LEGISLATION, CONSERVATION AND OUTREACH COMMITTEE

AGENDA FOR

MAY 26, 2005

9:40 a.m. – 11:00 a.m.

Fern Steiner, Chair     Nora Jaeschke
Gary Croucher, Vice Chair    Jim Lewanski
Bud Irvin, Vice Chair    Bud Lewis
Jim Bond     Hershel Price
Marilyn Dailey     Bernie Rhinerson
Betty Ferguson     Fred Thompson
Nick Inzunza     Howard Williams

1. Roll Call – Determination of Quorum.

2. Additions to Agenda (Government Code Section 54954.2(b)).

3. Public Comment – Opportunities for members of the public to address the Committee on matters within the Committee’s jurisdiction.

   4-A Director’s Comments.
   4-B Report by Director Ferguson on the Orange County NWRA conference.

I. CONSENT CALENDAR

II. ACTION/DISCUSSION

1. Peak Treated Water Demand Management Plan update. Eaton/Jacoby
   (Information) Nenow
2. Legislative issues.

2-A Adopt positions of: Support, if Amended, on AB 1466 (Laird); Oppose on SB 113 (Machado); Support on SB 1081 (Ducheny); Oppose on AB 771 (Saldana); Support on AB 1244 (Wolk); Support on AB 1245 (Wolk); Support on HR 1071 (Davis); and Support on S 1016 (Martinez).

Staff recommendation: Adopt positions of: Support, if Amended, on AB 1466 (Laird); Oppose on SB 113 (Machado); Support on SB 1081 (Ducheny); Oppose on AB 771 (Saldana); Support on AB 1244 (Wolk); Support on AB 1245 (Wolk); Support on HR 1071 (Davis); and Support on S 1016 (Martinez). (Action)

2-B Adopt position of: Oppose on AB 672 (Klehs).

Staff recommendation: Adopt position of: Oppose on AB 672 (Klehs). (Action)

2-C Report by Carpi & Clay.

3. Water conservation efforts by a water use group.

Speaker: Brian Maynard, Brickman Group

III. INFORMATION


2. Quarterly report on activities of Lobbyists and Imperial Valley consultant.


4. SCOOP Quarterly Staff report.


6. Outreach activities for the month of April.
IV. ADJOURNMENT

Doria F. Lore
Clerk of the Board

NOTE: This meeting is called as a Legislation, Conservation, and Outreach Committee meeting. Because a quorum of the Board may be present, the meeting is also noticed as a Board meeting. Members of the Board who are not members of the Committee may participate in the meeting pursuant to Section 2.00.060(i) of the Authority Administrative Code (Recodified). All items on the agenda, including information items, may be deliberated and become subject to action.
May 18, 2005

Attention: Legislation, Conservation and Outreach Committee

Peak Treated Water Demand Management Plan update (Information)

Purpose
This report provides an update on Peak Treated Water Demand Management.

Background
The Water Authority and other regional water agencies, including Rancho California Water District, Eastern Municipal Water District and Western Municipal Water District, drawing from Metropolitan Water District’s Skinner Water Treatment Plant, are experiencing seasonal peak treated water demands that outpace regional treatment capacity. The primary reason for this is faster-than-projected growth in southern Riverside County and continued growth in San Diego County. This is a short-term issue that will be resolved as new treatment facilities are brought on line, including Metropolitan Water District’s Skinner expansion at 100 million gallons per day (Summer 2007) and the Water Authority’s Twin Oaks Valley Water Treatment Plant at 100 million gallons per day (Spring 2008). In addition, there are expansions under way in the Water Authority service area by local treatment agencies, most notably, the City of San Diego. To ensure treated water supplies for the region while infrastructure is constructed, the regional agencies must work both independently and cooperatively to optimize existing facilities and manage demands.

In April 2003, the Board adopted the Peak Treated Water Demand Reduction Action Plan as a way to manage summertime peak treated water demands until new treatment facilities are completed. The plan is divided into two parts: demand reduction through conservation and operational enhancement. In May 2003, staff was directed to develop a Shortage Allocation Plan to effectively manage the short-term treatment capacity needs of the region. The Shortage Allocation Plan was intended for immediate implementation to reduce treated water demand peaks during hot, dry periods. The Shortage Allocation Plan was developed, with input from member agency operating heads and general managers, and approved by the Board in June 2003. This plan includes several components including early notification, voluntary reallocation of available treated water, and provisions for mandatory cutbacks to all agencies receiving treated water from the Water Authority.

In October 2004, staff began working with the Skinner Area Operating Group, which includes representatives from Metropolitan Water District, Rancho California Water District, Eastern Municipal Water District, and Western Municipal Water District to develop a Regional Treated Water Demand Management Plan. The regional plan is intended to ensure that all water agencies receiving treated water from the Skinner Water Treatment Plant are operating in a manner that most fully optimizes the region’s treated water supply. Staff provided the Board with an overview of the regional plan adopted by the participating agencies in March 2005. This is another in that series of reports.
Discussion

Water Resources Department
The on-going Water Authority water conservation programs continue to provide incentives to conserve. It is anticipated that especially the landscape conservation related programs will experience increased participation as the warmer months arrive. Director Jaeschke's Conservation Action Committee will again this year be key in relaying to commercial water users the importance of water conservation and opportunities to conserve. Finally, staff continues to participate in the State AB 2717 task force process. That task force will identify the best opportunities for increasing landscape water conservation and recommend methods for implementation.

Public Affairs Department
Staff has participated in the Skinner Area Operating Group meetings to plan for a coordinated treated water conservation effort and public information program. A coordinated plan to inform the public about the treated water situation has been created by public affairs and conservation staff from the participating agencies. Specific messages have been developed for each stage of the Treated Water Allocation Plan.

Operations and Maintenance Department
Operations staff continue monthly meetings with member agency Operating Heads and Skinner Area Operating Group representatives to discuss treated water demand management strategies designed to ensure the optimization of regional distribution systems and treatment plants, and coordinate construction and maintenance activities which could impact regional treated water delivery. In addition, Operations staff continues to provide operational information in support of member agency and Skinner operating area treated water conservation and public affairs efforts.

Prepared by:  Bill Jacoby, Water Resources Manager
            Gary A. Eaton, Director of Operations and Maintenance
            Donna Nenow, Acting Director of Public Affairs

Reviewed by:  Ken Weinberg, Director of Water Resources

BJ/GAE/DN:mps
May 18, 2005

Attention: Legislation, Conservation and Outreach Committee

Adopt positions of: Support, if Amended, on AB 1466 (Laird); Oppose on SB 113 (Machado); Support on SB 1081 (Ducheny); Oppose on AB 771 (Saldana); Support on AB 1244 (Wolk); Support on AB 1245 (Wolk); Support on HR 1071 (Davis); and Support on S 1016 (Martinez) (Action)

Purpose
To take a position on key state legislation of interest to the San Diego County Water Authority.

Staff recommendations
Adopt positions of: Support, if Amended, on AB 1466 (Laird); Oppose on SB 113 (Machado); Support on SB 1081 (Ducheny); Oppose on AB 771 (Saldana); Support on AB 1244 (Wolk); Support on AB 1245; Support on HR 1071 (Davis); and Support on S 1016 (Martinez).

Alternatives
Do not take recommended positions or modify positions on one or more of these bills.

Fiscal impact
None.

Background
AB 1466 (Laird) – Tamarisk plant control
Tamarisk (commonly known as Saltcedar), a deciduous, non-native tree or shrub, is a fast-growing, invasive and prevalent plant that today covers hundreds of thousands of acres in the Colorado River basin. This plant crowds out and competes with native habitat while requiring much more water than the native vegetation it replaces. As Colorado River flows have been very low for the last six years, tamarisk continues to negatively impact flows and reservoir storage while water demands and diversions for California and other basin states grow and continue. Efforts to control and eradicate tamarisk plants along the Colorado River watershed must be undertaken, so that California and other basin states do not face significant economic and environmental consequences due to reduced and unreliable diversions and supply from the Colorado River.

AB 1466 would require the Department of Water Resources, in collaboration with various state agencies, to develop a program to control or eradicate tamarisk plants in the Colorado River watershed. In treating tamarisk along the Colorado River watershed, state agencies would develop the program in collaboration with federal agencies including the U.S. Bureaus of Reclamation and Land Management. The program would require the reestablishment of native vegetation.
The Water Authority is one of various agencies participating in the Lower Colorado River Multiple Species Conservation Program. This program is a comprehensive effort to enhance and restore natural resources along the Colorado River and is supported by the federal government, California, Nevada, Arizona and other interested stakeholders. The program also contains provisions to remove or control tamarisk and other invasive exotic vegetation and replace with native habitat along the Colorado River watershed.

Proposed Amendments: While the Water Authority supports development of a tamarisk control program, AB 1466 could potentially result in additional costs above and beyond what is outlined in the bill. The Water Authority has submitted amendments to encourage collaboration of tamarisk control efforts of AB 1466 with the Lower Colorado River Multi-Species Conservation Program. The Water Authority has also submitted amendments to ensure the parties involved with the Lower Colorado River Multi-Species Conservation Program are not required to pay costs associated with AB 1466. These amendments also aim to ensure that costs to carry out tamarisk plant control efforts, as outlined in AB 1466, are fully supported by department appropriations or other grant funding. Staff recommends a position of Support, if Amended, on AB 1466.

SB 113 (Machado) – California Bay-Delta Authority Act
The California Bay-Delta Authority Act established the California Bay-Delta Authority in the Resources Agency to carry out the CALFED Bay-Delta Program as defined in the 2000 CALFED Record of Decision. The CBDA Act requires the CBDA to review and approve annual CALFED program plans and project expenditures submitted by CALFED member agencies. Through SB 113, Sen. Machado seeks to establish specific responsibilities for funding the CALFED program, and outlines a solution to help develop a detailed 10-year Finance Plan. Today, CBDA still struggles with creating a fair and workable finance plan, which some believe places too much financial burden on the state and not enough on water-users.

SB 113 would require the CBDA, as it reviews program plans and expenditures, to take into account the extent to which programs and plans are consistent with the “beneficiary pays” principle. It defines “beneficiary pays” as the allocation of project costs to beneficiaries in approximate proportion to the benefits received. SB 113 also declares that state funds would only be spent to support projects that have “public benefits” and non-state funds would only be spent to support projects that have “private benefits. The bill defines “private benefit” as either one of the following: an improvement required as a means of meeting mitigation requirements associated with a project or an enhancement or improvement where an individual or group of individuals can be identified as beneficiaries. It defines “public benefit” as an enhancement to public trust values beyond those defined as a private benefit, or enhancements for which an individual or group of individuals cannot be identified as beneficiaries. When a project offers both public and private benefits, both the state and non-state funds will be spent on it in proportion to the benefits received.
SB 113 offers four program element examples that the CBDA should use when determining whether a project includes public, private or shared benefits. While SB 113 is an attempt to clarify the issues surrounding CALFED financing, using examples to determine whether a project offers public, private or shared benefits results in guidance that is unclear and often incomplete. For instance, the example involving levee maintenance and improvement describes three “private” beneficiaries, including exporters of Delta water, but it omits many other “private” entities that would also benefit from levee enhancements.

In addition, the measure prohibits the expenditure of public funds on projects for which specific beneficiaries can be identified. Such a prohibition would likely mean that funds from voter-approved bond measures could not be used for “private” purposes, even when the bond language specified such use. For example, the Water Authority is in line to receive a $250,000 grant for a seawater desalination feasibility study from Proposition 50, Chapter 6. But SB 113 defines the Water Authority as a “private” entity, yet Prop. 50 funds are public. Hence, the definitions provided in SB 113 could mean that the state may not be able to support local projects in such areas as conservation, recycling and transfers.

Various water agencies are having challenges with various aspects of the bill including the definitions of public and private benefits and how the CBDA would determine whether a project has public, private or shared benefits. SB 113 also does not comply with Board-adopted guidelines (Oct. 2004) regarding CALFED in the area of funding. These principles state that actions to implement the CALFED program should satisfy several basic policy principles, including:

- Allocate costs equitably to all those benefiting from improvements to the Bay-Delta system, so that financial support for the program reflects the benefits that are received.
- Use public funds to support actions that provide broad-based public benefits.

A position of Oppose on SB 113 is also consistent with the Water Authority’s Imported Water Supply Legislative Policy Guideline #3g which states that: CALFED must “equitably allocate costs of the Bay-Delta solution to all those benefiting from improvements to the Bay-Delta system.” SB 113 is in conflict with this guideline as costs are not equitable and properly allocated to all those benefiting from improvements to the Bay-Delta system as outlined in this bill. Staff recommends a position of Oppose on SB 113.

**SB 1081 (Ducheny) – Resource protection and restoration**

Existing law requires that a restoration study to determine a preferred alternative for the restoration of the Salton Sea ecosystem and the protection of wildlife dependent on that ecosystem be undertaken by the state, in consultation with the Department of Fish and Game, the Department of Water Resources, the Salton Sea Authority, appropriate air quality districts and the Salton Sea Advisory Committee.

SB 1081 aims to provide that the state improve opportunities for local involvement with planning for the restoration of the Salton Sea and implementing a restoration alternative. It also seeks to
establish that Prop. 50 funds in Chapter 9, available and unencumbered on or after Jan. 1, 2006, be used exclusively for the purpose of restoration of the Salton Sea and related activities. SB 1081 would additionally require the Water Conservation Board to prepare and submit a report to the Legislature, on or before June 1, 2006, that discusses and explains the rationale for funds expended for the acquisition of specified lands for the purpose of habitat conservation along the Colorado River. It would also require the Department of Water Resources to enter into a memorandum with the Salton Sea Authority and specified federal entities to establish a state and federal coordinated plan for the restoration of the Salton Sea.

SB 1081 also aims to ensure bill provisions are consistent with the Colorado River Quantification Settlement Agreement and the Lower Colorado River Conservation Multi-Species Conservation Plan.

A position of Support on SB 1081 is consistent with the Board’s 2005 Legislative Policy Guidelines. Biological and Habitat Preservation Guidelines #9 and #11 state that the Water Authority supports legislation that:

- Provides state and/or federal funding for the restoration of the Salton Sea.
- Facilitates implementation of the Conserved Water Transfer Agreement with the Imperial Irrigation District and other Quantification Settlement Agreement programs with impacts or potential impacts to species and habitat along the Colorado River and at the Salton Sea.

Staff recommends a position of Support on SB 1081.

**AB 771 (Saldana) – Coastal Resources: California Coastal Commission: ex parte communications**

AB 771 aims to prohibit ex parte communications between members of the California Coastal Commission and interested persons. Ex parte communications are defined as oral or written communications between commissioners and interested persons about a matter within the commission’s jurisdiction that do not occur in a public hearing or official proceeding.

Last year, AB 2725 (Laird) California Coastal Commission: communications, a bill with similar intent was introduced. AB 2725 passed the Assembly, but died on the Senate inactive file. Prior to enacting AB 2725, the Board adopted a position of Oppose on AB 2725 in April 2004. This year, AB 771, goes much further in efforts to prohibit ex parte communications on various levels. Its intent is to virtually ban ex parte communications altogether.

The California Coastal Commission is responsible for land use and permitting decisions along the 1,100-mile California coastline. Under current law and the Coastal Act, Coastal Commissioners are free to speak to outside parties but are advised to disclose it. This current practice has worked well and allows commissioners to hear a diversity of views on a particular issue, which serves to encourage public participation and communication.
Today, the Coastal Commission functions more like a local planning commission or city council when issuing permits or handling legal matters. AB 771 would make communications with Commissioners subject to the Administrative Procedures Act (APA), a statute that covers adjudicatory proceedings which function like a trial court with formal administrative requirements and proceedings. By making the Coastal Commission subject to the APA, this bill would eliminate free and open access to Commissioners, effectively shutting down private communications with individual Commissioners. AB 771 would also impose a fine of up to $7,500 for violations of these provisions.

Discussions with parties who have differing views are an important source of information for commissioners to supplement information presented by their staff. If interested parties are only limited to a few minutes of testimony in a public hearing to make their case, commissioners would be deprived of any in-depth discussion and understanding of matters before the commission, and would solely rely on information provided by staff. This could preclude commissioners from supporting resolution of issues that can be solved at the commission level.

The Water Authority’s regional seawater desalination project at the Encina Power Station will require a Coastal Development Permit from the Commission. Staff is concerned that this bill would prohibit the Water Authority from communicating with individual commissioners in a substantive manner regarding the complex issues that will be part of the Water Authority’s permit application for a regional seawater desalination project.

The Commission is a public body and Commissioners who desire more information should be allowed to hear it as long as they disclose it as required by law. The Legislature should encourage, not discourage, maximum communication with the Commission, which will provide for better, and more informed decision-making. Staff recommends the board adopt a position of Oppose on AB 771.

AB 1244 (Wolk) – CALFED Bay-Delta Program
The California Bay-Delta Authority (CBDA) Act established the CBDA in the Resources Agency to oversee coordinated implementation of the CALFED Bay-Delta Program consistent with the CALFED Record of Decision issued Aug. 28, 2000. The CBDA comprises numerous state and federal agencies with responsibility for various aspects of the Bay-Delta. The federal CALFED Bay-Delta Authorization Act authorizes federal agencies to participate in the CBDA. Without federal participation, the CBDA would cease to exist on Jan. 1, 2006. In 2004, Congress authorized federal participation in CALFED, but limited participation in CBDA to a non-voting status.

AB 1244 proposes to change state statutes to conform with federal law regarding federal participation in the CBDA and seeks to clarify the CBDA’s relationship with participating state and federal agencies. The Authority is governed by a board that comprises 20 voting members – six state agency directors, six federal agency directors, seven public members and a representative of the Bay-Delta Public Advisory Committee – and four non-voting members from the Legislature. The bill retains all 20 members, but changes federal CBDA representatives
to non-voting members, leaving 14 voting members and, thus, a majority of public representatives. As it includes federal representatives in a body that is part of the California government, the CBDA is a delicate construct that requires legislative action to function properly. With federal participation now established, AB 1244 would eliminate the current sunset provision on the CBDA.

The Water Authority supports extending the life of the CBDA and bringing state and federal law into conformance regarding federal participation. The Water Authority also supports clarifying the CBDA’s relationship with participating state and federal agencies. Federal participation in the CBDA and CALFED is critical, as federal regulators have a tremendous impact on the reliability and quality of Delta water. In addition, depending on the financing strategy that is adopted, the federal government will play a significant role in financing the CALFED program. The program relies on the federal government to pay between 13 and 21 percent of the bill for implementing the Bay-Delta Program over the next decade.

A position of Support on AB 1244 is consistent with the Imported Water Supply Legislative Policy Guidelines, which state that the Water Authority supports legislation that implements the long-term, comprehensive solution for the Bay-Delta outlined in the August 2000 CALFED Record of Decision. The Water Authority also supports and encourages participation by the federal government. Staff recommends a position of Support on AB 1244.

**AB 1245 (Wolk) – CALFED Bay-Delta Program**

The Environmental Water Account (EWA) is a CALFED pilot program that for the past four years has provided water to protect Bay-Delta fisheries and mitigate negative impacts on water supplies exported from the Delta. The Water Authority receives water from the Delta via the State Water Project (SWP) and Metropolitan Water District. AB 1245 (Wolk) states that the time has arrived to establish the EWA as a permanent part of the state’s financial infrastructure to address the needs of the Delta. The bill would establish the Environmental Water Account Fund in the State Treasury to support the California Bay-Delta EWA Program. The State Resources Secretary would administer the EWA Fund, which may be financed by monies from the state, the federal government and others. To date, The EWA has been funded with $54 million from the state General Fund, $99 million from state bond funds and $17 million in federal appropriations. Under the provisions of AB 1245, the EWA may receive contributions of water from any source. Between 2001-2003, through the EWA, 906,000 acre-feet of water was purchased or otherwise obtained for operations, all from either state or federal sources.

The EWA is an effective mechanism that allows CALFED and its state and federal agencies to balance the needs of Bay-Delta fisheries with those of water exporters. AB 1245 recognizes these two primary purposes by specifying that EWA water may be used by SWP or Central Valley Project contractors that otherwise would suffer reduced deliveries as a result of fishery-related actions.

