completion of all or part of a general or coordinated plan for the development, utilization, or conservation of the water resources of the state. Existing law gives those applications priority, as of the date of filing the application, over any subsequent application and exempts certain water rights diligence provisions from generally applying to the applications. This bill would eliminate the exemption from the application of the diligence provisions as of January 1, 2021.	
<u>SB 669</u>	<u>Caballero D</u>	Water quality: Safe Drinking Water Fund.	2/22/2019-S. RLS.	Would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified.	Support – letter sent 3/13 ACWA sponsored Cannot be acted on until Mar. 27 th

ITEM:	DISCUSSION ITEM
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Meeting Date: **March 21, 2019** **Budgeted:** **N/A**

Prepared By: David J. Stoldt **Cost Estimate:** N/A

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: N/A

SUMMARY: Materials related to Federal activities will be provided at the meeting.

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

6. REPORT FROM GENERAL MANAGER ON RECENT OR UPCOMING LEGISLATIVE ACTIVITIES

Meeting Date: March 21, 2019 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: David J. Stoldt **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: N/A

SUMMARY: Attached as **Exhibit 6-A** is a compilation of recent and upcoming activities. The General Manager and Board Chair will summarize during discussion.

EXHIBIT

6-A Recent or Upcoming Legislative Activities

EXHIBIT 6-A

Recent or Upcoming Legislative Activities

RECEIVED

15 2018

MPWMD



October 8, 2018

Mr. David Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Subject: AB 2050 (Caballero): The Small System Water Authority Act of 2018 – Thank You for Your Support

Dear Mr. Stoldt:

On behalf of Eastern Municipal Water District (EMWD), co-sponsor of AB 2050 (Caballero): *The Small System Water Authority Act of 2018*, I would like to thank you and extend our sincerest appreciation for your support of this legislation. Water accessibility continues to be an important issue for this state, and we firmly believe that addressing the foundational governance concerns related to small failing water systems is a critical element to ensuring safe and reliable drinking water for all Californians.

Although AB 2050 was vetoed by Governor Brown, we believe there is broad consensus that governance reforms must be an integral part of a sustainable solution for failing water systems. In 2019, water suppliers will once again need to proactively develop workable solutions for failing water systems. EMWD remains committed to actively engaging on this important issue and looks forward to working with a broad coalition in 2019 to formulate and move the best solutions forward.

With all the high priority water policy issues in the California Legislature this session, we are truly grateful to you and your staff for committing the time to support this important effort. AB 2050 would have never advanced to the Governor's desk without your support. If we can be of service to you or provide assistance in any way, please contact me at (951) 928-6130 or by email at jonesp@emwd.org.

Best regards,

Paul D. Jones II, P.E.
General Manager

Board of Directors

David L. Shawyer, President • Donald W. Sullivan, Vice President • Joseph H. Kuebler, CPA, Treasurer • Philip B. Pante • Randy A. Renard

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 www.emwd.org



1199 North Fairfax St, Suite 900 • Alexandria, VA 22314

October 29, 2018

The Honorable Lisa Murkowski
Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Rob Bishop
Chairman
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Raul Grijalva
Ranking Member
House Natural Resources Committee
1329 Longworth House Office Building
Washington, DC 20515

Dear Chairman Murkowski, Ranking Member Cantwell, Chairman Bishop, and Ranking Member Grijalva:

The undersigned organizations and utilities are writing to urge your support for the reauthorization of the Bureau of Reclamation's Title XVI Water Reclamation and Reuse competitive grant program authorized in the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act (Title XVI-WIIN).

Title XVI is the only federal program focused on funding water recycling projects in the western states, and with enactment of the FY 2019 Energy and Water Appropriations bill, the \$50 million authorization for Title-WIIN has been reached. Therefore, it is critical to reauthorize Title XVI-WIIN to support the continued development of water reuse in the West and the development of drought-proof water supplies.

Since Title XVI's inception in 1992, Congress has authorized 53 Title XVI recycling projects producing more than 400,000 acre-feet of drought-resistant water supply. To date, Congress has appropriated approximately \$672 million in federal funding which has been leveraged with non-federal funding to implement more than \$3.3 billion in water reuse improvements – a nearly 5:1 leverage ratio. However, as no new projects had been authorized by Congress since 2009, the 2016 WIIN Act created a mechanism to continue support for Western water reuse projects by establishing a competitive grant program within Title XVI, enabling new projects to be eligible for federal assistance.

There are currently 44 Title XVI-WIIN eligible projects awaiting assistance, with a total of \$528 million in eligible federal cost-share, this list will only grow as more projects become eligible. To address the federal cost-share demand, we urge that Title XVI-WIIN be reauthorized at \$250 million over five years, paid for by deauthorizing "inactive" Title XVI projects following a similar deauthorization process Congress enacted for the U.S. Army Corps of Engineers projects in the 2014 Water Resources Reform and Development Act. Currently, the federal cost-share for projects that have never received funding or have not received funding in the past ten years is approximately \$200 million. Under the proposal, sponsors of projects listed for deauthorization would have a transparent and public process to submit

Title XVI Stakeholder Support Letter

Page 2

information demonstrating the project's active status to the Bureau of Reclamation with a request to revoke the deauthorization.

Clean and reliable water is the backbone of a community's health and economy. Water reuse provides a sustainable and secure water supply for communities, increasingly important in the face of more frequent and severe droughts and changing hydrologic conditions throughout the West.

We are also aware that the WIIN 2016 authorizations for the desalination program (\$30 million), and western water storage funds (\$335 million) have also expired with the enactment of the FY 2019 Energy and Water Appropriations measure. We support the reauthorization of these programs as water storage and desalination projects work in tandem with water recycling projects to ensure that communities across the West have safe, secure, and sustainable water supplies.

Thank you for your consideration of this request. Should you have any questions or would like to discuss further, please do not hesitate to contact Patricia Sinicropi, WaterReuse Association at psinicropi@watereuse.org.

Sincerely,

National Organizations

American Public Works Association (APWA)
American Water Works Association (AWWA)
Association of Metropolitan Water Agencies (AMWA)
National Association of Clean Water Agencies (NACWA)
National Rural Water Association (NRWA)
Rural Community Assistance Partnership Inc. (RCAP)
Water and Wastewater Equipment Manufacturers Association (WWEMA)
WaterReuse Association
Water Environment Federation (WEF)
Western Coalition of Arid States (WESTCAS)
Western Recycled Water Coalition (WRWC)

State and Regional NGOs

WaterReuse Arizona
WaterReuse California
WaterReuse Colorado
WaterReuse Nevada
WaterReuse Pacific Northwest (PNW)
WaterReuse Texas
California Association of Sanitation Agencies (CASA)

Association of California Water Agencies (ACWA)

Arizona Agencies

Apache Junction Water District
City of Tucson Water Department - Tucson Water
Flagstaff Water Services
Scottsdale Water

California Agencies

Alameda County Flood Control and Water Conservation District Zone 7
Central Contra Costa Sanitary District
City of Corona
City of Escondido, Utilities Department
City of Modesto
City of Pasadena
City of Pismo Beach
City of Pleasanton
City of San Diego Public Utilities Department
Delta Diablo
Dublin San Ramon Services District
Eastern Municipal Water District
El Toro Water District
Inland Empire Utilities Agency (IEUA)
Irvine Ranch Water District (IRWD)
Las Virgenes Municipal Water District

Title XVI Stakeholder Support Letter
Page 3

Leucadia Wastewater District
Marina Coast Water District
Mesa Water District
Monterey One Water
Monterey Peninsula Water Management District
Olivenhain Municipal Water District
Orange County Water District
Otay Water District
Padre Dam Municipal Water District
Rincon del Diablo Municipal Water District
San Diego County Water Authority
San Elijo Joint Powers Authority
Sanitation Districts of Los Angeles County
Santa Clara Valley Water District
Santa Margarita Water District
Scotts Valley Water District
Santa Clarita Water (SCV Water)
Town of Marana Water Utilities Association
Upper San Gabriel Valley Municipal Water District
Victor Valley Wastewater Reclamation Authority
(VWVRA)