The Water Authority supports legislation that provides reliable water supplies to meet California’s short- and long-term needs (Imported Water Supply guideline #3a) and enhances the Bay-Delta ecological health, taking into account all factors that have degraded Bay-Delta habitat
and wildlife (Imported Water Supply guideline #3d). The EWA is a means to support both of these important objectives, and AB 1245 will strengthen the EWA while maintaining and balancing water demands and needs. Staff recommends a position of Support on AB 1245.

HR 1071 (Davis) – Desalination Drought Protection Act of 2005

Last year, HR 3834, the Desalination Energy Assistance Act of 2004, was introduced during the 108th congressional session. This year, the bill was reintroduced as HR 1071, the “Desalination Drought Protection Act of 2005.” Previous Board action: In April 2004, the Board adopted a position of Support on HR 3834.

HR 1071 would direct the Secretary of Energy to make incentive payments to owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities, and for other purposes. The bill defines a qualified desalination facility as a facility that produces for sale to domestic customers desalinated seawater, brackish groundwater, or surface water whose source water is greater than 1,000 parts per million total dissolved solids. The facility must also be owned or operated by a State or any political subdivision, agency, authority, or instrumentality of a State; or a corporation responsible for providing municipal water service pursuant to a state law. HR 1071 also requires that the facility be first used to produce desalinated water during the 10-year period beginning on October 1 of the first full fiscal year occurring after the date of the enactment of the bill. Payments would be made to owners or operators for a period not to exceed 10 years. HR 1071 would authorize $200 million for the period of fiscal years 2006 through 2016.

On March 14, 2005, HR 1071 was referred to the House Subcommittee on Water and Power and is scheduled for a hearing on May 24, 2005. A position of Support for HR 1071 is consistent with the Board’s 2005 Legislative Policy Guidelines (Local Water Resources, #1, #2, #3). Staff recommends a position of Support on HR 1071.

S 1016 (Martinez) – Desalination Water Supply Shortage Prevention Act of 2005

S 1016 was introduced on May 12, 2005, and is the Senate version of HR 1071. It intends to carry out the same provisions of HR 1071 to direct the Secretary of Energy to make incentive payments to owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes. S 1016 would provide that incentive payments be 62 cents for every 14 kilowatt hours of electricity used to produce desalinated water (current energy requirement for seawater reverse osmosis) and requests authorization of $200 million to carry out bill provisions.

S 1016 was referred to the Senate Committee on Energy and Natural Resources on May 12, 2005. A position of Support for S 1016 is consistent with the Board’s 2005 Legislative Policy Guidelines (Local Water Resources, #1, #2, #3). Staff recommends a position of Support on S 1016.
Discussion
Copies of AB 1466, SB 113, SB 1081, AB 771, AB 1244, AB 1245, HR 1071 (as of May 10, 2005) and S 1016 are attached.

Prepared by: Lisa Gordon, Government Relations Representative
Approved by: Dennis A. Cushman, Assistant General Manager

Attachments
1. AB 1466
2. SB 113
3. SB 1081
4. AB 771
5. AB 1244
6. AB 1245
7. HR 1071
8. S 1016
AMENDED IN ASSEMBLY APRIL 21, 2005
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL No. 1466

Introduced by Assembly Member Laird
(Coauthors: Senators Battin and Ducheny)

February 22, 2005

An act to add Part 11 (commencing with Section 12999) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST
AB 1466, as amended, Laird. Tamarisk plant control.
Existing law grants to the Department of Water Resources various duties relating to the supervision of the state's water resources.
This bill would require the department, in collaboration with other entities, to undertake a program to control or eradicate tamarisk plants in the Colorado River watershed.
State-mandated local program: no.

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

SECTION 1. The Legislature finds and declares all of the following:
(a) Tamarisk is a small tree or large shrub that was imported from Eastern Europe in the 1800s for use as windbreaks and erosion control.
(b) Tamarisk is spreading across the West, including covering hundreds of thousands of acres in the Colorado River Basin, almost entirely along waterways.
(c) Tamarisk easily out-competes native habitat, such as willows and cottonwoods, and has very little habitat value compared to native vegetation.

(d) Because of its delicate and expansive leaf structure, tamarisk on a per-acre basis, takes up and evaporates substantially more water than native vegetation.

(e) Colorado River flows have been very low for the last six years because of increasing human uses and very-low rainfall, and because tamarisk is taking up significantly more water than the native vegetation that it replaces.

(f) If low river flows continue, dwindling reservoir storage will be insufficient to continue historical levels of diversions and diversions will have to be curtailed, with substantial impacts to the economies of the seven states in the Colorado River watershed.

(g) Controlling tamarisk entails a large and costly task, but if it is not undertaken, there will be significant economic and environmental consequences for California and the other basin states.

SEC. 2. Part 11 (commencing with Section 12999) is added to Division 6 of the Water Code, to read:

PART 11. TAMARISK PLANT CONTROL

12999. The department shall undertake a program to control or eradicate tamarisk plants in the Colorado River watershed. The program shall include the reestablishment of native vegetation. The program shall be undertaken in cooperation with the other states in the watershed, affected water agencies, and the federal government.

12999. The Department of Water Resources, in collaboration with the Department of Food and Agriculture, the Department of Fish and Game, and the Colorado River Board of California, shall develop a program to control or eradicate tamarisk plants in the Colorado River watershed. These state agencies shall develop this program in collaboration with federal agencies, including, but not limited to, the United States Bureau of Reclamation and the United States Bureau of Land Management, for the treatment of tamarisk along the Colorado River watershed. This program shall also be developed in cooperation
with the other states in the watershed and affected water agencies. This program shall include the reestablishment of native vegetation.
An act to amend Sections 79402, 79423, and 79509.6, of, and to add Section 79403 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST


Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency the California Bay-Delta Authority until January 1, 2006, unless a certain determination is made. The act requires the authority and the implementing agencies, as defined, to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended. The act requires the authority to review, approve, and make recommendations regarding certain annual program plans and project expenditures submitted by the implementing agencies based on prescribed criteria.

This bill would require the authority, in undertaking that review, approval, or modification, to consider the extent to which those plans or expenditures are consistent with the “beneficiary pays principle,” as defined. The bill would provide that, for the purposes of implementing the act and subject to certain exceptions, state funds shall fund projects that have public benefits, nonstate funds shall fund projects that have private benefits, and both project beneficiaries and the
public are responsible for costs associated with a project that has
both private and public benefits.

State mandated local program: no.

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

SECTION 1. The Legislature finds and declares all of the
following:

(a) The CALFED Bay-Delta Program Record of Decision,
dated August 28, 2000 (Record of Decision), and the Final
Programmatic environmental impact statement/environmental
impact report (EIS/EIR) called for the development of a finance
plan. A fundamental philosophy of the CALFED Bay-Delta
Program is that costs to implement programs, or to mitigate
impacts resulting from the implementation of programs, should,
to the extent possible, be paid for by the beneficiaries of the
program actions.

(b) The need to implement a finance plan is important given
that current funding sources will soon be depleted, the review of
program benefits and beneficiaries is needed to support a
benefits-based cost allocation, as called for in the Record of
Decision, and state and federal fiscal budgets are severely
constrained.

(c) The California Bay-Delta Authority should use the
following program element examples as guidance when making a
determination as to whether a project includes public, private, or
shared public-private benefits:

(1) Under the levee program element, a private benefit occurs
from levee maintenance and conveyance improvements needed to
export water through the San Francisco Bay/Sacramento-San
Joaquin Delta (Delta) to meet urban and agricultural water
needs, from levee maintenance and rehabilitation improvements
that serve to protect privately-owned land in the Delta, and from
improvements needed to address erosion problems resulting from
recreational boating activities. An example of a public benefit
occurs when an improvement benefits the ecosystem beyond
mitigation of impacts resulting from the implementation of
projects.
(2) Under the environmental water account program element, a private benefit occurs when an improvement is designed and intended to mitigate project impacts to fish and wildlife or an improvement is intended to hold a local entity harmless or modify requirements imposed under the Endangered Species Act in order to avoid water supply impacts. An example of a public benefit occurs when there is an enhancement to fish and wildlife above conditions existing prior to the commencement of actions that caused the initial mitigation.

(3) Under the science program element, a private benefit occurs when a scientific approach is undertaken to solve a problem for a specified local entity. An example of a public benefit occurs when a scientific approach is undertaken to improve public trust values, as opposed to a scientific approach that directly benefits an identifiable group.

(4) Under the ecosystem restoration program element, a private benefit occurs when mitigation is required under existing regulatory requirements to minimize the impacts of a project undertaken to further the purposes of the CALFED Bay-Delta Program, such as the preservation of fish and wildlife. A public benefit occurs when there is enhancement to the ecosystem that is beyond compliance with these regulatory requirements.

SECTION 1.

SEC. 2. Section 79402 of the Water Code is amended to read:

79402. Unless the context otherwise requires, the following definitions set forth in this section govern the construction of this division:

(a) "Authority" means the California Bay Delta Authority.

(b) "Balance" or "balanced implementation" means the implementation of projects, programs, or other actions in a manner that meets both of the following requirements:

1. Is consistent with the implementation schedule and milestones described in the CALFED Bay Delta Program Record of Decision, dated August 28, 2000, or as it may be amended, except as modified by the finance plan prepared by the authority.

2. Results in concurrent improvement in all program elements in a manner that ensures that improvements in some program elements are not made without corresponding improvements in other program elements.
(c) "Bay Delta" means the San Francisco Bay/Sacramento/San Joaquin Delta Estuary.

(d) "Bay Delta Public Advisory Committee" means the Bay Delta Public Advisory Committee established by charter issued by the United States Department of Interior, dated June 8, 2001, and filed on July 2, 2002.

(e)(1) "Beneficiary pays principle" means the allocation of project costs to beneficiaries in approximate proportion to the benefits received.

(2) For the purposes of applying the beneficiary pays principle, the following terms have the following meanings:

(A) Subject to subparagraph (B), a "beneficiary" means ____.

(B) A beneficiary does not include ____.

(C) Subject to subparagraph (D), "benefits" mean ____.

(D) Benefits do not include ____.

(E) "Public benefits" mean ____.

(F) "User benefits" mean ____.

(2) For the purposes of applying the beneficiary pays principle to the California Bay-Delta Program, the following terms have the following meanings:

(A) "Benefit" means either a public benefit, private benefit, or shared benefit.

(B) "Public benefit" means an enhancement to public trust values beyond those defined as a private benefit. Enhancements for which an individual or group of individuals cannot be identified as beneficiaries shall be deemed a public benefit.

(C) "Private benefit" means either of the followings:

(1) An improvement required as a means of meeting mitigation requirements associated with a project.

(2) An enhancement or improvement where an individual or group of individuals can be identified as beneficiaries.

(D) "Shared benefit" means an improvement where there are public benefits and private benefits.

(E) "Project costs" includes costs associated with financing, interest, operations and maintenance, planning, study, permits, and capital expenditures.

(F) "Local entity" means any private or public entity or association of private or public entities.
(f) “California Bay-Delta Program” or “Bay-Delta Program” means those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, or as it may be amended.

(g) “Category A programs” means those state and federal agency programs and funds that are to be managed and implemented consistent with the California Bay-Delta Program’s goals and objectives.

(h) “Director” means the Director of the California Bay-Delta Authority.

(i) “Implementing agencies” means those agencies with the primary responsibility for implementing the program elements, subject to Sections 79440 and 79441.

(j) “Program elements” means the following 11 program elements of the California Bay-Delta Program:

1. Levee system integrity.
2. Water quality.
3. Water supply reliability.
4. Ecosystem restoration.
5. Water use efficiency.
6. Water transfer.
7. Watershed.
8. Storage.
11. Environmental water account.

(k) “Projects” means both programs and capital projects.

SEC. 3. Section 79403 is added to the Water Code, to read:

79403. For the purposes of implementing this division, all of the following requirements apply:

(a) State funds shall fund projects that have public benefits. State funds shall not fund projects that do not have public benefits.

(b) Nonstate funds shall fund projects that have private benefits. Nonstate funds shall not fund projects that do not have private benefits.

(c) Where both private and public benefits are identified for a project, both project beneficiaries and the public are responsible
for costs associated with the project in proportion to the benefits received.

(d) Notwithstanding subdivisions (a), (b), and (c), the authority may allocate available state funds to pay for costs associated with a project that benefits a disadvantaged community, as defined in Section 79505.5, or any Indian tribe having a federally recognized governing body.

SEC. 2.

SEC. 4. Section 79423 of the Water Code, as added by Section 2 of Chapter 955 of the Statutes of 2002, is amended to read:

79423. (a) The implementing agencies shall annually submit to the director their annual program plan and proposed budget for the following budget year describing how each implementing agency proposes to implement their respective program elements during the following budget year. The director shall then submit a comprehensive budget proposal to the Secretary of the Resources Agency for consideration consistent with the existing budget development process. Individual departmental budget requests are exempt from the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). These programs shall also address environmental justice concerns and assess the impacts of projects and activities on tribal trust resources and tribal governmental concerns.

(b) Each annual program plan and proposed budget shall include programs that are designated as Category A programs in Attachment 3, entitled “Implementation Memorandum of Understanding” of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, or as it may be amended.

(c) Annually, the authority shall consult with the agencies identified in subdivision (f) of Section 79401 and the Bay-Delta Public Advisory Committee, and shall determine, with the concurrence of the implementing agencies, those changes that shall be made to the list of Category A programs.

(d) Each annual program plan and proposed budget shall include program priorities, work plans, proposed budgets, and significant program products, including, but not limited to, regulations, grant or loan solicitations, schedules for production of environmental documents, and project selection processes.
Annual program plans and proposed budgets also shall include a strategy and proposed budget for addressing program-specific, critical scientific uncertainties, developing and implementing performance measures, evaluating program actions, developing strategies for incorporating tribal and environmental justice interests, and conducting scientific review of program implementation and proposed projects. The implementing agency and the director shall consult with the lead scientist, as appropriate, to determine an appropriate science strategy and proposed budget.

The implementing agencies shall develop comprehensive tribal and environmental justice work plans, including specific goals and objectives and projected expenditures that address all program areas.

The implementing agencies shall coordinate the preparation of annual program plans and proposed budgets with agencies participating in the California Bay-Delta Program, federally recognized Indian tribes, and other appropriate agencies.

The implementing agencies and the director shall seek to integrate the annual plans and proposed budgets for the program elements into a comprehensive and balanced annual implementation plan.

Annually, the authority shall review and approve, and, as appropriate, may recommend that implementing agencies modify, multiyear program plans and long-term expenditure plans on behalf of Category A programs, based on the following criteria:

1. Consistency with the program.
2. The balanced achievement of the program’s goals and objectives.
3. Consistency with the “beneficiary pays principle,” as defined in Section 79402.

If the authority does not approve an implementing agency’s multiyear program plan and long-term expenditure plan, the authority shall prepare and submit written findings to the appropriate policy and fiscal committees of the Legislature and the implementing agencies, describing how the multiyear program plan and long-term expenditure plan do not meet the
criteria adopted by the authority pursuant to subdivision (o) of Section 79421.

(k) If the authority recommends modification to implementation of the Budget Act for the current fiscal year or the multiyear program plan and long-term expenditure plan, the implementing agency shall resubmit the Budget Act implementation plan, the multiyear plan, or the long-term expenditure plan, as appropriate, to the authority for approval. If an implementing agency makes any of the modifications recommended by the authority, the authority shall submit these modifications to the Legislature.

(l) Nothing in this division limits or interferes with the final decisionmaking authority of the implementing agencies.

(m) This section shall become operative only if this bill and Senate Bill 1653 of the 2001-02 Regular Session are both chaptered and become effective on or before January 1, 2003, and this bill is chaptered last, in which case this section shall prevail over Section 79423, as added by Senate Bill 1653.

SEC. 3.

SEC. 5. Section 79509.6 of the Water Code is amended to read:

79509.6. (a) For the purposes of ensuring compliance with Section 79509, the California Bay-Delta Authority shall review regulations, guidelines, or criteria that are proposed by an implementing agency to carry out a grant program for projects and activities that meet the following criteria:

(1) The project is located within the CALFED solution area as defined in the CALFED final programmatic environmental impact statement/environmental impact report, dated July 2000.

(2) The project wholly or partially assists in the fulfillment of one or more of the goals of the CALFED Bay-Delta Program.

(b) Except for projects financed pursuant to Chapter 6 (commencing with Section 79545) or Chapter 10 (commencing with Section 79570), the California Bay-Delta Authority may review, and comment to the appropriate implementing agency with regard to, a proposal to award a grant pursuant to this division on behalf of a project that meets the criteria set forth in subdivision (a) for the purposes of determining whether or not the project is consistent with the CALFED Bay-Delta Programmatic Record of Decision.
(c) To avoid any delays in project awards, the opportunity for review by the California Bay-Delta Authority pursuant to subdivision (b) shall be incorporated into the grant program schedules established by the implementing agencies.

(d) For the purposes of this section, “implementing agency” has the same definition as that set forth in subdivision (i) of Section 79402.
An act to add Section 79569 to the Water Code, relating to habitat restoration.

LEGISLATIVE COUNSEL’S DIGEST

SB 1081, as amended, Ducheny. Salton Sea—Resource protection and restoration.

Existing law requires the Secretary of the Resources Agency, in consultation with the Department of Fish and Game, the Department of Water Resources, the Salton Sea Authority, appropriate air quality districts, and the Salton Sea Advisory Committee, to undertake a restoration study to determine a preferred alternative for the restoration of the Salton Sea ecosystem and the protection of wildlife dependent on that ecosystem.

The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, authorizes, for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of $3,440,000,000, of which $50,000,000 is available, upon appropriation by the Legislature, to the Wildlife Conservation Board for the acquisition, protection, and restoration of land and water resources necessary to meet state obligations for regulatory requirements related to California’s allocation of water supplies from the Colorado River.
This bill would state the intent of the Legislature that any of those bond moneys appropriated to the board for that purpose that are unencumbered on or after January 1, 2006, be used exclusively for the purpose of restoration of the Salton Sea and related activities. The bill would require the board to prepare and submit to the Legislature, on or before June 1, 2006, a report identifying funds to replace those moneys expended by that board for the acquisition of specified land for the purpose of habitat conservation. The bill would require the Department of Water Resources and the authority to seek to enter into a memorandum of understanding with the authority, United States Geological Survey, and the United States Bureau of Reclamation to establish a state and federal coordinated plan for the restoration of the Salton Sea. The bill would make findings and declarations relating to tributaries of the Salton Sea and local control of the input regarding restoration efforts.


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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Alamo River and the New River are important resources and inland tributaries to the Salton Sea.

(b) Improving water quality and the quantity of water that feeds into the Salton Sea are extremely important goals.

(b) Improving water quality and maintaining the quantity of water in the Salton Sea in accordance with the Quantification Settlement Agreement and Section 2081.7 of the Fish and Game Code are extremely important goals.

(c) The restoration of the Salton Sea is important to the economic development of Imperial County and Riverside County.

(d) Local input on restoration efforts should be taken into consideration at every phase of the restoration plan.

(e) The state should address the involvement of local entities such as the Salton Sea Authority and review the potential to shift implementation of the restoration plan to a local entity.
(e) The state should improve the opportunities for involvement of local entities in planning for the restoration of the Salton Sea and implementing a restoration alternative.

SEC. 2. Section 79569 is added to the Water Code, to read:

79569. It is the intent of the Legislature that any moneys appropriated to the Wildlife Conservation Board pursuant to Section 79568 that are unencumbered on or after January 1, 2006, be used exclusively for the purpose of the restoration of the Salton Sea and related activities. As used in this section, “restoration of the Salton Sea and related activities” does not include land acquisition on the Lower Colorado River that is not related to the restoration of the Salton Sea.

SEC. 3. The Wildlife Conservation Board shall prepare and submit to the Legislature, on or before January 1, 2006, a report identifying funds to replace those moneys expended by that board pursuant to Section 79568 of the Water Code for the acquisition of approximately 1,340 acres along the Colorado River north of Blythe for the purpose of habitat conservation.

SEC. 3. (a) The Wildlife Conservation Board shall prepare and submit to the Legislature, on or before June 1, 2006, a report on the purchase of lands in Riverside County commonly known as “Travis Ranch.”