Colorado Agencies

Arapahoe County Water & Wastewater Authority
(ACWWA)
Denver Water

Nevada Agencies

City of Henderson - Utility Services

City of North Las Vegas Utilities Department
Clark County Water Reclamation District
Truckee Meadows Water Authority (TMWA)

New Mexico Agencies

Albuquerque Bernalillo County Water Utility Authority
City of Rio Rancho

Oklahoma Agencies

City of Norman

Oregon Agencies

Clean Water Services

Texas Agencies

City of San Marcos
City of Wichita Falls
El Paso Water Utilities
Gulf Coast Authority (GCA)
McAllen Public Utility (MPU)
Upper Trinity Regional Water District

Utah Agencies

South Jordan City

Washington Agencies

King County, Wastewater Treatment Division

CC: The Honorable Kevin McCarthy, Majority Leader, U.S. House of Representative
The Honorable Dianne Feinstein, U.S. Senator

Monterey Peninsula Water Management District
Sacramento Itinerary
February 6, 2019

9:30 Joint Assembly Committees Hearing on Safe and Affordable Drinking Water Fund

12:45 Assemblymember Robert Rivas

1:30 Senator Anna Caballero

2:00 Assemblymember Mark Stone



February 6, 2019

Assembly Water, Parks & Wildlife Committee
Assembly Environmental Safety & Toxic Materials Committee, and
Assembly Budget Subcommittee No. 3

Dear Committee Members,

The Governor recently released his trailer bill language "Safe And Affordable Drinking Water And Exide Cleanup" and on January 31st, Senator Monning introduced SB 200, establishing the "Safe and Affordable Drinking Water Fund." The Monterey Peninsula Water Management District urges caution about establishing a regressive statewide water tax on local water bills. We urge you instead to support the Safe Drinking Water Trust as supported by the Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA).

It is not in the public interest to tax a resource that is essential to life. Further, it would be highly inefficient to have over 3,000 local water agencies become tax collectors for the state because the resulting combined local administrative costs would exceed the combined state tax revenue collected from the local water bills.

The primary challenge in at-risk water systems is that O&M costs generally cannot be financed with existing federal and state safe drinking water funding sources, hence a financial solution is needed for O&M and consolidation costs that can complement existing available funding sources for capital costs.

As proposed by ACWA and CMUA, the Trust's principal would be initially financed with a one-time infusion of General Fund dollars during a budget surplus year. With the record budget surplus for the 2019-20 Fiscal Year, this is the perfect year to create and fund the Trust. Doing so is based largely on a progressive source of revenue, and makes sense because taxpayers with higher incomes would contribute more, and taxpayers with lower incomes would contribute less. The human right to safe, clean, affordable water is a social issue best left to a General Fund solution.

Best regards,


David J. Stoldt
General Manager

SUPPORT THE SAFE DRINKING WATER TRUST



A STATEWIDE WATER TAX IS NOT THE RIGHT APPROACH

Why is the Trust a better approach?

- The vast majority of Californians have access to safe drinking water. However, some disadvantaged communities do not. This is a public health issue that the state must address.
- In 2018, the Legislature approved \$3 million for the preparation of a water systems needs analysis, and the State Water Resources Control Board is now determining how it will perform the analysis.
- Key to resolving the issue is addressing the funding gap for operation and maintenance (O&M) costs for community water systems that treat the water. O&M costs generally cannot be financed with existing federal and state safe drinking water funding sources.
- A financial solution is needed for O&M and consolidation costs that can complement existing funding sources for capital costs.
- The Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA) are sponsoring legislation to create a Safe Drinking Water Trust (Trust).
- The Trust's principal would be initially financed with a one-time infusion of General Fund dollars during a budget surplus year. With the record budget surplus for the 2019-20 Fiscal Year, this is the perfect year to create and fund the Trust.
- Funding this durable Trust via the General Fund, which is based largely on a progressive source of revenue, makes sense because taxpayers with higher incomes would contribute more, and taxpayers with lower incomes would contribute less.
- The Trust's principal would be invested, and the net income would be transferred to a Safe Drinking Water Fund, which the State Water Resources Control Board would administer.

Why is a proposed statewide water tax not the right approach?

- It is not sound policy to tax a resource that is essential to life.
- State law sets forth a policy of a human right to water for human consumption that is safe, clean, affordable and accessible. Adding a regressive statewide water tax on local water bills would work against keeping water affordable for all Californians.
- It would be highly inefficient to have over 3,000 local water agencies become tax collectors for the state because the resulting combined local administrative costs would exceed the combined state tax revenue collected from the local water bills.

For more information contact

*Cindy Tuck, ACWA Deputy Executive Director for Government Relations, at cindy@acwa.com
or Danielle Blacet, CMUA Director for Water, at dblacet@cmua.org.*

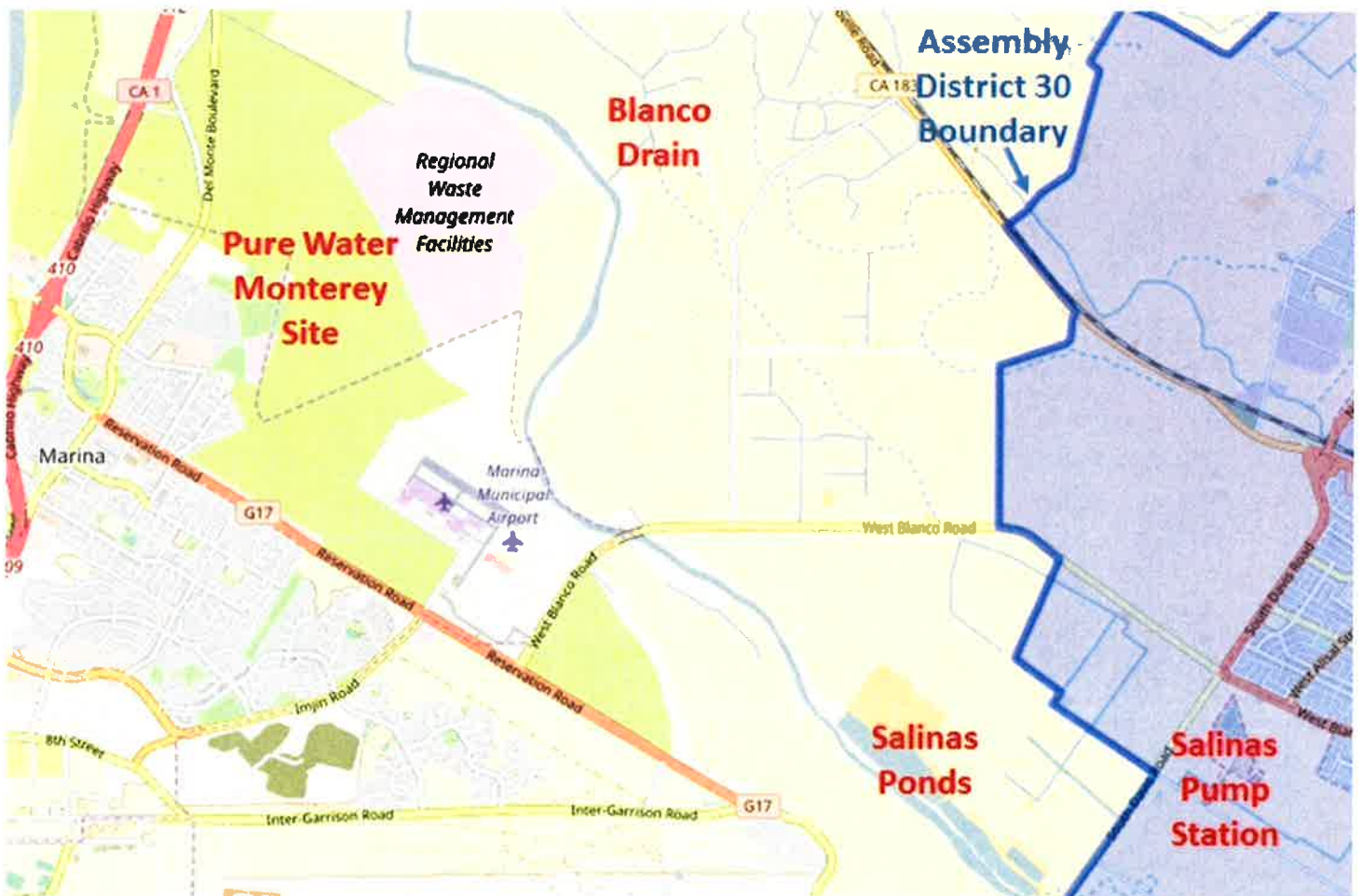
01/30/19

Assembly Member Rivas

Overview of Pure Water Monterey

Please see handout for project description.

\$84.0 million State Revolving Fund Loan
\$15.0 million Prop 1 Recycled Water Grant
\$ 2.5 million Prop 1 Stormwater Grant to Salinas
\$ 2.3 million Fort Ord Reuse Authority
\$ 7.2 million Monterey One Water
\$12.2 million Monterey Peninsula Water Management District
\$ 5.4 million Marina Coast Water District
\$ 0.3 million other grants
\$128.7 million Total



Dave Stoldt

From: Dave Stoldt
Sent: Wednesday, February 20, 2019 12:56 PM
To: Scholer, Craig
Cc: Mark Stone (mark.stone@asm.ca.gov); Oderman, Jeff
Subject: Eminent Domain of Water Systems
Attachments: Draft Revision to Eminent Domain Law.pdf; Draft Revision to Eminent Domain Law - Showing Changes.pdf

Hi Craig,

To follow up on our meeting on February 6th, I am attaching the copy of proposed eminent domain legislation I left with you, as well as a version that shows the sections of the Code of Civil Procedure that are modified. I completely understand Mark's hesitation to tinker with eminent domain, but as you can see, the proposal effectively would conform the burden of proof Cal Am would have to satisfy in order to successfully challenge the District's "right to take" to the same burden of proof that applies in the vast majority of eminent domain cases (the "gross abuse of discretion" standard). Under the law currently in effect, Cal Am could defeat MPWMD's right to take if the trial court decides it is "more likely than not" that the public interest is better served by allowing Cal Am to continue to be the service provider.