(b) The report shall include an explanation for the rationale for the purchase and its consistency with existing law, including, but not limited to, Chapters 611 and 613 of the Statutes of 2003.

SEC. 4. The Department of Water Resources and the Salton Sea Authority shall seek to enter into a memorandum of understanding with the Salton Sea Authority, the United States Geological Survey, and the United States Bureau of Reclamation to establish a state and federal coordinated plan for the restoration of the Salton Sea.

SEC. 5. No provision in this act shall be construed in a manner that is inconsistent with the Colorado River Quantification Settlement Agreement or the Lower Colorado River Multi-Species Conservation Plan.
An act to amend Section 11430.30 of the Government Code, and to amend Sections 30319, 30320, 30321, 30322, and 30326 of, and to repeal Sections 30323, 30324, 30327, and 30329 of, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL’S DIGEST

AB 771, as amended, Saldana. Coastal resources: California Coastal Commission: ex parte communications.
(1) Existing law provides that a communication otherwise prohibited by a specified provision governing ex parte communication in an administrative adjudication proceeding from an employee or representative of an agency that is a party to the presiding officer is permissible in certain circumstances. One of those circumstances is where the communication is for the purpose of advising the presiding officer concerning specified matters in an adjudicative proceeding that is nonprosecutorial in character, and the advice involves an issue in a proceeding of the San Francisco Bay Conservation and Development Commission, the California Tahoe Regional Planning Agency, the Delta Protection Commission, the State Water Resources Control Board, or a regional water quality control board.

This bill would also allow an ex parte communication under those circumstances where the advice involves an issue in a proceeding of the California Coastal Commission.
(2) The existing California Coastal Act of 1976 requires a person who applies to the California Coastal Commission for approval of a development permit to provide the commission with the names and addresses of all persons who, for compensation, will be communicating with commission staff on the applicant’s behalf or on behalf of the applicant’s business partners, and requires that a disclosure be provided to the commission prior to the communication.

This bill would require a person who applies to the commission for approval of a development permit to provide that information, to the extent those communications are allowed under specified provisions governing ex parte communications in an administrative adjudication proceeding, and would additionally require the disclosure be placed in the public record prior to an official commission proceeding on the action.

(3) The act provides that for purposes of the act, except as provided, an “ex parte communication” is any oral or written communication between a member of the commission and an interested person, about a matter within the commission’s jurisdiction, which does not occur in a public hearing, workshop, or other official proceeding, or on the official record of the proceeding on the matter.

This bill would revise that definition of “ex parte communication” to additionally provide that an “ex parte communication” is any oral or written communication, either direct or indirect, between a member of the commission and any person, and about a matter within the commission’s jurisdiction, which and does not occur in a public hearing, workshop, or other official and publicly noticed proceeding, or on the official record of the proceeding on the matter. The bill would also revise provisions describing the types of communications that are not ex parte communications, as specified, provide that an ex parte communication relating to a pending or impending adjudicative proceeding is subject to specified provisions governing ex parte communications.

(4) Existing law excludes any communication between a staff member acting in his or her official capacity and an interested person as an ex parte communication.

This bill would instead exclude a communication between specified staff members and nonvoting commission members acting in that capacity as an ex parte communication. The bill would prohibit a commission member from engaging in communication with a person regarding any matter in litigation to which the commission is a party,
except as specified. The bill would subject a commission member who knowingly violates those provisions governing ex parte communications to a civil fine, not to exceed $7,500.

(5) The act defines “a matter within the commission’s jurisdiction” to include specified permit actions, reviews, programs, plans, and other prescribed matters.

This bill would additionally include enforcement proceedings as a matter within the commission’s jurisdiction.

The bill would eliminate provisions defining the term “interested person” for purposes of the act, and provisions governing requiring the disclosure and reporting of ex parte communications.

(4)

(6) The act authorizes any person, including a commission member, to request the commission staff to conduct a workshop on any matter before the commission or on any subject that could be useful to the commission, and requires that, when the executive director of the commission determines that a request is appropriate and feasible, a workshop be scheduled at an appropriate time and location.

This bill would require that such a workshop be publicly noticed for an appropriate time and location.

(5)

(7) The act prohibits a commission member or alternate from making, participating in making, or in any other way attempting to use his or her official position to influence a commission decision about which the member or alternate has knowingly had an ex parte communication that has not been reported, and imposes a civil penalty not to exceed $7,500 on a commission member who knowingly violates that prohibition.

This bill would eliminate that provision.


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

1 SECTION 1. Section 11430.30 of the Government Code is amended to read:
2 11430.30. A communication otherwise prohibited by Section 11430.10 from an employee or representative of an agency that is a party to the presiding officer is permissible in any of the following circumstances:
(a) The communication is for the purpose of assistance and advice to the presiding officer from a person who has not served as investigator, prosecutor, or advocate in the proceeding or its preadjudicative stage. An assistant or advisor may evaluate the evidence in the record but shall not furnish, augment, diminish, or modify the evidence in the record.

(b) The communication is for the purpose of advising the presiding officer concerning a settlement proposal advocated by the advisor.

(c) The communication is for the purpose of advising the presiding officer concerning any of the following matters in an adjudicative proceeding that is nonprosecutorial in character:

1. The advice involves a technical issue in the proceeding and the advice is necessary for, and is not otherwise reasonably available to, the presiding officer, provided the content of the advice is disclosed on the record and all parties are given an opportunity to address it in the manner provided in Section 11430.50.

2. The advice involves an issue in a proceeding of the San Francisco Bay Conservation and Development Commission, the California Coastal Commission, the California Tahoe Regional Planning Agency, the Delta Protection Commission, the State Water Resources Control Board, or a regional water quality control board.

SEC. 2. Section 30319 of the Public Resources Code is amended to read:

30319. A person who applies to the commission for approval of a development permit shall provide the commission with the names and addresses of all persons who, for compensation, will be communicating with commission staff on the applicant's behalf or on behalf of the applicant's business partners, to the extent those communications are allowed under Article 7 (commencing with Section 11430.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code. That disclosure shall be provided to the commission prior to a communication, and shall be placed in the public record prior to an official commission proceeding on the action. Failure to comply with that disclosure requirement is a misdemeanor and, upon conviction, the person shall be punished by a fine of five thousand dollars ($5,000) or imprisonment in the county jail not
exceeding six months, and, in addition, shall be subject to immediate denial of the permit.

SEC. 3. Section 30320 of the Public Resources Code is amended to read:

30320. (a) The people of California find and declare that the duties and responsibilities of the commission are sensitive and extremely important for the well-being of current and future generations and that the public interest and principles of fundamental fairness and due process of law require that the commission conduct its affairs in an open, objective, and impartial manner free of undue influence and the abuse of power and authority. It is further found that, to be effective, California’s coastal protection program requires public awareness, understanding, support, participation, and confidence in the commission and its practices and procedures. Accordingly, this article is necessary to preserve the public’s welfare and the integrity of, and to maintain the public’s trust in, the commission and the implementation of this division.

(b) The people of California further find that in a democracy, due process, fairness, and the responsible exercise of authority are all essential elements of good government which require that the public’s business be conducted in public meetings, with limited exceptions for sensitive personnel matters and litigation in accordance with the law, and on the official record. Reasonable restrictions are necessary and proper to prevent future abuses and misuse of governmental power so long as all members of the public are given adequate opportunities to present their views and opinions through written or oral communications on the official record either before or during the public hearing on any matter before the commission.

SEC. 4. Section 30321 of the Public Resources Code is amended to read:

30321. For purposes of this article, “a matter within the commission’s jurisdiction” means any permit action, federal consistency review, appeal, local coastal program, port master plan, public works plan, long-range development plan, categorical or other exclusions from coastal development permit requirements, enforcement proceeding, or any other quasi-judicial matter requiring commission action, for which an application has been submitted to the commission.
SEC. 4.
SEC. 5. Section 30322 of the Public Resources Code is amended to read:
30322. (a) For purposes of this article, except as provided in subdivision (c), an “ex parte communication” is any oral or written communication, either direct or indirect, between a member of the commission and any interested person, about a matter within the commission’s jurisdiction, which does not occur in a public hearing, workshop, or other official and publicly noticed proceeding, or on the official record of the proceeding on the matter.
(b) An ex parte communication relating to a pending or impending adjudicative proceeding shall be restricted as provided in Article 7 (commencing with Section 11430.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.
(c) The following communications are not ex parte communications:
(1) Any communication between a staff member acting in his or her official capacity and any commission member or other interested person.
(2) Any communication limited entirely to procedural issues, including, but not limited to, the hearing schedule, location, format, or filing date.
(3) Any communication that takes place on the record during an official proceeding of a state, regional, or local agency that involves a member of the commission who also serves as an official of that agency.
(4) Any communication between a member of the commission, with regard to any action of another state agency or of a regional or local agency of which the member is an official, and any other official or employee of that agency, including any person who is acting as an attorney for the agency, unless that agency is a party, as defined in Section 11405.60 of the Government Code, to an action pending or impending before the commission.
(5) Any communication between a nonvoting commission member and a staff member of a state agency where both the

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commission member and the staff member are acting in an official capacity.

(6) Any communication to a nonvoting member relating to an action pending before the commission, where the nonvoting commission member does not participate in that action, either through written or verbal communication, on or off the record, with other members of the commission.

(d) Notwithstanding any other provision of law, a commission member shall not engage in a communication with a person regarding any matter in litigation to which the commission is a party, except in a publicly noticed proceeding, or in a closed session as permitted by law, or with the commission’s attorneys, except for any of the following:

(1) In a publicly noticed proceeding.

(2) In a closed session, as permitted by law.

(3) Within formal settlement discussions with the presence of the commission’s attorneys.

(4) With the commission’s attorneys.

(e) In addition to any other applicable penalty, including a civil fine imposed pursuant to Section 30824, a commission member who knowingly violates this section is subject to a civil fine, not to exceed seven thousand five hundred dollars ($7,500) for each communication. Notwithstanding any other provision of law, the court may award attorneys’ fees and costs to the prevailing party.

SEC. 5. Section 30323 of the Public Resources Code is repealed.

SEC. 6. Section 30324 of the Public Resources Code is repealed.

SEC. 7. Section 30326 of the Public Resources Code is amended to read:

30326. A person, including a commission member, may request the commission staff to conduct a workshop on any matter before the commission or on any subject that could be useful to the commission. When the executive director determines that a request is appropriate and feasible, a workshop shall be scheduled at, and publicly noticed for, an appropriate time and location.
SEC. 8. Section 30327 of the Public Resources Code is repealed.

SEC. 9. Section 30329 of the Public Resources Code is repealed.
An act to amend Sections 79401, 79402, 79403.5, 79412, 79415, 79420, 79421, 79440, 79450, 79452 and 79460 of, to amend and repeal Sections 79420, 79423, 79453, and 79455, of, to add Sections 79472 and 79473 to, to repeal Sections 79406 and 79422 of, and to repeal Chapter 3 (commencing with Section 79475) of Division 26.4 of, the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST
AB 1244, as amended, Wolk. CALFED Bay-Delta Program.
Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency the California Bay-Delta Authority, with membership as prescribed, including state and federal government representatives, until January 1, 2006, unless a certain determination is made. The act requires the authority, on or before November 15 of each year, to review progress in implementing the California Bay-Delta Program and, on or before December 15 of each year, to submit a report to various persons and entities that describes the implementation of the program for the prior fiscal year. The act authorizes the Governor, in consultation with the United States Secretary of the Interior, to appoint a director. The act requires the implementing agencies, as defined, to annually submit to the director their program plan and proposed budget, as prescribed.
Existing federal law, the CALFED Bay-Delta Authorization Act authorizes the represented federal agencies to participate in the program and authorizes the secretary and federal agency heads to carry out program activities in listed categories.

This bill would modify the state act to clarify the relationship of the authority and its implementing agencies with the federal government with regard to the program, and to conform the state act to the federal act, including changing the title of the program to the CALFED Bay-Delta Program, requiring state agencies to cooperate with federal agencies to meet the goals and objectives of the program, requiring state agencies to comply with the state act without respect to the cooperation of federal agencies, and removing references to federal authorizing legislation. The bill would establish a board to govern the authority, comprised of the existing representatives, members, and ex officio members of the authority. The bill would designate the member from the Bay-Delta Public Advisory Committee as a public member.

The bill would authorize the authority to enter into cooperative agreements with individuals, associations, private entities, boards of supervisors, and with state or federal departments, divisions, bureaus, boards, or commissions for the purpose of carrying out the program; to acquire and manage office space, and to use digital signatures for all documents.

The bill would require that report on or before February 15 of each year, in coordination with the secretary. The bill would require the authority to review, and comment to the appropriate implementing agency or agencies with regard to, regulations, guidelines, criteria, and awards proposed by the implementing agency or agencies to carry out a specified grant program.

The bill would delete an existing requirement to develop, and report on, an administrative efficiency pilot program.

The bill would additionally authorize the Governor, in consultation with the secretary, to appoint a chief counsel.

The bill would authorize the Bay-Delta Public Advisory Committee to be treated as a state advisory committee. The bill would exempt members of the committee or its subcommittees from certain financial interest restrictions when they are advising and making recommendations to the authority and director on proposed grant solicitation packages.
The bill would authorize the lead scientist and the director to seek assistance and review from scientific experts in the development of scientific programs, performance measures, research questions and other scientific issues. The bill would exempt a member of the Independent Science Board (ISB) or other science advisory panel, or an independent scientific expert who assists an implementing agency or the authority from certain financial interest restrictions with regard to participation in the making of a contract that results from a competitive process to fund scientific research, unless the scientific expert participated directly in the preparation of the grant solicitation package or the selection of projects to be funded. The bill would exempt from the Bagley-Keene Open Meeting Act the ISB and any other independent science panel established to assist the implementing agencies and the authority, but would subject those entities to other public accountability requirements, as prescribed.

The bill would remove the repeal provisions of the state act, thereby extending the state act indefinitely.

This

(2) The bill would declare that it is to take effect immediately as an urgency statute.


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

SECTION 1. Section 79401 of the Water Code is amended to read:

79401. The Legislature finds and declares all of the following:

(a) The San Francisco Bay/Sacramento-San Joaquin Delta Estuary is the largest estuary on the West Coast of the United States. It includes over 738,000 acres in five counties. The tributaries, sloughs, and islands support over 750 plant and animal species.

(b) The bay-delta, its tributaries, and watershed are critical to California’s economy, supplying drinking water for two-thirds of Californians and irrigation water for over 7,000,000 acres of the most highly productive agricultural land in the world. It also supports 80 percent of the state’s commercial salmon fisheries.
The Bay-Delta is the hub of California's two largest water distribution systems—the Central Valley Project, operated by the federal Bureau of Reclamation and the State Water Project, operated by the California Department of Water Resources. It also provides the conveyance of flood waters from most of the rivers in the Central Valley.

Conflicts currently exist regarding water use for the purposes of water quality, fish protection, and water supply that demonstrate how little flexibility the state's water supply systems have to meet the state's growing demand for water and the need to protect the environment.

A solution to these problems requires state, federal, tribal, and local action in numerous regions throughout the state, not only in the Bay-Delta itself, but also in the Bay-Delta watershed and the areas that depend on water exported from the Bay-Delta. The CALFED Bay-Delta Program is divided into the following five regions:

1. Sacramento and San Joaquin River Delta.
2. San Francisco Bay.
4. San Joaquin Valley.
5. Southern California.

Numerous state and federal agencies have some role in managing or regulating the natural resources of the Bay-Delta and its watershed. A coordinated implementation structure and organization is necessary for the effective implementation of the CALFED Bay-Delta Program. The state and federal agencies participating in the program include all of the following: the Resources Agency, Department of Water Resources, Department of Fish and Game, Department of Food and Agriculture, California Environmental Protection Agency, State Water Resources Control Board, State Department of Health Services, Department of Conservation, Department of Parks and Recreation, Delta Protection Commission, Bay Conservation and Development Commission, State Reclamation Board, United States Department of the Interior, United States Department of Agriculture, United States Bureau of Reclamation, United States Fish and Wildlife Service, United States Geological Survey, United States Bureau of Land Management, United States National Marine Fisheries Service, United States Environmental
Protection Agency, United States Army Corp of Engineers, United States Natural Resources Conservation Service, United States Forest Service, and Western Area Power Administration.

(g) The agencies participating in the CALFED Bay-Delta Program have prepared a 30-year plan to coordinate existing programs and direct new programs to improve the quality and reliability of the state’s water supplies and to restore the ecological health of the bay-delta watershed.

(h) To ensure efficiency, transparency, and accountability in decisionmaking, the implementation of the CALFED Bay-Delta Program requires the establishment of an authority. The authority is intended to accomplish all of the following:

1. Provide accountability to the Legislature, Congress, and interested parties for the program’s performance.

2. Promote the implementation of the program in a balanced manner.

3. Provide consistent monitoring, assessment, and reporting of the agencies’ individual and cumulative actions.

4. Provide the use of sound, consistent science across all program elements.

5. Coordinate existing and new government programs to meet common goals, avoid conflicts, and eliminate redundancy and waste.

6. Oversee coordinated implementation of the CALFED Bay-Delta Program in a manner that is consistent with the mission statement, goals, and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, or as it may be amended.

7. Promote the development and implementation of regional programs to advance the program elements.

(i) The successful implementation of the CALFED Bay-Delta Program will require the full cooperation and participation of many federal agencies. Federal agencies are invited to participate in the authority and its activities, as described in this division, to the extent authorized under federal law.

SEC. 2. Section 79402 of the Water Code is amended to read:

79402. Unless the context otherwise requires, the following definitions set forth in this section govern the construction of this division:

(a) “Authority” means the California Bay-Delta Authority.
(b) “Balance” or “balanced implementation” means the implementation of projects, programs, or other actions in a manner that meets both of the following requirements:

(1) Is consistent with the implementation schedule and milestones described in the CALFED Bay Delta Program Record of Decision, dated August 28, 2000, or as it may be amended.

(2) Results in concurrent improvement in all program elements in a manner that ensures that improvements in some program elements are not made without corresponding improvements in other program elements.

(c) “Bay Delta” means the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

(d) “Bay Delta Public Advisory Committee” means the Bay Delta Public Advisory Committee established by charter issued by the United States Department of Interior.

(e) “CALFED Bay Delta Program” or “Bay Delta Program” means those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay Delta Program Record of Decision, dated August 28, 2000, or as it may be amended.

(f) “Category A programs” means those state and federal agency programs and funds that are to be managed and implemented consistent with the CALFED Bay Delta Program’s goals and objectives.

(g) “Director” means the Director of the California Bay Delta Authority.

(h) “Implementing agencies” means those agencies with the primary responsibility for implementing the program elements, subject to Sections 79440 and 79441.

(i) “Program elements” are categories in which agency programs are grouped for management and planning purposes. The CALFED Bay Delta Program consists of the following 11 program elements:

(1) Levee system integrity.

(2) Water quality.

(3) Water supply reliability.

(4) Ecosystem restoration.

(5) Water use efficiency.

(6) Water transfer.

(7) Watershed.
(8) Storage.
(9) Conveyance.
(10) Science.
(11) Environmental water account.

(j) “Program plan” means the plans prepared annually by the implementing agencies that include annual and multiyear accomplishments, major activities, cross program integration, schedules, annual budgets, and multiyear expenditure plans.

(k) “Projects” means both programs and capital projects.

SEC. 3. Section 79403.5 of the Water Code is amended to read:

79403.5. (a) The authority and the state implementing agencies shall carry out the programs, projects, and activities necessary to implement the Bay-Delta Program in accordance with Section 79441. The authority shall coordinate the activities of the state and federal implementing agencies to promote balanced implementation that meets the goals and objectives of the Bay-Delta Program.

(b) State agencies, whenever feasible, shall carry out their authority and responsibilities in a manner that is consistent with the goals of the Bay-Delta Program to promote cooperative and coordinated actions and programs that result in balanced solutions to bay-delta problems.