At some point, the electric, gas, and water industries got a stricter burden of proof into the law. This would pull the water utilities out of those sections.

I just wanted to make sure you could see the differences posed.

Best regards,

Dave

**DRAFT - Potential Revision to Eminent Domain Law
Monterey Peninsula Water Management District**

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

SECTION 1. It is the intent of the Legislature in enacting this act to amend the Eminent Domain Law by conforming the burden of proof required for a public entity to justify condemnation of a water public utility property to the same gross abuse of discretion standard that governs in almost all other condemnation actions.

SECTION 2. The Legislature finds and declares all of the following:

(a) Under existing law, a public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets the requirements of Article 2 (commencing with Section 1245.210) of Chapter 4 of Title 7 of Part 3 of the Code of Civil Procedure (the Eminent Domain Law).

(b) Under existing law, the general rule is that a resolution of necessity adopted by the governing body of a public entity conclusively establishes the matters required to be addressed in the resolution unless its adoption or contents were influenced or affected by a gross abuse of discretion by the governing body. In the case of a local public entity's condemnation of an electric, gas, or water public utility property, however, the Eminent Domain Law currently provides an exception to this general rule for all public agencies other than sanitary districts exercising the powers of a county water district and states that a resolution of necessity adopted by the governing body of a public entity creates only a rebuttable presumption that the matters required to be addressed in the resolution are true.