(c) Nothing in this division shall be construed to restrict or override constitutional, statutory, regulatory, or adjudicatory authority or public trust responsibilities of any federally recognized Indian tribe, or any local, state, or federal agency, or to restrict or override authority or responsibility of state, federal, or local water project operations under applicable law and contracts. This division does not abrogate or modify state laws with respect to responsibilities to the State Water Project bondholders and shall be implemented in a manner consistent with Sections 10505 and 10505.5, Article 3 (commencing with Section 11460) of Chapter 3 of Part 3 of Division 6, and Chapter 1 (commencing with Section 12200) of Part 4.5 of Division 6.

(d) State agencies shall cooperate with federal agencies to meet the goals and objectives of the program. However, nothing in this division shall be construed to give any federal agency or official the authority to modify, halt, or otherwise restrict the discretion of any state agency.
SEC. 4. Section 79406 of the Water Code is repealed.
SEC. 5. Section 79412 of the Water Code is amended to read:

79412. (a) The authority shall be governed by a board, which shall include representatives from six state agencies and six federal agencies if those identified federal agencies are authorized to participate, eight public members, including, but not limited to, one member of the Bay-Delta Public Advisory Committee, and four nonvoting ex officio members, as follows:

1. The Secretary of the Resources Agency.
2. The Secretary of the California Environmental Protection Agency.
3. The Director of Water Resources.
4. The Director of Fish and Game.
5. The State Director of Health Services.
6. The Secretary of the Department of Food and Agriculture.
7. The Secretary of the Interior.
8. The Regional Administrator of Region IX of the United States Environmental Protection Agency.
10. The Regional Director of the United States Mid-Pacific Region of the Bureau of Reclamation.
11. The District Engineer of the United States Sacramento District of the Army Corp of Engineers.
12. The Regional Administrator of the Southwest Region of the United States National Marine Fisheries Service.
13. One public member from the Sacramento and San Joaquin River Delta Region.
14. One public member from the San Francisco Bay Region.
15. One public member from the Sacramento Valley Region.
16. One public member from the San Joaquin Valley Region.
17. One public member from the southern California region.
18. One public member from the Bay-Delta Public Advisory Committee.
19. Two at large public members.
20. The Chairperson and Vice Chairperson of the Assembly Water, Parks and Wildlife Committee, or its successor, as nonvoting, ex officio members.
(21) The Chairperson and Vice Chairperson of the Senate Agriculture and Water Resources Committee, or its successor, as nonvoting, ex officio members.

(b) The five public members subject to regional requirements shall be appointed by the Governor, in consultation with the Secretary of the Interior, and with the advice and consent of the state Senate.

(c) One at-large public member shall be appointed by the President pro Tempore of the Senate in consultation with the Secretary of the Interior.

(d) One at-large public member shall be appointed by the Speaker of the Assembly in consultation with the Secretary of the Interior.

(e) (1) For the purposes of being eligible to serve on the board, a public member described in any of the paragraphs (13) to (17), inclusive, of subdivision (a) shall be required to live in the region he or she represents.

(2) A public member shall have substantial training, expertise, and knowledge as follows:

(A) With regard to at least one of the following areas: ecosystem restoration, levees, water supply, or water quality.

(B) With regard to labor, Native American matters, local government, the environment, or business if that public member meets the requirements of subparagraph (A).

(f) The public members, as a group, shall reflect a broad range of the experience and knowledge described in subdivision (e).

(g) The representative of the Bay-Delta Public Advisory Committee shall be selected by a majority vote of all the members of that committee.

(h) A member of the authority described in any of the paragraphs (1) to (12), inclusive, of subdivision (a) may designate, in writing, a deputy director of that member’s agency, or a person occupying an equivalent classification, to act in the place of that member if that member is absent.

(i) The federal representatives described in paragraphs (7) to (12), inclusive, of subdivision (a) may participate as nonvoting members.

SEC. 6. Section 79415 of the Water Code is amended to read:

79415. (a) Except as provided in subdivision (b), a public member of the authority shall hold office for a term of four years,
and notwithstanding Section 1774 of the Government Code, a public member shall continue to serve, upon expiration of his or her term until a successor is appointed.

(b) In the case of the public members initially appointed by the Governor, two members shall be appointed to serve until January 1, 2004, and three members until January 1, 2006.

(c) The Governor, in consultation with the Secretary of the Interior, shall appoint one of the authority members as a chairperson who shall preside at all meetings, and a vice chairperson who shall preside in the absence of the chairperson.

(d) For the purposes of conducting the authority’s business, a quorum of 11 voting members of the board of the authority shall be present, which shall include at least three public members. Members listed in paragraphs (1) to (19), inclusive, of subdivision (a) of Section 79412 may be counted towards the establishment of a quorum. All actions approved by the authority shall require an affirmative vote of a majority of the authority members eligible to vote.

(e) The authority may form committees, and the committees may make recommendations to the full authority.

(f) Each public member of the authority shall receive compensation in the amount of one hundred dollars ($100) per day, not to exceed eight hundred dollars ($800) per month, for conducting any authority business authorized by the authority, upon the approval of the compensation by a majority of the authority members by a recorded vote. A public member may also receive reimbursement for the necessary expenses incurred by the member in the performance of the member’s duties.

SEC. 7. Section 79420 of the Water Code, as added by Section 2 of Chapter 812 of the Statutes of 2002, is repealed.

SEC. 8. Section 79420 of the Water Code, as added by Chapter 955 of the Statutes of 2002, is amended to read:

79420. The authority may exercise all of the following powers:

(a) Sue or be sued.

(b) Delegate administrative functions to the staff of the authority.

(c) Request reports from state, federal, and local government agencies on issues related to the implementation of the CALFED Bay Delta Program.
(d) Receive funds, including funds from private and local
government sources, and contributions from public and private
sources, as well as state and federal appropriations. Receivable
authority is not required and funds shall be available, without
regard to fiscal years, until expended.

(e) Enter into contracts consistent with existing contracting
practices of the Department of General Services, if the director
has the authority for final approval of contracts of five hundred
thousand dollars ($500,000) or below.

(f) Enter into cooperative agreements with individuals,
associations, private entities, boards of supervisors, and with
state or federal departments, divisions, bureaus, boards, or
commissions for the purpose of carrying out the CALFED
Bay–Delta Program.

(g) Disburse funds through grants, public assistance, loans,
and contracts to entities, including federally recognized Indian
tribes, within the Bay–Delta Program regions, as described in
subdivision (e) of Section 79401, to carry out the Bay–Delta
Program goals and objectives. Grant awards shall be made by the
authority on a competitive or alternative basis established by the
authority, consistent with applicable bond law. Procedures,
forms, and guidelines adopted or established for these grant
programs, including the application process, are not subject to
Chapter 3.5 (commencing with Section 11340) of Part 1 of
Division 3 of Title 2 of the Government Code. Consistent with
Section 10295 of the Public Contract Code and Section 4.06 of
the State Contracting Manual, grant funding agreements are not
subject to approval of the Department of General Services.

(h) Employ the services of other public, nonprofit, or private
entities.

(i) Employ its own legal staff or contract with other state or
federal agencies for legal services, or both. The authority may
employ special legal counsel with the approval of the Attorney
General.

(j) Acquire and manage office space.

(k) Use digital signatures for all documents.

(l) Adopt regulations as needed for the implementation of this
division. A federal representative may decline to participate in
actions described in this subdivision if he or she identifies a
constitutional or statutory limitation on that participation. The
authority granted by this paragraph does not extend to the
adoption of regulations to implement the program elements
described in subdivisions (a) to (f), inclusive, and subdivision (h)
of Section 79441.

(m) Obtain and hold regulatory permits and prepare
environmental documents.

(n) Pursuant to Section 78684.8, the authority is hereby
designated the successor to the Secretary of the Resources
Agency for the purpose of carrying out the balancing and related
procedures established pursuant to Section 78684.12.

SEC. 9. Section 79421 of the Water Code is amended to read:
79421. The authority shall carry out the following duties:
(a) Develop policies and make decisions at program
milestones, and provide direction to achieve balanced
implementation, integration, and continuous improvement in all
program elements.
(b) Track the progress of all program projects and activities
and assess overall achievement of the goals and objectives of the
CALFED Bay-Delta Program.
(c) Modify, as needed, the CALFED Bay-Delta Program’s
timelines and activities where the authority deems it necessary to
ensure that the program meets its overall goals and objectives.
Modification shall be coordinated with implementing agencies
and other affected agencies with public input. The authority shall
notify the appropriate policy and fiscal committees of the
Legislature with regard to any modifications made by the
authority.
(d) Communicate with the Congress of the United States and
the Legislature on program progress, answer legislative inquiries,
review and respond to legislative proposals, and review and
submit legislative proposals.
(e) On or before November 15 of each year, review progress in
implementing the program.
(f) On or before February 15 of each year, in coordination with
the Secretary of the Interior, submit a report to the Governor, the
Secretary of the Interior, the Legislature, and the Congress of the
United States that describes the status of implementation of all
program elements for the prior fiscal year, and includes any
written determination and revised schedule required under
subdivision (g).

(g) If, at the conclusion of each annual review required by
subdivision (e), or, if a timely annual review has not been issued,
the authority or the Governor, in consultation with the Secretary
of the Interior, determines, in writing, that either the CALFED
Bay-Delta Program implementation schedule has not been
substantially adhered to, or that balanced progress in achieving
the goals and objectives of the CALFED Bay-Delta Program is
not occurring, the authority, or the Governor, in coordination
with the Bay-Delta Public Advisory Committee, shall, and the
Secretary of the Interior may, prepare a revised schedule that will
achieve balanced progress in all program elements consistent
with the intent of the CALFED Bay-Delta Program and
applicable regulatory requirements.

(h) To support annual implementation, the director shall
prepare and submit to the Department of Finance an annual state
proposed budget, prepared consistent with Section 79423, for
each of the state–implementing agencies and their corresponding
program elements, including, but not limited to, the authority’s
oversight and coordination duties, in accordance with the annual
State Budget process.

(i) Coordinate with federal agencies to develop a proposed
federal budget to support the CALFED Bay-Delta Program that
the federal agencies can submit to the President of the United
States in accordance with the annual federal budget process.

(j) Manage the science program element.

(k) Coordinate, and when appropriate, assist with the
integration of, the CALFED Bay-Delta Program with other
related programs to maximize available resources and reduce
conflicts and inconsistencies with other programs.

(l) Provide a forum for the resolution of conflicts or disputes
among implementing agencies relating to the program.

(m) Seek out and promote partnerships with local interests and
programs that seek to integrate various water management
options, and cooperate and undertake joint activities with other
persons, including local entities, Indian tribes, water users, and
landowners. These activities shall include, but are not limited to,
planning, design, technical assistance, construction projects, and
development of an independent science program.

(n) Develop, in cooperation with federal agencies, a regulatory
coordination and streamlining process for the issuance of permits
and approvals required under state and federal law as necessary,
to achieve the program’s goals and objectives that reduces or
eliminates duplicative process.

(o) Adopt criteria for review, approval, and modification of
program plans pursuant to subdivision (i) of Section 79423.

(p) Meet jointly with the Bay-Delta Public Advisory
Committee at least once annually.

(q) Review, and comment to the appropriate implementing
agency or agencies with regard to regulations, guidelines,
criteria, and awards proposed by the implementing agency or
agencies to carry out a grant program for projects and activities
located within the CALFED solution area, that wholly or
partially assist in the fulfillment of one or more of the goals of
the CALFED Bay-Delta Program. That review and comment
shall be for purposes of determining consistency with the
CALFED Record of Decision. To avoid delays in project awards,
the opportunity for review by the authority shall be incorporated
into the grant program schedules established by the
implementing agencies.

SEC. 10. Section 79422 of the Water Code is repealed.
SEC. 11. Section 79423 of the Water Code, as added by
Section 2 of Chapter 812 of the Statutes of 2002, is repealed.
SEC. 12. Section 79423 of the Water Code, as added by
Section 2 of Chapter 955 of the Statutes of 2002, is amended to
read:

79423. (a) The implementing agencies shall annually submit
to the director their annual program plan and proposed budget for
the following budget year describing how each implementing
agency proposes to implement their respective program elements
during the following budget year. The director shall then submit
a comprehensive budget proposal to the Secretary of the
Resources Agency for consideration consistent with the existing
budget development process. Individual departmental budget
requests submitted to the director are not subject to disclosure
under the Public Records Act (Chapter 3.5 (commencing with
Section 6250) of Division 7 of Title 1 of the Government Code),
and, notwithstanding Section 79414, discussions regarding those requests are exempt from the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). These programs shall also address environmental justice concerns and assess the impacts of projects and activities on tribal trust resources and tribal governmental concerns.

(b) Each program plan shall include programs that are designated as Category A programs in Attachment 3, entitled “Implementation Memorandum of Understanding” of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, or as it may be amended.

(c) Annually, the authority shall consult with the agencies identified in subdivision (f) of Section 79401 and the Bay-Delta Public Advisory Committee, and shall determine, with the concurrence of the implementing agencies, those changes that shall be made to the list of Category A programs.

(d) Each program plan shall include program priorities, work plans, proposed budgets, and significant program products, including, but not limited to, regulations, grant or loan solicitations, schedules for production of environmental documents, and project selection processes.

(e) Program plans also shall include a strategy and proposed budget for addressing program-specific, critical scientific uncertainties, developing and implementing performance measures, evaluating program actions, developing strategies for incorporating tribal and environmental justice interests, and conducting scientific review of program implementation and proposed projects. The implementing agency and the director shall consult with the lead scientist, as appropriate, to determine an appropriate science strategy and proposed budget.

(f) The implementing agencies shall develop comprehensive tribal and environmental justice work plans, including specific goals and objectives and projected expenditures that address all program areas.

(g) The implementing agencies shall coordinate the preparation of program plans with agencies participating in the CALFED Bay-Delta Program, federally recognized Indian tribes, and other appropriate agencies.
The implementing agencies and the director shall seek to integrate the program plans for the program elements into a comprehensive and balanced annual implementation plan.

Annually, the authority shall review and approve, and, as appropriate, may recommend that implementing agencies modify, program plans on behalf of Category A programs, based on the following criteria:

1. Consistency with the program.
2. The balanced achievement of the program’s goals and objectives.
3. Other criteria adopted pursuant to subdivision (o) of Section 79421.

If the authority does not approve an implementing agency’s program plan, the authority shall prepare and submit written findings to the appropriate policy and fiscal committees of the Legislature and the implementing agencies, describing how program plan does not meet the criteria described in subdivision (i).

If the authority recommends modification to a program plan, the implementing agency shall resubmit the program plan, as appropriate, to the authority for approval. If an implementing agency makes any of the modifications recommended by the authority, the authority shall submit these modifications to the Legislature.

Nothing in this division limits or interferes with the final decisionmaking authority of the implementing agencies.

For the purposes of this division, “implementing agency” includes those state agencies identified in Section 79441. It is anticipated that federal agencies and officials, including federal agencies designated as implementing agencies in Section 79441, shall participate in the CALFED Bay-Delta Program and cooperate with the state agencies; however, state agencies shall comply with this division regardless of whether, and to what extent, federal agencies and officials do so.
The Governor, in consultation with the Secretary of the Interior, shall appoint a director and a chief counsel who shall serve at the pleasure of the authority.

SEC. 15. Section 79452 of the Water Code is amended to read:

79452. (a) The authority, with the advice of the director, shall appoint a lead scientist. The lead scientist shall report to the authority. The lead scientist, in cooperation with the implementing agencies, shall be responsible for the development of the science program element.

(b) The lead scientist shall meet the following requirements:

(1) Has undertaken substantial scientific research work in any field related to one or more of the program elements.

(2) Has experience managing environmental issues or advising high-level managers in methods for promoting science-based decisionmaking in the areas of water management and ecosystem restoration.

(3) Has a record of publication in peer reviewed scientific literature.

(c) For all program elements, the lead scientist shall ensure scientific application of adaptive management, monitoring, and investigations to reduce uncertainties, and full investigation of the effects of each program element on other program elements.

(d) The lead scientist shall ensure that peer review is employed extensively and prudently to ensure the quality of program planning, implementation, and evaluation. The lead scientist may directly or indirectly contract for scientific experts without competitive bidding.

(e) The purpose of the science program element shall be to carry out all of the following functions:

(1) Provide implementing agencies and the authority with authoritative and unbiased reviews of the state of scientific knowledge relevant to management and decisionmaking for the CALFED Bay-Delta Program.

(2) Implement programs and projects to articulate, test, refine, and improve the scientific understanding of all aspects of the bay-delta and its watershed areas.

(3) Provide a comprehensive framework to integrate, monitor, and evaluate the use of adaptive management and the best
available scientific understandings and practices for implementing the CALFED Bay-Delta Program.

(4) Independently review the technical and scientific performance of the CALFED Bay-Delta Program, including, but not limited to, all of the following:

(A) Conclusions.

(B) Studies, monitoring, performance measures.

(C) Data analyses.

(D) Scientific practices that form the scientific bases for program decisionmaking.

SEC. 16. Section 79453 of the Water Code, as added by Section 2 of Chapter 812 of the Statutes of 2002, is repealed.

SEC. 17. Section 79453 of the Water Code, as added by Section 3 of Chapter 955 of the Statutes of 2002, is amended to read:

79453. The director may do all of the following, consistent with applicable state regulations:

(a) Appoint and hire staff as necessary to administer the affairs of the authority at a salary and classification level commensurate with other state and federal agencies.

(b) Establish or change classification levels.

(c) Hire limited-term employees for up to four years.

(d) Conduct exams, change pay ranges, discipline, demote, or separate.

(e) Use examination lists from other state agencies as mandatory appropriate lists.

SEC. 18. Section 79455 of the Water Code, as added by Section 2 of Chapter 812 of the Statutes of 2002, is repealed.

SEC. 19. Section 79455 of the Water Code, as added by Section 4 of Chapter 955 of the Statutes of 2002, is amended to read:

79455. Notwithstanding any other provision of law, and only for the purposes of this division, the authority may hire members of federally recognized Indian tribes and nonprofit organizations in accordance with the interjurisdictional employee exchange program described in Section 427 of Title 2 of the California Code of Regulations without approval by the Department of General Services.
SEC. 20. Section 79460 of the Water Code is amended to read:

79460. (a) The authority shall provide administrative support for the Bay-Delta Public Advisory Committee.

(b) The authority shall take any administrative actions necessary to maintain the Bay-Delta Public Advisory Committee’s status as an advisory committee under the Federal Advisory Committee Act (P.L. 92-463, as amended). The Bay-Delta Public Advisory Committee may be treated as a state advisory committee.

(c) The authority shall provide assistance to the Governor and Secretary of the Interior to ensure that the candidates for appointment to the Bay-Delta Public Advisory Committee are representatives of federally recognized Indian tribes or “stakeholder” groups, reflect a geographic diversity and diversity of interests affected by the health of the bay-delta, and have expertise in the relevant fields as specified in the committee’s federal charter. Appointment shall be made to ensure that the committee as a whole is both balanced and diverse.

(d) (1) The Bay-Delta Public Advisory Committee shall advise and make recommendations to the authority and director on issues related to the CALFED Bay-Delta Program and any of the processes, projects, or programs required by this division.

(2) Section 1090 of the Government Code does not apply to members of the Bay-Delta Public Advisory Committee or its subcommittees when they are advising and making recommendations to the authority and director on proposed grant solicitation packages, including guidelines and criteria. Further, with regard to any advice from a member, the Legislature finds that the particular stakeholder organization represented by the member is tantamount to, and constitutes, the “public generally” within the meaning of Section 87103 of the Government Code.

(e) The members of the Bay-Delta Public Advisory Committee may receive reimbursement for necessary travel expenses incurred by the members in the performance of the members’ duties, consistent with state per diem rates.

SEC. 21. Section 79472 is added to the Water Code, to read:

79472. (a) The Legislature finds and declares that it is in the public interest for the implementing agencies and the authority to receive the best possible scientific advice from scientists...
knowledgeable about current research, unknowns, and issues facing the Bay-Delta system. It is also in the public interest for scientific experts to compete for research funding in areas that would assist the authority.

(b) The lead scientist and the director are responsible for preparing and recommending to the authority for approval, grant solicitation packages, and proposed grant funding for scientific projects and research on topics affecting the Bay-Delta system, and they may seek assistance and review from scientific experts in the development of scientific programs, performance measures, research questions and other scientific issues.