(c) Under existing law, the general rule is that where property has been appropriated to a public use by any person other than a public entity the use thereof by a public entity for the same use or any other public use is deemed to be a more necessary use than the use to which such property has already been appropriated. In the case of property which has been appropriated to use for electric, gas, or water public utility purposes, however, the Eminent Domain Law currently provides an exception to this general rule for all public agencies other than sanitary districts exercising the powers of a county water district and states that the presumption of a more necessary use is only a rebuttable presumption affecting the burden of proof.

(d) The vast majority of public water systems in this State are owned and operated by public entities.

(e) Public ownership and operation of water systems serves many important and beneficial public purposes, including: (1) a generally lower cost of service for taxpayers, ratepayers, and customers; (2) greater opportunities for members of the public to participate in local decision-making concerning the production, distribution, use, and conservation of a vital and limited public resource, rather than having the public relegated to the more distant and inaccessible processes of the California Public Utilities Commission; (3) governance of local public water systems by local elected officials who are accountable and responsible to the voters rather than by corporations in distant board rooms who are responsible to shareholders; (4) greater potential for coordination of local policies and programs for water consumption and conservation; (5) greater responsiveness to customer demands, needs, and complaints; (6) providing customers with the

DRAFT - Potential Revision to Eminent Domain Law Monterey Peninsula Water Management District

opportunity to protest unwarranted rate increases pursuant to the procedures and protections set forth in Article XIII.D of the California Constitution (Proposition 218); and (7) in some cases, improvement in the quality of service.

(f) Private water companies have used the rebuttable presumption provisions of the Eminent Domain Law to stymie public acquisition of local water systems, driving up the costs and risks of litigation in a way that thwarts the will of the voters and discourages communities from undertaking the burdens of attempting to acquire privately owned water systems for public use.

(g) Conforming the burden of proof required for a public entity to justify condemnation of a water public utility property to the same gross abuse of discretion standard that governs in almost all other condemnation actions provides sufficient protections to the private owners and operators of public water utility properties and will better serve the interests of the people of this State.

SECTION 3. Section 1240.650 of the Code of Civil Procedure is amended to read:

Use by public entity as more necessary than use by other person; rebuttable presumption for electric or gas public utility property

(a) Where property has been appropriated to public use by any person other than a public entity, the use thereof by a public entity for the same use or any other public use is a more necessary use than the use to which such property has already been appropriated.

(b) Where property has been appropriated to public use by a public entity, the use thereof by the public entity is a more necessary use than any use to which such property might be put by any person other than a public entity.

(c) Where property which has been appropriated to a public use is electric or gas public utility property which the public entity intends to put to the same use, the presumption of a more necessary use established by subdivision (a) is a rebuttable presumption affecting the burden of proof.

Current Code reads as follows:

(c) Where property which has been appropriated to a public use is electric, gas, or water public utility property which the public entity intends to put to the same use, the presumption of a more necessary use established by subdivision (a) is a rebuttable presumption affecting the burden of proof, unless the acquiring public entity is a sanitary district exercising the powers of a county water district pursuant to Section 6512.7 of the Health and Safety Code.

SECTION 4. Section 1245.250 of the Code of Civil Procedure is amended to read:

Conclusive effect of resolution; rebuttable presumption for electric or gas public utility property; presumption

(a) Except as otherwise provided by statute, a resolution of necessity adopted by the governing body of the public entity pursuant to this article conclusively establishes the matters

DRAFT

referred to in Section 1240.030.

(b) If the taking is by a local public entity and the property is electric or gas public utility property, the resolution of necessity creates a rebuttable presumption that the matters referred to in Section 1240.030 are true. This presumption is a presumption affecting the burden of proof.

Current Code reads as follows:

(b) If the taking is by a local public entity, other than a sanitary district exercising the powers of a county water district pursuant to Section 6512.7 of the Health and Safety Code , and the property is electric, gas, or water public utility property, the resolution of necessity creates a rebuttable presumption that the matters referred to in Section 1240.030 are true. This presumption is a presumption affecting the burden of proof.

(c) If the taking is by a local public entity and the property described in the resolution is not located entirely within the boundaries of the local public entity, the resolution of necessity creates a presumption that the matters referred to in Section 1240.030 are true. This presumption is a presumption affecting the burden of producing evidence.