(c) A member of the Independent Science Board or other science advisory panel, or an independent scientific expert who assists an implementing agency or the authority shall not be deemed for purposes of Sections 1090 or 87100 of the Government Code to have participated in the making of a contract that results from a competitive process to fund scientific research unless the scientific expert participated directly in the preparation of the grant solicitation package or the selection of projects to be funded.

SEC. 22. Section 79473 is added to the Water Code, to read:

79473. (a) Neither the Independent Science Board, nor any other independent science panel established to assist the implementing agencies and the authority, shall be subject to the requirements of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notwithstanding subdivision (a), the board or panel, in conducting its business, shall do all of the following:

(1) Determine and provide 10-day advance public notice of meetings that will be open to the public.

(2) Ensure that meetings to gather data from individuals who are not members of the board or panel are open to the public, and make available to the public written materials presented to the board or panel by those individuals, unless exempted by law.

(3) Make available to the public as soon as practicable, a brief summary of any meeting that is not an open meeting. Generally, meetings will be closed when the board or panel is deliberating on, or discussing the content, findings, or recommendations regarding a particular issue or report. The meeting summary shall
identify the members present, the topics discussed, materials
made available to members, and such other matters that the board
or panel determines should be included.

(4) Make available to the public any final report or written
recommendation, including the names of the principal reviewers
who reviewed the report or written recommendation and who are
not members of the board or panel. Draft documents prepared by
the board or panel are not subject to disclosure under Chapter 3.5
(commencing with Section 6250) of Division 7 of Title 1 of the
Government Code.

SEC. 23. Chapter 3 (commencing with Section 79475) of
Division 26.4 of the Water Code is repealed.

SEC. 24. The Legislature finds and declares, in accordance
with paragraph (2) of subdivision (b) of Section 3 of Article 1 of
the State Constitution, the following with regard to the enactment
of Section 22 of this act:

(a) The CALFED Independent Science Board (ISB) is
comprised of a group of diverse, nationally renowned scientists
that meet only periodically. Additional independent science
panels established to provide scientific advice on individual
program elements are similarly constituted. The statutory charge
of the ISB and additional science panels is to provide
independent scientific advice to the California Bay-Delta
Authority, the Bay-Delta Public Advisory Committee, and the
CALFED implementing agencies.

(b) The participating scientists are accustomed to working on
national scientific advisory panels, such as those convened by the
National Academy of Sciences, which are exempt, with certain
exceptions, from the open meeting requirements of the Federal
Advisory Committee Act; and that those federal exemptions
allow the scientists to conduct candid and rigorous deliberations
and peer review without potential political influence, while still
requiring accountability and transparency with respect to final
recommendations, advice, and reports.

(c) To ensure the independence and scientific quality of the
work and advice from the ISB and additional independent
science panels, and to continue to attract the best scientists in the
country, an exemption from the Bagley-Keene Open Meeting Act
(Article 9 (commencing with Section 11120) of Chapter 1 of Part
1 of Division 3 of Title 2 of the Government Code) is

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appropriate, but with public accountability requirements modeled
after the exemption in federal law under which the participating
scientists are accustomed to operating.

SEC. 25. This act is an urgency statute necessary for the
immediate preservation of the public peace, health, or safety
within the meaning of Article IV of the Constitution and shall go
into immediate effect. The facts constituting the necessity are:

In order to ensure continued collaboration among the state and
federal CALFED implementing agencies and the coordinated
participation of those agencies on the California Bay-Delta
Authority in overseeing the CALFED Bay-Delta Program, it is
necessary to conform, at the earliest possible time, the California
Bay-Delta Authority Act (Div. 26.4 (commencing with Section
79400) of the Water Code) to the recently enacted federal
CALFED Bay-Delta Authorization Act (P.L.108-361), to take
effect immediately.
An act to add and repeal Chapter 7.8 (commencing with Section 12929.49) of Part 6 of Division 6 of the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 1245, as amended, Wolk. CALFED Bay-Delta Program.

Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency, the California Bay-Delta Authority until January 1, 2006, unless a certain determination is made. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended. The act requires the authority to review, approve, and make recommendations regarding certain annual program plans and project expenditures submitted by the implementing agencies based on prescribed criteria.

This bill would establish in the State Treasury the California Bay-Delta Environmental Water Account Fund (EWA Fund) for the benefit of the California Bay-Delta Environmental Water Account Program and would require the Director of Water Resources, Secretary of the Resources Agency, in consultation with the Director of Fish and Game others, to administer the EWA Fund. The bill
would authorize the EWA Fund to receive state or federal funds, or contributions from any agency, organization, or person. The bill would authorize the money in the EWA Fund, upon appropriation by the Legislature to the department secretary, to be expended for the protection and recovery of fishery resources, as specified, the adjustment of the operations of the State Water Project or the federal Central Valley Project for those purposes, or the acquisition of water for those purposes in order to supplement that amount of water made available pursuant to regulatory action. The bill would continuously appropriate that portion of the moneys in the EWA Fund that is received in the form of contributions to the EWA Fund, to the Department of Water Resources secretary for one or more of these described purposes, as determined by the terms of the contribution.

The bill would authorize the Director of Water Resources to adjust State Water Project operations for the protection and recovery of fishery resources in a manner that also improves water supply reliability for water users in the San Francisco Bay/Sacramento–San Joaquin Delta watershed and to accept contributions of water to carry out the bill’s provisions. The bill would authorize the Director of Water Resources secretary to acquire and sell water for prescribed purposes and to impose fees on any agency, organization, or state or federal contractor that benefits from the operation of the environmental water account program. The bill would require the funds generated by the sale of acquired water and the imposition of fees to be deposited in the EWA Fund. The bill would require the Director of Water Resources secretary to prepare, and submit to the California Bay–Delta Authority, an annual report relating to the administration of the EWA Fund. The bill would require the secretary to complete a comprehensive review, and submit a related report to the Legislature, relating to the administration of the EWA Fund. The bill’s provisions would be repealed on January 1, 2009.


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

1. SECTION 1. The Legislature finds and declares all of the following:
2. (a) In August 2000, the state and the federal government jointly prepared a Record of Decision for the CALFED
Bay-Delta Program (CALFED ROD) to improve conditions in the Sacramento-San Joaquin Delta. The goals of the CALFED ROD included improved water supply reliability, ecosystem restoration, water quality, and delta levee integrity.

(b) The CALFED ROD included a program for an environmental water account (EWA) to provide water for the protection and recovery of fish in addition to that amount of water made available by means of existing regulatory actions related to project operations. The Department of Fish and Game and the federal government’s fishery agencies (the United States Fish and Wildlife Service and the National Marine Fisheries Service) agreed to manage the water assets associated with the EWA, while the Department of Water Resources and the United States Bureau of Reclamation agreed to operate the State Water Project (SWP) and the Central Valley Project (CVP) in certain ways to protect fishery resources, subject to reimbursement of the SWP and CVP for losses arising out of those operations. The California Bay-Delta Authority Act explicitly authorized the Department of Water Resources and the Department of Fish and Game to implement the environmental water account program in cooperation with these federal agencies.

(c) These state and federal agencies have operated the EWA for four years, and have confirmed that the EWA’s operations can reduce the risk of conflicts over the effects of SWP/CVP operations on the delta’s fishery resources. The SWP and CVP delta water export facilities have not suffered a substantial pumping reduction arising out of a “take” of fish species listed pursuant to the Endangered Species Act since 1999, despite the occurrence of several relatively low water years. Accordingly, SWP and CVP water supply reliability has improved and SWP and CVP contractors have benefitted from this improved reliability. Therefore, the time has arrived to establish the EWA as a permanent part of the state’s financial infrastructure to address the needs of the delta.

SEC. 2. Chapter 7.8 (commencing with Section 12929.49) is added to Part 6 of Division 6 of the Water Code, to read:

Chapter 7.8. California Bay-Delta Environmental Water Account
Chapter 7.8. Environmental Water Account Fund

12929.49. (a) There is established in the State Treasury the Environmental Water Account Fund (EWA Fund) for the benefit of the California Bay-Delta Environmental Water Account Program.

(b) For the purposes of this chapter, the “California Bay-Delta Environmental Water Account Program” or the “environmental water account program” means the environmental water account program established in accordance with Division 26.4 (commencing with Section 79400).

(c) The Secretary of the Resources Agency shall administer the EWA Fund, in consultation with the director, the Director of Fish and Game, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the United States Bureau of Reclamation.

(d) The EWA Fund may receive state or federal funds, or contributions from any agency, organization, or person.

(e) Upon appropriation by the Legislature to the secretary, except as otherwise provided in subdivision (f), the money in the EWA Fund shall be expended for any of the following purposes:

(1) The protection and recovery of fishery resources in a manner that also improves water supply reliability for water users in the San Francisco Bay/Sacramento-San Joaquin Delta watershed.

(2) The adjustment of the operations of the State Water Project or the federal Central Valley Project for the purposes of paragraph (1).

(3) The acquisition of water for the purposes of paragraph (1) to supplement that amount of water made available pursuant to regulatory action.

(f) Notwithstanding Section 13340 of the Government Code, the money in the EWA Fund that is received in the form of a contribution to the EWA Fund is hereby continuously appropriated, without regard to fiscal years, to the secretary for one or more of the purposes set forth in subdivision (e), as determined by the terms of the contribution.

12929.50. (a) The secretary may accept contributions of water from any source to carry out this chapter.
(b) The secretary may use water acquired from willing sellers for the purposes of this chapter for instream use or consumptive use by State Water Project or Central Valley Project contractors that otherwise would incur reduced water deliveries as a result of fishery-related actions that affect the operations of the State Water Project or the Central Valley Project.

(c) (1) The secretary may sell water acquired for the purposes of this chapter on terms the secretary, in consultation with the director, the Director of Fish and Game, the United States Bureau of Reclamation, the United States Fish and Wildlife Service, and the National Marine Fisheries Service, deems reasonable and in the long-term interest of achieving the purposes of this chapter.

(2) Funds generated pursuant to this subdivision shall be deposited in the EWA Fund and shall be used only for achieving the purposes of this chapter. To the extent that the water sold by the secretary was originally acquired with funds in the form of a contribution, the proceeds of that sale shall only be expended in a manner that is consistent with the terms of that contribution.

12929.51. The secretary may enter into cooperative agreements with state or federal agencies or other persons or entities that promote the purposes of this chapter.

12929.52. The Legislature finds and declares that contributions to the EWA Fund may be related to regulatory assurances from, or mitigating agreements with, state or federal fishery agencies. It is the intent of the Legislature that contributions should finance any benefits that contributors receive from the operation of the environmental water account program, and that state funds should finance general benefits to the public provided by the environmental water account program.

12929.53. (a) The secretary, in consultation with the director, the Director of Fish and Game, the United States Bureau of Reclamation, the United States Fish and Wildlife Service, and the National Marine Fisheries Service shall prepare, and submit to the California Bay-Delta Authority, an annual report relating to the administration of the EWA Fund.

(b) The annual report shall include an analysis of the benefits accruing to the state as a whole in the form of fishery protection or recovery, or to particular agencies, organizations, or State
Water Project or Central Valley Project contractors in the form of improved water supply reliability. The report shall include a specific description of the costs and benefits of the activities financed by the EWA Fund, including the benefits arising out of particular conflicts that were avoided.

12929.54. Nothing in this chapter creates an entitlement, right, or interest in the state’s water resources on the part of any state or federal contractor or water user relying on the State Water Project or Central Valley Project. The funds in the EWA Fund shall not be used to pay just compensation for any claim of an unconstitutional taking of water or water rights. State funds in the EWA Fund shall not be used to achieve compliance by the State Water Project or the Central Valley Project with state water quality control requirements.

12929.55. This chapter does not limit the authority of the department or the Department of Fish and Game to carry out the environmental water account program.

12929.56. On or before January 1, 2008, the secretary, in consultation with the director, the Director of Fish and Game, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the United States Bureau of Reclamation, shall complete a comprehensive review, and submit a related report to the Legislature, relating to the administration of the EWA Fund. The comprehensive review and report shall include an evaluation of all matters addressed in the annual reports prepared pursuant to Section 12929.53, including a discussion as to whether the funds deposited in the EWA Fund may be of greater benefit to the fishery if expended for purposes other than the purposes of this chapter. The comprehensive review and report shall include recommendations as to whether the EWA Fund should be continued in existence.

12929.57. This chapter shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

12929.49. (a) There is established in the State Treasury the California Bay–Delta Environmental Water Account (EWA). The director shall administer the EWA, in consultation with the Director of Fish and Game. The EWA may receive state or
federal funds, or contributions from any agency, organization, or
person:

(b) Upon appropriation by the Legislature to the department,
except as otherwise provided in subdivision (c), the money in the
EWA shall be expended for any of the following purposes:

(1) The protection and recovery of fishery resources in a
manner that also improves water supply reliability for water users
in the San Francisco Bay/Sacramento-San Joaquin Delta
watershed:

(2) The adjustment of the operations of the State Water Project
or the federal Central Valley Project for the purposes of
paragraph (1):

(3) The acquisition of water for the purposes of paragraph (1)
to supplement that amount of water made available pursuant to
regulatory action:

(c) Notwithstanding Section 13340 of the Government Code;
the money in the EWA that is received in the form of a
contribution to the EWA is hereby continuously appropriated,
without regard to fiscal years, to the department for one or more
of the purposes set forth in subdivision (b), as determined by the
terms of the contribution:

12929.50. (a) Consistent with Section 11917, the director
may adjust State Water Project operations for the purposes of
paragraph (1) of subdivision (b) of Section 12929.49.

(b) The director may accept contributions of water from any
source to carry out this chapter:

(c) The director may use water acquired for the purposes of
this chapter for instream use or consumptive use by State Water
Project or Central Valley Project contractors that incur reduced
water deliveries as a result of the implementation of the
environmental water account program:

(d) The director may sell water acquired for the purposes of
this chapter on terms the director deems reasonable and in the
long-term interest of achieving the purposes of this chapter.
Funds generated pursuant to this subdivision shall be deposited in
the EWA:

12929.51. The director may enter into cooperative
agreements with state or federal agencies or other persons or
entities that promote the purposes of this chapter.
12929.52. (a) The director may impose fees upon any agency, organization, or State Water Project or Central Valley Project contractor that benefits from the operation of the environmental water account program, as provided in this chapter and Division 26.4 (commencing with Section 79400).

(b) Funds generated by the imposition of fees pursuant to subdivision (a) shall be deposited in the EWA.

12929.53. The director shall prepare, and submit to the California Bay-Delta Authority, an annual report relating to the administration of the EWA. The annual report shall include an analysis of the benefits accruing to the state as a whole in the form of fishery protection or recovery, or to particular agencies, organizations, or State Water Project or Central Valley Project contractors in the form of improved water supply reliability. The report shall include a specific description of the costs and benefits of the activities financed by the EWA, including the benefits arising out of particular conflicts that were avoided.

12929.54. Nothing in this chapter creates an entitlement, right, or interest in the state's water resources on the part of any state or federal contractor or water user relying on the State Water Project or Central Valley Project. The funds in the EWA may not be used to pay just compensation for any claim of an unconstitutional taking of water or water rights. No state funds in the EWA may be used to achieve compliance by the State Water Project or the Central Valley Project with state water quality control requirements.

12929.55. This chapter does not limit the authority of the department or the Department of Fish and Game to carry out the environmental water account program as provided in Division 26.4 (commencing with Section 79400).
To direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. Davis of Florida (for himself and Mr. Gibbons) introduced the following bill; which was referred to the Committee on Resources

A BILL

To direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Desalination Drought
Protection Act of 2005”.

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SEC. 2. DESALINATED WATER PRODUCTION INCENTIVE PAYMENTS.

(a) INCENTIVE PAYMENTS.—The Secretary of Energy (in this Act referred to as the “Secretary”) shall make incentive payments in an amount determined under subsection (e) to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities.

(b) QUALIFIED DESALINATION FACILITY.—For purposes of this section, the term “qualified desalination facility” means a facility that—

(1) produces for sale to domestic customers desalinated seawater, brackish groundwater, or surface water whose source water is greater than 1,000 parts per million total dissolved solids;

(2) is owned or operated by—

(A) a State or any political subdivision, agency, authority, or instrumentality of a State;

or

(B) a corporation responsible for providing municipal water service pursuant to State law;

and

(3) is first used to produce desalinated water during the 10-year period beginning on October 1 of the first full fiscal year occurring after the date of the enactment of this section.
(c) AGREEMENT; DEADLINE.—The Secretary may not make any payment to the owner or operator of a qualified desalination facility under this section, unless not later than the end of fiscal year 2016 the Secretary enters into a written agreement with the owner or operator to make such payment.

(d) PAYMENT PERIOD.—The Secretary may make payments to the owner or operator of a qualified desalination facility under this section for a period not to exceed 10 years—

(1) beginning on the date on which the facility is first used to produce desalinated water; and

(2) ending not later than September 30, 2026.

(e) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Payments made by the Secretary under this section to the owner or operator of any qualified desalination facility shall be based on the amount of desalinated water produced by the facility during the payment period described in subsection (d). For any facility, the amount of such payment shall be 62 cents for every thousand gallons of desalinated water produced and sold, adjusted as provided in paragraph (2).

(2) ADJUSTMENTS.—The amount of the payment made to any person under this subsection as
provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2006 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 29(d)(2)(B)), except that in applying such provisions the calendar year 2006 shall be substituted for calendar year 1979.

(f) APPLICATION.—The Secretary may not make a grant to the owner or operator of a qualified desalination facility under this section unless the facility submits an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(g) LIMITATION.—In any fiscal year not more than 60 percent of the funds made available by the Secretary under this section shall be made available to the owners or operators of qualified desalination facilities that obtain source water directly from the sea, an estuary, or from in-bank extraction wells that are of seawater origin.

(h) BUDGET ACT COMPLIANCE.—The authority provided by this section may be exercised only in such amounts or to such extent as provided in advance in appropriations Acts.
(i) 

**Authorization of Appropriations.**—There are authorized to be appropriated to the Secretary $200,000,000 to carry out this section for the period encompassing fiscal years 2006 through 2016.

**SEC. 3. NOVEL DESALINATION TECHNOLOGY.**

(a) **In General.**—The Secretary shall support research and development of promising novel technology approaches for the cost-effective desalination of water.

(b) **Authorization of Appropriation.**—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000 for the period encompassing fiscal years 2006 through 2016.
To direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2005

Mr. MARTINEZ introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Desalination Water Supply Shortage Prevention Act of 2005”.

SEC. 2. DEFINITIONS.

In this Act:
(1) Qualified Desalination Facility.—The term “qualified desalination facility” means a facility that—

(A) produces for sale to domestic customers—

(i) desalinated seawater;

(ii) brackish groundwater; or

(iii) surface water the source water of which is greater than 1,000 parts per million total dissolved solids;

(B) is owned or operated by—

(i) a State or any political subdivision, agency, authority, or instrumentality of a State; or

(ii) a corporation responsible for providing municipal water service in accordance with State law; and

(C) is first used to produce desalinated water during the 10-year period beginning on October 1 of the first full fiscal year occurring after the date of the enactment of this Act.

(2) Secretary.—The term “Secretary” means the Secretary of Energy.
SECTION 3. DESALINATED WATER PRODUCTION INCENTIVE PAYMENTS.

(a) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount determined under subsection (d) to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities.

(b) REQUIREMENTS.—The Secretary may not make a payment to the owner or operator of a qualified desalination facility under this section unless—

(1) not later than the end of fiscal year 2015, the Secretary enters into a written agreement with the owner or operator to make the payment; and

(2) the owner or operator submits an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(c) PAYMENT PERIOD.—The Secretary may make payments to the owner or operator of a qualified desalination facility under this section for a period not to exceed 10 years—

(1) beginning on the date on which the facility is first used to produce desalinated water; and

(2) ending not later than September 30, 2025.

(d) AMOUNT OF PAYMENT.—
(1) IN GENERAL.—A payment made by the Secretary under this section to the owner or operator of a qualified desalination facility shall be based on the amount of desalinated water produced by the facility during the payment period described in subsection (c).

(2) BASE PAYMENT.—For any facility, the amount of a payment described in paragraph (1) shall be 62 cents for every 14 kilowatt hours of electricity used to produce desalinated water, as adjusted under paragraph (3).