Current Code allows includes a paragraph (d), omitted in this amendment:

(d) For the purposes of subdivision (b), a taking by the State Reclamation Board for the Sacramento and San Joaquin Drainage District is not a taking by a local public entity.

Dave Stoldt

From: Dave Stoldt
Sent: Friday, February 15, 2019 2:50 PM
To: Alvin Edwards; Dave Potter; Gary Hoffmann; George Riley; Jeanne Byrne; Mary Adams; Molly Evans
Subject: Federal Effort Finally Pays Off
Attachments: TXVI-035 Monterey One Water.pdf

Please see the attached letter. Pure Water Monterey stands to receive \$4.2 million from the US Bureau of Reclamation (USBR) under the Feinstein WIIN Act funding. This was our second attempt and approximately \$70,000 to grant writers.

It also reflects 3 joint MPWMD/M1W visits to west coast USBR staff, 2 joint visits to USBR folks in Washington DC, along with Senator Feinstein's staff, several legislative committee staff, and Office of Management and Budget staff – all with the intent to increase Pure Water Monterey visibility and to beg that the grant criteria be tweaked to give projects like ours a fairer chance. Our Washington DC lobbyist facilitated those meetings in DC and joined us at two of the west coast visits.

This is great news, but please keep it quiet until M1W announces it at their February 25th Board Meeting.

David J. Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court – Bldg G
Monterey, CA 93940

831.658.5651



United States Department of the Interior

BUREAU OF RECLAMATION
P.O. Box 25007
Denver, CO 80225-0007

IN REPLY REFER TO

84-27814
1.3.11

FEB 14 2019

VIA ELECTRONIC MAIL

Monterey One Water
Attn: Mr. Mike McCullough
5 Harris Court, Building D
Monterey, CA 93940-5756

Subject: Funding Opportunity Announcement (FOA) No. BOR-DO-18-F011 – WaterSMART: Title XVI Water Reclamation and Reuse Program Funding for Fiscal Year 2018 – Your Application Titled, “Pure Water Monterey - Groundwater Replenishment Project (TXVI-035)”

Dear Mr. McCullough:

Thank you for submitting an application under the Title XVI Water Reclamation and Reuse Program. Reclamation conducted a review of applications for funding based on the evaluation criteria included in the FOA announced on May 30, 2018 and posted at www.grants.gov. The Bureau of Reclamation is pleased to inform you that your application was among those receiving the highest ratings and was included in the list of projects recommended for funding. Congress was informed of the recommendation on February 13, 2019. Note that Section 4009(c) of the Water Infrastructure Improvements for the Nation (WIIN) Act stipulates that funding can only be provided after appropriations legislation is enacted designating funding to the projects identified by Reclamation by name. Once this requirement is met, Reclamation anticipates awarding Federal funds in the amount of \$4,184,193 for your project. Therefore, financial assistance agreements will not be executed until such appropriations legislation has been enacted.

Please note that a portion of the anticipated award will be set aside for Reclamation to ensure the project's Federal regulatory and statutory compliance, and to otherwise oversee the implementation of the project. Reclamation may also adjust the award amount in order to ensure that the project remains in compliance with statutory requirements as further information about your project is developed.

Funding will not be released until Reclamation makes a determination of financial capability for the project. In addition, National Environmental Policy Act and other associated environmental and cultural compliance analyses must be completed before construction or any other ground disturbing activities can begin. If project activities that require environmental and cultural compliance approval begin prior to receipt of a written notice from Reclamation that all such clearances have been obtained, the costs of such activities will not be eligible for reimbursement or application as non-Federal cost share.

In addition, please note that in order for costs, including pre-award costs, to be eligible for inclusion in the agreement, the cost must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200. In particular, the procurement of goods and/or services must be compliant with the Procurement Standards (2 CFR §200.317 through §200.326) and contract costs must be compliant with 2 CFR §200.323 – Contract Cost and Price. A copy of the Procurement Standards, which include the contract cost and price regulations, and Appendix II from 2 CFR Part 200, which identifies mandatory contract content, are attached for your reference. The Federal financial assistance regulations can be found online at www.ecfr.gov.