(3) ADJUSTMENTS.—The amount of the payment described in paragraph (2) shall be adjusted for inflation for fiscal year 2007 and each subsequent fiscal year—

(A) using the inflation adjustment factor defined in section 29(d)(2)(B) of the Internal Revenue Code of 1986; but

(B) substituting calendar year 2005 for calendar year 1979.

(e) LIMITATION.—In any fiscal year, not more than 60 percent of the funds made available by the Secretary under this section shall be made available to the owners or operators of qualified desalination facilities that obtain
source water directly from the sea, an estuary, or an in-
bank extraction well that is of seawater origin.

(f) **Budget Act Compliance.**—The authority pro-
vided by this section may be exercised only in such
amounts or to such extent as provided in advance in an
appropriations Act.

(g) **Authorization of Appropriations.**—There is
authorized to be appropriated to the Secretary to carry
out this section $200,000,000.
May 18, 2005

Attention: Legislation Conservation and Outreach Committee

Adopt position of: Oppose on AB 672 (Klehs) (Action)

Purpose
To take a position on key state legislation of interest to the San Diego County Water Authority.

Staff recommendation
Adopt position of: Oppose on AB 672 (Klehs).

Alternatives
1. Do not take recommended position on AB 672.

Fiscal impact
None.

Background
Existing law prohibits recreation, including bodily contact recreation, in reservoirs where water is stored for domestic use. The law exempts certain reservoirs from this prohibition and sets forth certain conditions and restrictions to ensure water purity. AB 672 would exclude certain recreational activity from the prohibition against bodily contact with the water in a reservoir, owned by a governmental entity, containing water intended for domestic use, including, but not limited to, shoreline fishing and trail access in areas adjacent to the reservoir and the use of non-motorized boats.

In addition, AB 672 would require a governmental entity that owns a water supply reservoir, with a capacity greater than 3,500 acre-feet, to create and adopt a watershed or recreational master plan. Development of the master plan would include the requirement to appoint a community advisory committee and conduct public hearings prior to adoption of the plan. There is no reimbursement provided to comply with this act.

Previous Board action: None

Discussion
The San Diego County Water Authority Board of Directors adopted the 2005 Legislative Policy Guidelines to guide staff review of legislation. This legislation is in direct conflict with two specific guidelines, including:
1 - "Water Facilities/Facility Improvement"

It shall be the Water Authority's policy to oppose legislation that:

1. Impairs the Water Authority's ability to provide the necessary facilities for a safe, reliable and operationally flexible water storage and delivery system.

Conflict: The Olivenhain Reservoir is designed as an emergency storage facility and also for pumped storage hydroelectric generation in conjunction with Lake Hodges. Daily fluctuations in this reservoir level will exceed two feet a day while generating power. Allowing boating and shoreline fishing will become a safety and security issue due to fluctuation of water levels and the potential public access adjacent to critical facility structures. In addition, operational flexibility and efficiency may be compromised by forcing limited reservoir fluctuations.

2. Limits the Water Authority's sole jurisdiction over the planning, design, routing, approval, construction, operation or maintenance of its water facilities.

Conflict: AB 672 impacts the Water Authority’s ability to plan, design, construct, operate and maintain our water facilities.

2 - “Fiscal policy”

It shall be the Water Authority's policy to support legislation that:

1. Requires the federal and state governments to provide a subvention to reimburse local governments for all mandated costs or regulatory actions.

Conflict: AB 672 – No state reimbursement is provided as part of this legislation. The cost of this bill’s mandated planning effort would be beyond recuperation through user fees and would be passed on to all ratepayers. The additional costs associated with increased recreation, including security, trash and debris removal, etc., could be recovered through user fees.

Water Authority staff believes this bill duplicates requirements in existing law (cited below) by requiring agencies owning reservoirs larger than 3,500 acre-feet to prepare and adopt watershed or recreation master plans that balance recreation and watershed protection. AB 672 duplicates the requirements for development of those plans, and in addition, requires public hearings to be held prior to the adoption of the plan and requiring the appointment of a community advisory committee to advise the governmental entity regarding the plan's provisions.

Current Health and Safety Code, Sections 110780 - 117125 allows fishing and recreation on land surrounding a drinking water reservoir owned by a government agency, if the county board of supervisors requests the agency to open it for such purposes. The agency must prepare a plan and can exclude "portions of the surrounding area as unsuitable for public recreational use." The plan may exclude certain facilities and works and the surrounding land required to protect those facilities and works, if they are necessary for supplying water. In addition, Sections 117040 – 117075 allow cities, counties, districts or other public agencies owning or operating a drinking water reservoir to open the reservoir and surrounding land for public fishing. Before doing so, however, the agency must determine that the activity "will not affect the purity and safety" of the
water for drinking or domestic purposes. With respect to terminal reservoirs, the State Department of Health Services may allow public fishing if there are adequate means to protect drinking water quality.

It is recommended that the Board oppose this legislation to limit duplication of regulations and ensure continued local control over the Water Authority’s infrastructure. This does not rule out the potential for future recreational activity at the Olivenhain Reservoir. However, this is an issue that should be decided by the Water Authority and the Olivenhain Municipal Water District as the parties directly affected and fully responsible for the operation and maintenance of this reservoir.

Prepared by: Bryan A. Troupe, Operations and Maintenance Manager
Reviewed by: Gary A. Eaton, Director of Operations and Maintenance
Approved by: Dennis Cushman, Assistant General Manager

BAT/GAE:mps
May 18, 2005

Attention: Legislation Conservation and Outreach Committee

Status Report on Legislation and Legislative Positions (Information)

Purpose
This report provides information on the status of legislation on which the Water Authority has adopted a position for the 2005-2006 legislative session. This report will be provided monthly throughout the legislative session as an information item.

Fiscal impact
None.

Background
The Water Authority is currently reviewing more than 130 bills for potential impact on the organization and its member agencies. The Water Authority’s staff and legislative advocates review each bill in the context of the adopted 2005 Legislative Policy Guidelines. The Legislative Policy Guidelines provide direction to staff and the Water Authority’s legislative advocates to communicate support or opposition to legislation and/or amendments. Bills for which staff recommends a position are brought before the Legislation, Conservation and Outreach Committee and the board for adoption of, or affirmation of positions on bills and amendments.

Discussion
As of May 10, 2005, along with sponsoring a bill and tracking legislation for further development, the Board has taken positions on 12 bills this session. Staff will continue to keep the Board apprised of the progress of legislation under review and will request Board approval to changes to Water Authority positions on any bills throughout the legislative session.

Attached is a chart outlining current positions on legislation of interest as of May 10, 2005. Also attached is a comprehensive list of bills that are currently under review and are being monitored by staff and legislative advocates. Bills will be referred to Board for official positions as action is recommended.

Prepared by: Lisa Gordon, Government Relations Representative
Approved by: Dennis A. Cushman, Assistant General Manager

Attachments:
1. Chart summarizing the Water Authority’s current positions on 2005-2006 legislation as of May 10, 2005
2. List of Legislation Under Review by the Water Authority as of May 10, 2005
<table>
<thead>
<tr>
<th>Date of Board Action</th>
<th>Position</th>
<th>Bill Number</th>
<th>Author</th>
<th>Bill Name</th>
</tr>
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<tbody>
<tr>
<td>December 9, 2004</td>
<td>Sponsor</td>
<td>SB 373</td>
<td>Kehoe</td>
<td>County Water Authority: Encroachments</td>
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<tr>
<td>January 27, 2005</td>
<td>Support</td>
<td>AB 371</td>
<td>Goldberg</td>
<td>Water Recycling</td>
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<tr>
<td>February 24, 2005</td>
<td>Support</td>
<td>HR 125</td>
<td>Issa</td>
<td>Construction of Lower Santa Margarita Conjunctive Use Project</td>
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<td>February 24, 2005</td>
<td>Support</td>
<td>HR 135</td>
<td>Linder</td>
<td>Twenty-First Century Water Commission</td>
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<td>March 24, 2005</td>
<td>Support</td>
<td>AB 1234</td>
<td>Salinas</td>
<td>Local Agencies: Compensation and Ethics</td>
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<td>March 24, 2005</td>
<td>Oppose</td>
<td>SB 393</td>
<td>Ortiz</td>
<td>Special Districts</td>
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<td>April 28, 2005</td>
<td>Oppose</td>
<td>AB 406</td>
<td>Haynes</td>
<td>Construction Contracts: Indemnity</td>
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<tr>
<td>April 28, 2005</td>
<td>Oppose</td>
<td>AB 573</td>
<td>Wolk</td>
<td>Construction Contracts: Indemnity</td>
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<td>April 28, 2005</td>
<td>Support</td>
<td>SB 409</td>
<td>Kehoe</td>
<td>General Plans: Conservation Element</td>
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<td>April 28, 2005</td>
<td>Support, If Amended</td>
<td>SB 820</td>
<td>Kuehl</td>
<td>Water</td>
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<td>April 28, 2005</td>
<td>Support</td>
<td>SB 866</td>
<td>Kehoe</td>
<td>Water Use Measurement Information</td>
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<td>April 28, 2005</td>
<td>Support</td>
<td>HR 1190</td>
<td>Hunter</td>
<td>San Diego Water Storage and Efficiency Act of 2005</td>
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<td>Legislation Under Review by the Water Authority as of 5/10/05</td>
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<td><strong>CA AB 38</strong></td>
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<td><strong>AUTHOR:</strong> Tran (R)</td>
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<tr>
<td><strong>TITLE:</strong> State Boards and Commissions: Salaries: Suspension</td>
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<td><strong>LOCATION:</strong> Assembly Business and Professions Committee</td>
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<td><strong>SUMMARY:</strong> Specifies that members appointed to specified state boards and commissions shall receive no salary for the 2006-07, 2007-08, and 2008-09 fiscal years, except that they may receive a per diem payment set pursuant to these provisions during that time.</td>
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<td><strong>STATUS:</strong></td>
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<td>04/26/2005 In ASSEMBLY Committee on BUSINESS AND PROFESSIONS: Failed passage.</td>
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<td>04/26/2005 In ASSEMBLY Committee on BUSINESS AND PROFESSIONS: Reconsideration granted.</td>
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</tr>
</tbody>
</table>

| **CA AB 80** |
| **AUTHOR:** Houston (R) |
| **TITLE:** Sales Tax: Exemptions: Equipment |
| **FISCAL COMMITTEE:** yes |
| **URGENCY CLAUSE:** no |
| **INTRODUCED:** 01/04/2005 |
| **LAST AMEND:** 03/29/2005 |
| **DISPOSITION:** Pending |
| **COMMITTEE:** Assembly Revenue and Taxation Committee |
| **HEARING:** 05/16/2005 1:30 pm |
| **SUMMARY:** Provides an exemption under the Sales and Use Tax Law for the gross receipts from the sale of, and the storage, use, or other consumption of, tangible personal property purchased for use by a qualified person engaged in the manufacturing, processing, refining, or recycling of property. |
| **STATUS:** |
| 04/18/2005 In ASSEMBLY Committee on REVENUE AND TAXATION: To Suspense File. |

| **CA AB 159** |
| **AUTHOR:** Salinas (D) |
| **TITLE:** Irrigation Districts: Directors |
| **FISCAL COMMITTEE:** no |
| **URGENCY CLAUSE:** no |
| **INTRODUCED:** 01/14/2005 |
| **LAST AMEND:** 03/15/2005 |
| **DISPOSITION:** Pending |
| **FILE:** 128 |
| **LOCATION:** Assembly Third Reading File |
| **SUMMARY:** Requires in the case of an irrigation district formation election, the district director to be a resident, landowner and voter in the proposed district. Requires in the case of a district that is required to submit an urban water
management plan, except a director from the landownership requirement, but a director appointed or elected before January 1, 2006, would continue to be subject to existing qualification requirements until the expiration date of his or her term.

**STATUS:**

05/09/2005 In ASSEMBLY. Read second time. To third reading.

---

**CA AB 174**

**AUTHOR:** Salinas (D)

**TITLE:** Pajaro Valley Water Management Agency: Eminent Domain

**INTRODUCED:** 01/20/2005

**DISPOSITION:** Pending

**LOCATION:** Senate Judiciary Committee

**SUMMARY:**

Authorizes the Pajaro Valley Water Management Agency to acquire, by eminent domain, property outside the boundaries of the agency, other than property of another public agency, for the purpose of constructing a specified pipeline and related appurtenant facilities to deliver supplemental water to the agency, upon receiving the approval of the board of supervisors of the county in which the affected property is situated.

**STATUS:**

05/05/2005 To SENATE Committee on JUDICIARY.

---

**CA AB 194**

**AUTHOR:** Dymally (D)

**TITLE:** Brown Act Violations: Remedy

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 01/27/2005

**LAST AMEND:** 04/07/2005

**DISPOSITION:** Pending

**LOCATION:** Assembly Local Government Committee

**SUMMARY:**

Permits the District Attorney or any interested person to commence an action by declaratory relief for a violation of the Brown Act. Reduces the time period that the District Attorney or interested person has to make a written demand of the legislative body to cure or correct an alleged violation prior to commencement of a legal action to within 60 days from the date the action was taken.

**STATUS:**

05/04/2005 In ASSEMBLY Committee on LOCAL GOVERNMENT: Not heard.

---

**CA AB 200**

**AUTHOR:** Leslie (R)

**TITLE:** Renewable Energy Resources: Portfolio Standard Program

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 01/31/2005

**DISPOSITION:** Pending

**LOCATION:** Senate Energy, Utilities and Communications Committee

**SUMMARY:**

Relates to the California Renewables Portfolio Standard Program. Adopts
applicable only to an electrical corporation with 60,000 or fewer customer accounts in the state that serves retail end-use customers outside California.

**STATUS:**
05/05/2005 To SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.

---

**CA AB 214**

**AUTHOR:** Richman (R)

**TITLE:** Public Employees' Retirement: Final Compensation

**INTRODUCED:** 02/03/2005

**DISPOSITION:** Pending

**LOCATION:** Assembly Public Employees, Retirement and Social Security Committee

**SUMMARY:**
Defines "final compensation" for any member of the Public Employees' Retirement System who retires or dies on and after January 1, 2006, as the average compensation earnable by the member during the final 3 years of employment immediately preceding the effective date of his or her retirement or the date of his or her last separation from state service if earlier.

**STATUS:**
04/20/2005 In ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY: Failed passage.

---

**CA AB 290**

**AUTHOR:** Leslie (R)

**TITLE:** California Waterworks Standards

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/09/2005

**LAST AMEND:** 04/19/2005

**DISPOSITION:** Pending

**LOCATION:** Assembly Appropriations Committee

**SUMMARY:**
Amends the Safe Drinking Water Act. Requires the Department of Health Services, in consultation with a study committee, to undertake a 5-year study of methodologies used to determine water source capacities in hard-rock wells in order to determine the techniques for conducting pump tests and evaluating data that will result in the most accurate and cost-effective prediction of long-term well capacity.

**STATUS:**
05/04/2005 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

---

**CA AB 340**

**AUTHOR:** Parra (D)

**TITLE:** Drinking Water: Arsenic Levels

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/10/2005

**LAST AMEND:** 04/14/2005

**DISPOSITION:** Pending

**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee

**SUMMARY:**
rural counties of meeting the new federal drinking water standards for arsenic contamination and to report to the Legislature.

STATUS:
04/26/2005 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.

<table>
<thead>
<tr>
<th>CA AB 342</th>
<th>AUTHOR: Baca (D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE:</td>
<td>Perchlorate Fee</td>
</tr>
<tr>
<td>FISCAL COMMITTEE:</td>
<td>no</td>
</tr>
<tr>
<td>URGENCY CLAUSE:</td>
<td>no</td>
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<tr>
<td>INTRODUCED:</td>
<td>02/10/2005</td>
</tr>
<tr>
<td>DISPOSITION:</td>
<td>Pending</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>ASSEMBLY</td>
</tr>
<tr>
<td>SUMMARY:</td>
<td>Declares the intent of the Legislature to enact legislation that would authorize the Department of Toxic Substances Control to assess a fee on products that contain perchlorate and to expand those funds to treat drinking water wells contaminated with perchlorate.</td>
</tr>
<tr>
<td>STATUS:</td>
<td>02/10/2005 INTRODUCED.</td>
</tr>
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<table>
<thead>
<tr>
<th>CA AB 362</th>
<th>AUTHOR: Aghazarian (R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE:</td>
<td>Administrative Proceedings</td>
</tr>
<tr>
<td>FISCAL COMMITTEE:</td>
<td>yes</td>
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<tr>
<td>URGENCY CLAUSE:</td>
<td>no</td>
</tr>
<tr>
<td>INTRODUCED:</td>
<td>02/11/2005</td>
</tr>
<tr>
<td>LAST AMEND:</td>
<td>05/03/2005</td>
</tr>
<tr>
<td>DISPOSITION:</td>
<td>Pending</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Assembly Appropriations Committee</td>
</tr>
<tr>
<td>SUMMARY:</td>
<td>Deletes provisions requiring the State Water Resources Control Board to provide guidance to the regional boards in matters of procedure and to review the boards' public participation procedures. Provides that all persons shall have equal procedural rights and be afforded equal treatment in all proceedings conducted pursuant to the Water Quality Control Act.</td>
</tr>
<tr>
<td>STATUS:</td>
<td>05/03/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on APPROPRIATIONS.</td>
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<table>
<thead>
<tr>
<th>CA AB 364</th>
<th>AUTHOR: Cogdill (R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE:</td>
<td>Public Works: Prevailing Wages</td>
</tr>
<tr>
<td>FISCAL COMMITTEE:</td>
<td>yes</td>
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<tr>
<td>URGENCY CLAUSE:</td>
<td>yes</td>
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<td>INTRODUCED:</td>
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<tr>
<td>DISPOSITION:</td>
<td>Pending</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Assembly Labor and Employment Committee</td>
</tr>
<tr>
<td>SUMMARY:</td>
<td>Exempts those public works financed through the use of industrial</td>
</tr>
<tr>
<td>STATUS:</td>
<td></td>
</tr>
</tbody>
</table>

Page 143 / 367
CA AB 371  
**AUTHOR:** Goldberg (D)  
**TITLE:** Water Recycling  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/11/2005  
**LAST AMEND:** 05/03/2005  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:** 
Requires the Water Resources Control Board, for purposes of establishing the amount of a fee that may be imposed upon any publicly owned treatment works, to structure the fee schedule to provide incentives to maximize water recycling. Requires the prescribing of general water recycling requirements to nonpotable uses of recycled water. Requires a recycled water producer to notify specified state departments if it proposes to provide recycled water for state landscape irrigation.  
**STATUS:** 05/03/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on APPROPRIATIONS.

CA AB 400  
**AUTHOR:** Gordon (D)  
**TITLE:** CEQA: Environmental Impact Reports: Energy Facilities  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2005  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:** 
Declares the intent of the Legislature to streamline the process for obtaining an environmental impact report on a project in order to expedite the construction of new renewable energy facilities or repower existing renewable energy facilities.  
**STATUS:** 02/15/2005 INTRODUCED.

CA AB 402  
**AUTHOR:** Dymally (D)  
**TITLE:** Borders: Mexico  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no
the office and members to committees that may be established by the office. Clarifies that among the committees the office may establish is a committee, made up of members who do not serve on the commission, for the purpose of advising the office on issues facing groups who are migrating, or have recently migrated, to the state from Mexico.

| STATUS: | 05/04/2005 | In ASSEMBLY. Read second time. To third reading. |

| CA AB 406 | AUTHOR: Haynes (R) | TITLE: Contracts: Indemnity |
| FISCAL COMMITTEE: no | URGENCY CLAUSE: no | INTRODUCED: 02/15/2005 |
| LAST AMEND: 04/28/2005 | DISPOSITION: Pending | LOCATION: SENATE |
| SUMMARY: States the intent of the Legislature governing the use of indemnification and additional-insured provisions in construction contracts with respect to construction defect disputes. |

| STATUS: | 05/05/2005 | In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. |

| CA AB 411 | AUTHOR: Yee (D) | TITLE: Public Contracts: Prompt Payment Process |
| FISCAL COMMITTEE: no | URGENCY CLAUSE: no | INTRODUCED: 02/15/2005 |
| LAST AMEND: 04/11/2005 | DISPOSITION: Pending | LOCATION: Assembly Business and Professions Committee |
| SUMMARY: Relates to existing law that contains various provisions relating to contracts for the performance of private and public works including provisions for the withholding and disbursement of retention proceeds. Reduces the amount that may be withheld from progress payments and decreases the timeframe for retention release. Imposes additional requirements with respect to a hearing by a contract awarding authority of a substitute subcontractor. Provides the timeframe for final payment upon contract completion. |

| STATUS: | 04/26/2005 | In ASSEMBLY Committee on BUSINESS AND PROFESSIONS: Not heard. |

| CA AB 414 | AUTHOR: Klehs (D) | TITLE: Labor Compliance Programs: Construction Managers |
| FISCAL COMMITTEE: yes | URGENCY CLAUSE: no |
enforce a labor compliance program for purposes of provisions of the
Kindergarten-University Public Education Facilities Bond Act from contracting
with a construction manager as the 3rd-party provider of the labor
compliance program.

STATUS:
05/05/2005 In ASSEMBLY. Read third time. Passed ASSEMBLY.
*****To SENATE.

CA AB 463
AUTHOR: Tran (R)
TITLE: Local Agencies: Security Information
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/15/2005
DISPOSITION: Senate Local Government Committee
COMMITTEE: Pending
HEARING: 06/15/2005 9:30 am
SUMMARY:
Amends the Ralph M. Brown Act which requires meetings of the legislative
body of a local agency to be conducted openly and publicly, with specific
exceptions. Allows a closed session with specified persons on matters posing
a threat to private property or facilities that are open to the general public,
including response strategies and preventative measures relating to that
threat.
STATUS:
05/05/2005 To SENATE Committees on LOCAL GOVERNMENT and
JUDICIARY.

CA AB 492
AUTHOR: Baca (D)
TITLE: Hazardous Waste: Perchlorate: Report
INTRODUCED: 02/16/2005
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Requires a business concern that handles or otherwise uses perchlorate in
the course of its operations, including a generator otherwise exempt from the
hazardous waste facilities permit requirements, to submit a report to the
Department of Toxic Substances Control, detailing the manner in which the
perchlorate waste is disposed.
STATUS:
05/04/2005 In ASSEMBLY Committee on APPROPRIATIONS: To
Suspense File.

CA AB 495
AUTHOR: Montanez (D)
TITLE: Waste Discharge Requirements: Penalties
INTRODUCED: 02/16/2005
LAST AMEND: 05/03/2005
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Redefines effluent limitation under the Porter-Cologne Water Quality Control
pollutants that may be discharged from an authorized location.

STATUS:
05/03/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on APPROPRIATIONS.

CA AB 499
AUTHOR: Leno (D)
TITLE: Public Contracts: Preferences
INTRODUCED: 02/16/2005
LAST AMEND: 04/21/2005
DISPOSITION: Pending
FILE: 17
LOCATION: Assembly Second Reading File

SUMMARY:
Authorizes the San Francisco Community College District, pursuant to a 5-year pilot project, to provide preferences in construction, the procurement of goods, or the delivery of services to a small and local business. Defines local. Requires the district to define the term small and local business for each contract that is bid pursuant to this act. Requires the district to include prescribed data relating to the project in an annual report to the Legislative Analyst.

STATUS:
05/03/2005 From ASSEMBLY Committee on JOBS, ECONOMIC DEVELOPMENT AND THE ECONOMY: Do pass as amended.

CA AB 501
AUTHOR: La Malfa (R)
TITLE: Water Supply Assessments
INTRODUCED: 02/16/2005
DISPOSITION: Pending
LOCATION: ASSEMBLY

SUMMARY:
Revises existing provisions of law relating to water supply planning to require a city or county that undertakes an environmental restoration project, wildlife restoration project, or conservation easement transfer, to identify any public water system that is, or may become a supplier of water for that project, and to determine if the water requirements of the project are included as part of a specified urban water management plan.

STATUS:
02/16/2005 INTRODUCED.

CA AB 524
AUTHOR: Chan (D)

TITLE: Public Contracts: Offshore Jobs

INTRODUCED: 02/16/2005
Requires the Department of General Services, when any portion of a public contract will be performed by subcontractors or employees outside of the United States, to require from all prospective and successful bidders the completion of a standard form of questionnaire including a complete description of any and all portions of the contact that will be performed by subcontractors or employees outside of the United State and the percentage of the contract outsourcing represents.

**STATUS:**
04/27/2005 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

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**CA AB 528**
**AUTHOR:** Frommer (D)
**TITLE:** Civil Actions: Public Health and Environmental Fund
**FISCAL COMMITTEE:** yes
**URGENCY CLAUSE:** no
**INTRODUCED:** 02/16/2005
**LAST AMEND:** 05/05/2005
**DISPOSITION:** Pending
**LOCATION:** Assembly Appropriations Committee
**SUMMARY:**
Authorizes any person with a beneficial interest in the outcome relating to a defined nuisance to commence a civil action to enforce specified laws, including regulations, permits, and orders issued, that provide for the protection or enhancement of public health or the environment. Creates the Public Health and Environmental Enforcement Fund in which civil penalties awarded for these actions would be deposited and allocated to enforce the statute under which the action was commenced.

**STATUS:**
05/05/2005 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.
05/05/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on APPROPRIATIONS.

---

**CA AB 533**
**AUTHOR:** Negrete McLeod (D)
**TITLE:** Public Works of Improvement: Payment Bonds
**INTRODUCED:** 02/16/2005
**DISPOSITION:** Pending
**LOCATION:** Assembly Judiciary Committee
**SUMMARY:**
Provides that whenever an original contractor’s agreement is assigned to a 3rd party, the 3rd party shall be required to provide a payment bond.

**STATUS:**
03/10/2005 To ASSEMBLY Committee on JUDICIARY.

---

**CA AB 553**
**AUTHOR:** La Suer (R)
**TITLE:** Public Works: Overtime Compensation
**INTRODUCED:** 02/16/2005
**DISPOSITION:** Pending
requirement overtime compensation to an employee working an alternative workweek schedule upon the proposal of an employer to an employee working an alternative workweek schedule adopted pursuant to a collective bargaining agreement.

STATUS:  
04/20/2005 In ASSEMBLY Committee on LABOR AND EMPLOYMENT: Failed passage.  
04/20/2005 In ASSEMBLY Committee on LABOR AND EMPLOYMENT: Reconsideration granted.

CA AB 573  
AUTHOR: Wolk (D)  
TITLE: Construction Contracts: Indemnity  
FISCAL COMMITTEE: no  
URGENCY CLAUSE: no  
INTRODUCED: 02/16/2005  
LAST AMEND: 04/28/2005  
DISPOSITION: Pending  
LOCATION: SENATE  
SUMMARY: States the intent the Legislature to enact legislation governing the use of indemnification and additional-insured provisions in construction contracts with respect to construction defect disputes.  
STATUS: 05/05/2005 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

CA AB 579  
AUTHOR: Emmerson (R)  
TITLE: Groundwater  
INTRODUCED: 02/16/2005  
DISPOSITION: Pending  
LOCATION: ASSEMBLY  
SUMMARY: Makes a technical, nonsubstantive change to existing law that declares that groundwater is a valuable natural resource and should be managed to ensure its safe production and its quality.  
STATUS: 02/16/2005 INTRODUCED.

CA AB 580  
AUTHOR: Emmerson (R)  
TITLE: Water Conveyance Facilities  
INTRODUCED: 02/16/2005  
DISPOSITION: Pending  
LOCATION: ASSEMBLY  
SUMMARY: Relates to use of a water conveyance facility that has unused capacity. Makes technical, nonsubstantive changes to that provision.  
STATUS: 02/16/2005 INTRODUCED.

CA AB 648  
AUTHOR: Jones (D)  
TITLE: Development Projects: Disclosure Requirements  
FISCAL COMMITTEE: yes  
URGENCY CLAUSE: no
URGENCY CLAUSE: no
INTRODUCED: 02/17/2005
LAST AMEND: 05/05/2005
DISPOSITION: Pending
COMMITTEE: Assembly Appropriations Committee
HEARING: 05/11/2005 9:00 am
SUMMARY:
Relates to existing law that requires each state agency and each local agency to compile one or more lists that specify in detail the information that will be required of any applicant for a development project. Requires that the list or lists additionally include the identity of the persons or entities that will own, lease or occupy the project, if different from the person or entity applying for the development permit, if that identity is known to the applicant.
STATUS:
05/05/2005 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.
05/05/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on APPROPRIATIONS.

CA AB 672
AUTHOR: Klehs (D)
TITLE: Reservoirs with Water Intended for Domestic Use
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2005
LAST AMEND: 04/28/2005
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Excludes certain recreational activity from the prohibition against bodily contact with the water in a reservoir, owned by a governmental entity, containing water intended for domestic use, including, but not limited to, shoreline fishing and trail access in areas adjacent to the reservoir and the use of nonmotorized boats. Requires a governmental entity that owns a water supply reservoir with a certain capacity to adopt a watershed or recreation master plan the environmental management permitted.
STATUS:
04/28/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on APPROPRIATIONS.

CA AB 703
AUTHOR: Houston (R)
TITLE: Recycled Water
INTRODUCED: 02/17/2005
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:
Makes a technical, nonsubstantive change to existing law relating to water reuse.
STATUS:
02/17/2005 INTRODUCED.

CA AB 771
AUTHOR: Saldana (D)
TITLE: Coastal Commission: Ex Parte Communications
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
SUMMARY:
Amends existing law that provides that a communication otherwise prohibited by a specified provision governing ex parte communication in an administrative adjudication proceeding from an employee or representative of an agency that is a party to the presiding officer is permissible in certain circumstances. Allows an ex parte communication under circumstances where the advice involves an issue in a proceeding of the Coastal Commission. Provides for disclosures by entities seeking development permits.

STATUS:
05/03/2005 In ASSEMBLY, Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA AB 802
AUTHOR: Wolk (D)
TITLE: Land Use: Water Supply
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/18/2005
LAST AMEND: 04/25/2005
DISPOSITION: Pending
COMMITTEE: Assembly Appropriations Committee
HEARING: 05/11/2005 9:00 am
SUMMARY:
Requires the conservation element of the general plan to cover flood management and to consider, among other things, the existing water supply and the possible means of using flood water to supplement that supply.

STATUS:
04/26/2005 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

CA AB 848
AUTHOR: Berg (D)
TITLE: Ocean Ecosystem Conservation and Management
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/18/2005
DISPOSITION: Pending
COMMITTEE: Assembly Appropriations Committee
HEARING: 05/11/2005 9:00 am
SUMMARY:
Establishes the Ocean Ecosystem Resource Information System within the Department of Fish and Game for the purpose of fostering and supporting ecosystem conservation and management of the ocean waters offshore and the marine resources therein.

STATUS:
04/26/2005 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

CA AB 874
AUTHOR: Wolk (D)
TITLE: Priority Bird Areas
<table>
<thead>
<tr>
<th><strong>TITLE:</strong></th>
<th>Priority Bird Areas</th>
</tr>
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<tbody>
<tr>
<td><strong>FISCAL COMMITTEE:</strong></td>
<td>yes</td>
</tr>
<tr>
<td><strong>URGENCY CLAUSE:</strong></td>
<td>no</td>
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<tr>
<td><strong>INTRODUCED:</strong></td>
<td>02/18/2005</td>
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<tr>
<td><strong>LAST AMEND:</strong></td>
<td>04/11/2005</td>
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<tr>
<td><strong>DISPOSITION:</strong></td>
<td>Pending</td>
</tr>
<tr>
<td><strong>LOCATION:</strong></td>
<td>Assembly Water, Parks and Wildlife Committee</td>
</tr>
<tr>
<td><strong>SUMMARY:</strong></td>
<td>Requires the Department of Fish and Game to recognize priority bird areas in the state and publish a list of these areas. Requires the department to cooperate with the Department of Parks and Recreation, other state and local agencies, specified joint ventures, and nongovernmental organizations to publicize the presence of each priority bird area. Requires the department to report to the Legislature its recommendations for public outreach and education about priority bird areas.</td>
</tr>
<tr>
<td><strong>STATUS:</strong></td>
<td>04/11/2005 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.</td>
</tr>
<tr>
<td></td>
<td>04/11/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on WATER, PARKS AND WILDLIFE.</td>
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**CA AB 966**

<table>
<thead>
<tr>
<th><strong>AUTHOR:</strong></th>
<th>Saldana (D)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE:</strong></td>
<td>Dental Amalgam</td>
</tr>
<tr>
<td><strong>FISCAL COMMITTEE:</strong></td>
<td>yes</td>
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<tr>
<td><strong>URGENCY CLAUSE:</strong></td>
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<tr>
<td><strong>INTRODUCED:</strong></td>
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<td><strong>LAST AMEND:</strong></td>
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<tr>
<td><strong>DISPOSITION:</strong></td>
<td>Pending</td>
</tr>
<tr>
<td><strong>LOCATION:</strong></td>
<td>Assembly Appropriations Committee</td>
</tr>
<tr>
<td><strong>SUMMARY:</strong></td>
<td>Requires the Department of Toxic Substances Control to establish and maintain a list of approved amalgam separators meeting certain standards. Requires all dental practices to install an approved amalgam separator and to implement the best management practices to minimize the discharge of mercury into wastewater and to submit documents showing the purchase and installation of an approved separator. Requires an enforcement agency to inspect at least 10% of dental practices each year.</td>
</tr>
<tr>
<td><strong>STATUS:</strong></td>
<td>04/26/2005 From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.</td>
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**CA AB 1003**

<table>
<thead>
<tr>
<th><strong>AUTHOR:</strong></th>
<th>Nava (D)</th>
</tr>
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<tbody>
<tr>
<td><strong>TITLE:</strong></td>
<td>Ventura County Watershed Protection District</td>
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<tr>
<td><strong>FISCAL COMMITTEE:</strong></td>
<td>no</td>
</tr>
<tr>
<td><strong>URGENCY CLAUSE:</strong></td>
<td>no</td>
</tr>
<tr>
<td><strong>INTRODUCED:</strong></td>
<td>02/22/2005</td>
</tr>
<tr>
<td><strong>LAST AMEND:</strong></td>
<td>03/31/2005</td>
</tr>
</tbody>
</table>
on a districtwide or per zone basis to pay the costs and expenses of carrying out any of the objects and purposes of the Ventura County Watershed Protection Act.

CA AB 1038

<table>
<thead>
<tr>
<th>AUTHOR:</th>
<th>Houston (R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE:</td>
<td>Construction Defects</td>
</tr>
<tr>
<td>FISCAL COMMITTEE:</td>
<td>no</td>
</tr>
<tr>
<td>URGENCY CLAUSE:</td>
<td>no</td>
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<tr>
<td>INTRODUCED:</td>
<td>02/22/2005</td>
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<td>04/28/2005</td>
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<tr>
<td>DISPOSITION:</td>
<td>Pending</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>SENATE</td>
</tr>
<tr>
<td>SUMMARY:</td>
<td>States the intent of the Legislature to enact legislation governing the use of indemnification and additional-insured provisions in construction contracts with respect to construction defect disputes.</td>
</tr>
<tr>
<td>STATUS:</td>
<td>05/05/2005 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.</td>
</tr>
</tbody>
</table>

CA AB 1140

<table>
<thead>
<tr>
<th>AUTHOR:</th>
<th>Dymally (D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE:</td>
<td>Landowner Voting Districts</td>
</tr>
<tr>
<td>INTRODUCED:</td>
<td>02/22/2005</td>
</tr>
<tr>
<td>DISPOSITION:</td>
<td>Pending</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Assembly Elections, Redistricting and Constitutional Amendments Committee</td>
</tr>
<tr>
<td>SUMMARY:</td>
<td>Provides that, subject to any constitutional requirements, only registered voters who reside within the territory of a district that provides services to that voter may vote in an election conducted by or on behalf of the district.</td>
</tr>
<tr>
<td>STATUS:</td>
<td>05/03/2005 In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Heard, remains in Committee.</td>
</tr>
</tbody>
</table>

CA AB 1165

<table>
<thead>
<tr>
<th>AUTHOR:</th>
<th>Bogh (R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE:</td>
<td>Energy Resources: Environmental Documents</td>
</tr>
<tr>
<td>FISCAL COMMITTEE:</td>
<td>yes</td>
</tr>
<tr>
<td>URGENCY CLAUSE:</td>
<td>no</td>
</tr>
<tr>
<td>INTRODUCED:</td>
<td>02/22/2005</td>
</tr>
<tr>
<td>LAST AMEND:</td>
<td>04/27/2005</td>
</tr>
<tr>
<td>DISPOSITION:</td>
<td>Pending</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Assembly Appropriations Committee</td>
</tr>
<tr>
<td>SUMMARY:</td>
<td>Requires any agency that must make a decision that is subject to the</td>
</tr>
<tr>
<td>STATUS:</td>
<td></td>
</tr>
<tr>
<td>STATUS:</td>
<td>04/27/2005</td>
</tr>
<tr>
<td>CA AB 1168</td>
<td><strong>AUTHOR:</strong></td>
</tr>
<tr>
<td><strong>TITLE:</strong></td>
<td>Drinking Water Standards: Boron Contamination</td>
</tr>
<tr>
<td><strong>FISCAL COMMITTEE:</strong></td>
<td>yes</td>
</tr>
<tr>
<td><strong>URGENCY CLAUSE:</strong></td>
<td>no</td>
</tr>
<tr>
<td><strong>INTRODUCED:</strong></td>
<td>02/22/2005</td>
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<td><strong>LAST AMEND:</strong></td>
<td>04/05/2005</td>
</tr>
<tr>
<td><strong>DISPOSITION:</strong></td>
<td>Pending</td>
</tr>
<tr>
<td><strong>LOCATION:</strong></td>
<td>Assembly Appropriations Committee</td>
</tr>
<tr>
<td><strong>SUMMARY:</strong></td>
<td>Requires Department of Health Services, when reviewing an application for a water system operating permit for a ground or ocean water desalination project, to identify potential contaminants and sources of contamination and ensure the safety and effectiveness of treatment processes.</td>
</tr>
<tr>
<td>STATUS:</td>
<td>04/20/2005</td>
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<tr>
<td>CA AB 1190</td>
<td><strong>AUTHOR:</strong></td>
</tr>
<tr>
<td><strong>TITLE:</strong></td>
<td>Energy: Agency Consolidation</td>
</tr>
<tr>
<td><strong>FISCAL COMMITTEE:</strong></td>
<td>yes</td>
</tr>
<tr>
<td><strong>URGENCY CLAUSE:</strong></td>
<td>no</td>
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<tr>
<td><strong>INTRODUCED:</strong></td>
<td>02/22/2005</td>
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<tr>
<td><strong>DISPOSITION:</strong></td>
<td>Pending</td>
</tr>
<tr>
<td><strong>LOCATION:</strong></td>
<td>Assembly Utilities and Commerce Committee</td>
</tr>
<tr>
<td><strong>SUMMARY:</strong></td>
<td>Enacts the Energy Code. Establishes the Energy Agency under the administration of the Secretary of Energy for the planning, development, and implementation of all major aspects of the state energy policy to ensure an adequate, reasonably priced supply of electricity and natural gas. The secretary would be required to determine appropriate reserve levels needed to maintain the reliability and stability of the electrical transmission and distribution grid.</td>
</tr>
<tr>
<td>STATUS:</td>
<td>04/04/2005</td>
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<tr>
<td>CA AB 1200</td>
<td><strong>AUTHOR:</strong></td>
</tr>
<tr>
<td><strong>TITLE:</strong></td>
<td>Sacramento-San Joaquin Delta</td>
</tr>
<tr>
<td><strong>INTRODUCED:</strong></td>
<td>02/22/2005</td>
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<td><strong>LAST AMEND:</strong></td>
<td>03/31/2005</td>
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<tr>
<td><strong>DISPOSITION:</strong></td>
<td>Pending</td>
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<tr>
<td><strong>LOCATION:</strong></td>
<td>Assembly Appropriations Committee</td>
</tr>
<tr>
<td><strong>SUMMARY:</strong></td>
<td>Requires the Department of Water Resources to evaluate the potential</td>
</tr>
<tr>
<td>STATUS:</td>
<td></td>
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<tr>
<td>STATUS:</td>
<td>04/13/2005</td>
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<tr>
<td>CA AB 1201</td>
<td>AUTHOR: Laird (D)</td>
</tr>
<tr>
<td></td>
<td>FISCAL COMMITTEE: no</td>
</tr>
<tr>
<td></td>
<td>INTRODUCED: 02/22/2005</td>
</tr>
<tr>
<td></td>
<td>DISPOSITION: Pending</td>
</tr>
<tr>
<td>SUMMARY:</td>
<td>Specifies that the Sierra Nevada Conservancy may receive a fee interest in real property only by gift or donation. Makes various technical, nonsubstantive changes to existing law.</td>
</tr>
<tr>
<td>STATUS:</td>
<td>05/02/2005</td>
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<tr>
<td>CA AB 1234</td>
<td>AUTHOR: Salinas (D)</td>
</tr>
<tr>
<td></td>
<td>FISCAL COMMITTEE: no</td>
</tr>
<tr>
<td></td>
<td>INTRODUCED: 02/22/2005</td>
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<tr>
<td></td>
<td>DISPOSITION: Pending</td>
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<tr>
<td></td>
<td>HEARING: 06/15/2005 9:30 am</td>
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<td>STATUS:</td>
<td>05/05/2005</td>
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<tr>
<td>CA AB 1244</td>
<td>AUTHOR: Wolk (D)</td>
</tr>
<tr>
<td>FISCAL COMMITTEE: yes</td>
<td>URGENCY CLAUSE: yes</td>
</tr>
</tbody>
</table>
California Bay-Delta Program and to conform the state act to the federal act, requiring state agencies to cooperate with federal agencies to meet the goals of the program. Authorizes the authority to enter into specified cooperative agreements to carry out the program. Authorizes the lead scientist to seek assistance from experts for scientific programs.