Thank you for your interest and participation in the Title XVI Water Reclamation and Reuse Program. The Reclamation regional or area office that will be responsible for awarding and administering your agreement will contact you in the coming months to finalize your award. If you have questions concerning the next steps in awarding this agreement, please contact Ms. Amanda Erath at 303-445-2766 or aerath@usbr.gov. To receive information and announcements regarding upcoming activities under this program, please send an email with your name and email address to watersmart@usbr.gov.

Sincerely,



Irene M. Hoiby
Grants Officer

Dave Stoldt

To: John Arriaga; Laurie Johnson
Subject: SB 669 - Support
Attachments: SB 669 Letter to Sen Caballero 3-13-19.pdf

Hi John and Laurie

Please see the attached letter. We also sent the same or similar letters to the following:

Contact

Senator Benjamin Allen (Chair)
Senator Patricia C. Bates (Vice Chair)
Senator Jerry Hill
Senator Nancy Skinner
Senator Henry Stern
Senator Jeff Stone
Senator Bob Wieckowski
Chief Consultant Gabrielle Meindl
Assemblymember Mark Stone

Also, if you are able to testify for MPWMD in opposition to the proposed statewide water tax budget trailer and in support of the Trust bill as a better approach at the following hearing:

Assembly Budget Subcommittee No. 3, Wed., March 20, 3:30 p.m., State Capitol Room 447

Please provide the information of the person(s) who will be giving brief testimony (e.g., name, agency name, and position) at the hearing by contacting ACWA State Legislative Analyst Soren Nelson at sorenn@acwa.com

Senate Budget Subcommittee No. 2, has a hearing on Thur., March 21, on adjournment of Senate Floor Session, State Capitol Room 112, but I believe our Senator Bill Monning is on that committee. Since he is a supporter of the water tax, out of deference do not appear at that hearing.

Regards,

Dave

David J. Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court – Bldg G
Monterey, CA 93940

831.658.5651



March 13, 2019

Senator Anna M. Caballero
State Capitol
Room 5052
Sacramento, CA 95814-4900

Subject: SB 669 (Caballero) Safe Drinking Water Trust - SUPPORT

Dear Senator Caballero

The Monterey Peninsula Water Management District supports SB 669 which would establish the Safe Drinking Water Trust, and is supported by the Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA).

The primary challenge in at-risk water systems is that O&M costs generally cannot be financed with existing federal and state safe drinking water funding sources, hence a financial solution is needed for O&M and consolidation costs that can complement existing available funding sources for capital costs. The Safe Drinking Water Trust proposed in SB 669 would provide a durable funding source to fill that gap.

It is not in the public interest to tax a resource that is essential to life, the alternative to the Trust proposed by others. Further, it would be highly inefficient to have over 3,000 local water agencies become tax collectors for the state because the resulting combined local administrative costs would exceed the combined state tax revenue collected from the local water bills. It would make water less affordable.

As proposed by SB 669 and supported by ACWA and CMUA, the Trust's principal would be initially financed with a one-time infusion of General Fund dollars during a budget surplus year. With the record budget surplus for the 2019-20 Fiscal Year, this is the perfect year to create and fund the Trust. Doing so is based largely on a progressive source of revenue and makes sense because taxpayers with higher incomes would contribute more, and taxpayers with lower incomes would contribute less. The human right to safe, clean, affordable water is a social issue best left to a General Fund solution.

Best regards,

A handwritten signature in blue ink that reads "David J. Stoldt". The signature is stylized with a large, sweeping "D" and a long, horizontal stroke extending to the right.

David J. Stoldt
General Manager

Monterey Peninsula Water Management District
Upcoming Sacramento Visits

March 27th 11:30 Wade Crowfoot, Secretary for Natural Resources

 1:30 Sean Maguire, new SWRCB member

April 8th 11:00 Joaquin Esquivel, new SWRCB Chair

Other visits TBD