**STATUS:**
05/04/2005 From ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION: Do pass as amended to Committee on APPROPRIATIONS.

**CA AB 1245**
**AUTHOR:** Wolk (D)
**TITLE:** CALFED Bay-Delta Program
**FISCAL COMMITTEE:** yes
**URGENCY CLAUSE:** no
**INTRODUCED:** 02/22/2005
**LAST AMEND:** 04/21/2005
**DISPOSITION:** Pending
**COMMITTEE:** Assembly Appropriations Committee
**HEARING:** 05/11/2005 9:00 am

**SUMMARY:**
Relates to the California Bay-Delta Authority. Establishes the Environmental Water Account Fund for the benefit of the California Bay-Delta Environmental Water Account Program. Authorizes the money in the fund to be expended for the protection and recovery of fishery resources, the adjustment of the operations of the State Water Project, or the Central Valley Project, or the acquisition of water to supplement the water made available by regulation. Authorizes the acquiring or selling of water.

**STATUS:**
04/26/2005 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

**CA AB 1259**
**AUTHOR:** Daucher (R)
**TITLE:** Property Tax Revenue Allocations
**FISCAL COMMITTEE:** yes
**URGENCY CLAUSE:** no
**INTRODUCED:** 02/22/2005
**LAST AMEND:** 03/31/2005
**DISPOSITION:** Pending
**LOCATION:** Assembly Local Government Committee

**SUMMARY:**
Requires the county auditor to increase the total amount of ad valorem property tax revenue otherwise required to be allocated to a qualified city, qualified county and qualified city and county, by a housing bonus amount. Requires the auditor to commensurately reduce the total amount of ad valorem property tax revenue otherwise required to be allocated to all other local agencies in the county by the countywide housing bonus amount.

**STATUS:**
04/07/2005 Re-referred to ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.

**CA AB 1269**
**AUTHOR:** Pavley (D)
**TITLE:** Clean Air, Clean Water, and Coastal Protection
**INTRODUCED:** 02/22/2005
Enacts the Clean Air, Clean Water, Coastal Protection, and Parks Bond Act which would authorize issuance of bonds financing a air and water quality, coastal protection, and parks program. Requires voter approval.

**STATUS:**
04/26/2005 From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.

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**CA AB 1271**

**AUTHOR:** Blakeslee (R)

**TITLE:** Water: Central Coast Agricultural Management

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/22/2005

**LAST AMEND:** 04/18/2005

**DISPOSITION:** Pending

**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee

**SUMMARY:**
Requires the Central Coast Regional Water Quality Control Board to conduct a 5-year pilot program in order to promote clean water practices in the region within the jurisdiction of the regional board. Requires the regional board to define and adopt achievable, attainable agricultural best management practices, based on current scientific findings.

**STATUS:**
04/26/2005 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.

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**CA AB 1290**

**AUTHOR:** La Malfa (R)

**TITLE:** Water Use Fees

**INTRODUCED:** 02/22/2005

**DISPOSITION:** Pending

**LOCATION:** Assembly Water, Parks and Wildlife Committee

**SUMMARY:**
Declares that it is the intent of the Legislature to finance programs that were formerly funded by the imposition of fees for a specified application, registration, petition, request, or proof of claim relating to water use, or a notice to extract groundwater by appropriating funds from the fund that remain available for that purpose.

**STATUS:**
04/12/2005 In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.

---

**CA AB 1332**

**AUTHOR:** Gordon (D)

**TITLE:** Distributed Generation: Efficiency Standards

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/22/2005

**LAST AMEND:** 04/27/2005

**DISPOSITION:** Pending
Requires the Energy Commission to prescribe, by regulation, standards and minimum levels of operating efficiency for distributed generation technologies based on a reasonable use pattern. Defines distributed generation. Requires the standards meet certain criteria. Requires the commission to periodically review the standards and adopt any revision that is necessary based upon the same criteria used in developing the standards. Prohibits new distributed generation system unless they meet the standards.

Status:
04/27/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on APPROPRIATIONS.

CA AB 1354
Author: Baca (D)
Title: Drinking Water: Perchlorate Levels
Introduced: 02/22/2005
Disposition: Pending
Location: Assembly Environmental Safety and Toxic Materials Committee
Summary: Requires the Department of Health Services to establish a maximum drinking water standard contaminant level for perchlorate of 6 parts per billion, to be phased in over a period of 2 years commencing January 1, 2006.
Status:
04/26/2005 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.

CA AB 1362
Author: Levine (D)
Title: Renewable Portfolio Standard Program
Introduced: 02/22/2005
Last Amend: 04/11/2005
Disposition: Pending
Committee: Assembly Appropriations Committee
Hearing: 05/11/2005 9:00 am
Summary: Revises and recasts intent language in the Renewable Energy Resources Program so that the amount of electricity generated per year from renewable energy resources is increased to an amount that equals at least 20% of the total electricity generated for consumption in California by 2010; requires the Energy Commission to design and implement an accounting system to certify renewable energy credits produced by eligible renewable energy resources. Requires conditions to be met for credit trading.
Status:
04/25/2005 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

CA AB 1364
Author: Canciamilla (D)
Title: Water Corporations: Damage From Natural Disasters
Introduced: 02/22/2005
Disposition: Pending
Location: ASSEMBLY
Summary:
SUMMARY:
States the intent of the Legislature to establish policies to require all water corporations to timely report to the commission the extent of any damage in a natural disaster.

STATUS:
02/22/2005 INTRODUCED.

CA AB 1371
AUTHOR: Runner (R)
TITLE: Public Works
INTRODUCED: 02/22/2005
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:
Amends existing law relating to the payment of prevailing wages, which defines a public work construction, alteration, demolition, installation, or repair work that is done under contract and that is paid for in whole or in part out of public funds.
STATUS:
02/22/2005 INTRODUCED.

CA AB 1397
AUTHOR: Arambula (D)
TITLE: Eminent Domain: Public Utility Property
INTRODUCED: 02/22/2005
DISPOSITION: Pending
LOCATION: Assembly Judiciary Committee
SUMMARY:
Requires a local public entity that appropriates electric, gas, or water public utility property to prove a more necessary use by clear and convincing evidence that the public utility has continually failed to comply with governing rules and regulations.
STATUS:
03/30/2005 To ASSEMBLY Committees on JUDICIARY and UTILITIES AND COMMERCE.

CA AB 1423
AUTHOR: Bogh (R)
TITLE: Metropolitan Water Districts: Utilization of Budgets
INTRODUCED: 02/22/2005
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:
Declares the intent of the Legislature to enact legislation relating to the purposes for which the budgets of metropolitan water districts, formed under the Metropolitan Water District Act, may be utilized.
STATUS:
02/22/2005 INTRODUCED.

CA AB 1438
AUTHOR: Salinas (D)
TITLE: Local Agencies: Open Meetings
INTRODUCED: 02/22/2005
DISPOSITION: Pending
COMMITTEE: Senate Local Government Committee
HEARING: 06/15/2005 9:30 am
| **SUMMARY:** | Provides that in counties selected by the Director of Health Services with the concurrence of the county, a special county health authority may be established in order to meet the problems of delivery of publicly assisted medical care in each county, and to demonstrate ways of promoting quality care and cost efficiency. |
| **STATUS:** | 05/05/2005 To SENATE Committee on LOCAL GOVERNMENT. |

| **CA AB 1453** | **AUTHOR:** Daucher (R) |
| **TITLE:** Superior Courts: Adjudication of Rights to Produce |
| **INTRODUCED:** 02/22/2005 |
| **LAST AMEND:** 03/30/2005 |
| **DISPOSITION:** Pending |
| **LOCATION:** Assembly Judiciary Committee |
| **SUMMARY:** Establishes 9 water divisions in the superior courts of specified counties. Requires the presiding judge of the superior court of each specified county to assign a water judge to the water division to preside over actions that involve the adjudication of rights to produce groundwater. Provides for the transfer of groundwater actions to those court. Requires the presiding judge to consider the experience in groundwater adjudications of each candidate for assignment as a water judge. |
| **STATUS:** 03/30/2005 To ASSEMBLY Committee on JUDICIARY. |
| 03/30/2005 From ASSEMBLY Committee on JUDICIARY with author's amendments. |
| 03/30/2005 In ASSEMBLY. Read second time and amended. Referred to Committee on JUDICIARY. |

| **CA AB 1464** | **AUTHOR:** McCarthy (R) |
| **TITLE:** CEQA: Environmental Impact Reports: Review |
| **INTRODUCED:** 02/22/2005 |
| **LAST AMEND:** 04/12/2005 |
| **DISPOSITION:** Pending |
| **LOCATION:** Senate Environmental Quality Committee |
| **SUMMARY:** Requires the review period established by the State Clearinghouse for environmental impact reports, proposed negative declarations or proposed mitigated negative declarations under the California Environmental Quality Act to be at least as long as the period of review by a state agency. Allows the state agency review period and the public review period to run concurrently. |
| **STATUS:** 05/05/2005 To SENATE Committee on ENVIRONMENTAL QUALITY. |

| **CA AB 1466** | **AUTHOR:** Laird (D) |
| **TITLE:** Tamarisk Plant Control |
| **INTRODUCED:** 02/22/2005 |
| **LAST AMEND:** 04/21/2005 |
| **DISPOSITION:** Pending |
| **COMMITTEE:** Assembly Appropriations Committee |
| **HEARING:** 05/11/2005 9:00 am |
| **SUMMARY:** |
| **SUMMARY:** | Requires the Department of Water Resources to develop a program to control or eradicate tamarisks plants in the Colorado River watershed. |
| **STATUS:** | 04/26/2005 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS. |

### CA AB 1555

**AUTHOR:** La Malfa (R)  
**TITLE:** California Renewables Portfolio Standard Program  
**INTRODUCED:** 02/22/2005  
**LAST AMEND:** 03/31/2005  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Utilities and Commerce Committee  
**SUMMARY:** Defines eligible renewable energy resource to include the electricity generated by a hydroelectric generation facility procured or owned by a retail seller or local publicly owned electric utility, as of January 1, 2003, under the California Renewable Portfolio Standard Program.  
**STATUS:** 04/18/2005 In ASSEMBLY Committee on UTILITIES AND COMMERCE: Failed passage.  
04/18/2005 In ASSEMBLY Committee on UTILITIES AND COMMERCE: Reconsideration granted.

### CA AB 1590

**AUTHOR:** Lieber (D)  
**TITLE:** Property Tax Revenue Allocations: Special Districts  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** yes  
**INTRODUCED:** 02/22/2005  
**LAST AMEND:** 04/18/2005  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:** Limits the amount of the property tax revenue reduction for a special district that performs both enterprise and nonenterprise functions to an amount equal to the sum of 10% of the property tax revenues allocated to the district's nonenterprise functions for the 2001-02 fiscal year and 100% of the property tax revenues allocated to the district's enterprise functions for the 2001-02 fiscal year. Relates to reduction calculations for the 2005-06 fiscal year of all special districts.  
**STATUS:** 04/27/2005 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

### CA AB 1596

**AUTHOR:** Emmerson (R)  
**TITLE:** Property Tax Revenue Allocations: Special Districts  
**INTRODUCED:** 02/22/2005  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:** Exempts from the property tax revenue reduction for the 2005-06 fiscal year a multicounty special district that meets certain criteria.  
**STATUS:**
05/04/2005 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

CA AB 1713
AUTHOR: Villines (R)
TITLE: Temperance Flat Water Storage Facility
INTRODUCED: 02/22/2005
DISPOSITION: Pending
LOCATION: Assembly Water, Parks and Wildlife Committee
SUMMARY: Requires the Department of Water Resources to establish a water storage facility at Temperance Flat.
STATUS: 03/30/2005 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

CA AB 1727
AUTHOR: Aghazarian (R)
TITLE: State Water Resources Control Board and Regional Boards
INTRODUCED: 02/22/2005
DISPOSITION: Pending
LOCATION: Assembly Environmental Safety and Toxic Materials Committee
SUMMARY: Requires the State Water Resources Control Board to appoint an executive director and, for each of the regional water quality control boards, an executive officer, all of whom would be exempt from civil service. Reduces the number of members on a regional board, but would not affect the term of a member who serves on a regional board. Revises certain eligibility requirements for membership on a regional board.
STATUS: 04/26/2005 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.

CA AB 1746
AUTHOR: Assembly Local Government Committee
TITLE: Local Government Reorganization
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 03/03/2005
DISPOSITION: Pending
FILE: 175
LOCATION: Assembly Consent Calendar - First Legislative Day
SUMMARY: Relates to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that governs the procedures for the formation and change of organizations of cities and special districts. Deletes the requirement that all subject agencies consent in writing to a waiver of protest proceedings in order for the waiving of proceedings. Permits the filing of written protests with respect to territory that is the subject of a proposed change of organization or reorganization.
STATUS: 05/09/2005 In ASSEMBLY. Read second time. To Consent Calendar.

CA AB 1747
AUTHOR: Assembly Water, Parks and Wildlife Committee
TITLE: Recycled Water
Recycled Water

FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 03/03/2005
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Substitutes the term "recycled water" for "reclaimed water" and the word "recycling" for "reclamation" in various provisions of the Water Code.
STATUS:
05/05/2005 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

CA ACA 5

AUTHOR: Richman (R)
TITLE: Public Retirement Systems
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/06/2004
DISPOSITION: Pending
LOCATION: Assembly Public Employees, Retirement and Social Security Committee
SUMMARY:
Proposes a Constitutional amendment to establish the California Public Employee Defined Contribution Plan. Provides that on and after July 1, 2007, any person hired as a new employee by a public agency may enroll only in a defined contribution plan of a public pension or retirement system, and is prohibited from enrolling in a defined benefit plan. Limits employer contributions to a defined contribution plan to an unspecified percentage of employer payroll.
STATUS:
04/14/2005 To ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.

CA ACA 7

AUTHOR: Nation (D)
TITLE: Local Governmental Taxation
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 12/06/2004
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Proposes a Constitutional Amendment to change the 2/3 voter-approval requirement for special taxes to instead authorize a city, county, or special district to impose a special tax with the approval of 55% of its voters voting on the tax. Makes technical nonsubstantive changes to these provisions.
STATUS:
05/04/2005 From ASSEMBLY Committee on LOCAL GOVERNMENT: Be adopted to Committee on APPROPRIATIONS.

CA SB 1

AUTHOR: Murray (D)
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/06/2004
INTRODUCED: 12/06/2004
LAST AMEND: 04/25/2005
DISPOSITION: Pending
LOCATION: Senate Rules Committee
SUMMARY:
Establishes the Million Solar Roofs Initiative and fund, with the goal of establishing a million solar energy systems on new and existing residential and commercial customer sites and establishing a self-sufficient solar industry in 10 years. Requires all local publicly owned electric utilities to establish a solar roofs initiative. Requires the Public Utilities Commission to order electrical corporations to expand the availability of net energy metering until it exceeds 0.5% of total electricity sales.

STATUS:
04/26/2005 From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass to Committee on RULES.

CA SB 21
AUTHOR: Florez (D)
TITLE: San Joaquin River Restoration
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/06/2004
LAST AMEND: 03/16/2005
DISPOSITION: Pending
LOCATION: Senate Natural Resources and Water Committee
SUMMARY:
Authorizes the Secretary of the Resources Agency, upon appropriation of funds from the Legislature, to undertake and participate in studies related to restoration options of the San Joaquin River, including the re-establishment of an anadromous fishery.

STATUS:
04/26/2005 In SENATE Committee on NATURAL RESOURCES AND WATER: Failed passage.
04/26/2005 In SENATE Committee on NATURAL RESOURCES AND WATER: Reconsideration granted.

CA SB 31
AUTHOR: Florez (D)
TITLE: Water Fees
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 12/09/2004
DISPOSITION: Pending
LOCATION: Senate Natural Resources and Water Committee
SUMMARY:
Revises provisions for making water rights filings with the Water Resources Control Board. Changes the listing of applications subject to the board's schedule of fees. Denominates the fees as transaction fees. Limits the fees to processing costs. Requires adjustments of individual transaction fees. Requires the annual permit or license fees to be imposed based upon the number of acre-feet of water covered by the permit or license.

STATUS:
01/27/2005 To SENATE Committee on NATURAL RESOURCES AND WATER.
CA SB 101

AUTHOR: Battin (R)
TITLE: Employee Compensation
INTRODUCED: 01/19/2005
LAST AMEND: 03/10/2005
DISPOSITION: Pending
LOCATION: ASSEMBLY

SUMMARY:
Clarifies existing law to require that an employer, by January 1, 2008, include on the itemized statement that accompanies any check provided an employee to include only the last 4 digits of the employee’s social security number or an employee identification number other than a social security number.

STATUS:
05/02/2005 In SENATE. Read third time, urgency clause adopted. Passed SENATE. *****To ASSEMBLY.

CA SB 107

AUTHOR: Simitian (D)
TITLE: Renewable Energy
INTRODUCED: 01/20/2005
LAST AMEND: 05/04/2005
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee

SUMMARY:
Revises and recasts language so that the amount of electricity generated per year from eligible renewable energy resources is increased to an amount that equals at least 20% of the total electricity sold to retail customers per year by December 31, 2010. Requires the Energy Commission to develop tracking, accounting, verification, and enforcement mechanisms for renewable energy programs.

STATUS:
05/04/2005 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA SB 113

AUTHOR: Machado (D)
TITLE: California Bay-Delta Authority Act
INTRODUCED: 01/24/2005
LAST AMEND: 04/14/2005
DISPOSITION: Pending
LOCATION: Senate Second Reading File

SUMMARY:
Relates to existing law which requires the California Bay-Delta Authority to review, approve, and make recommendations regarding certain annual program plans and project expenditures submitted by the implementing agencies based on prescribed criteria. Requires the authority, in undertaking that review, approval or modification, to consider the extent to which those plans or expenditures are consistent with the beneficiary pays principle.

STATUS:
05/09/2005 From SENATE Committee on APPROPRIATIONS: To second reading without further hearing pursuant to Senate Rule 28.8.

CA SB 142

AUTHOR: Florez (D)
TITLE: Local Government Employment Contracts
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Author</th>
<th>Title</th>
<th>Fiscal Committee</th>
<th>Urgency Clause</th>
<th>Introduced</th>
<th>Last Amend</th>
<th>Disposition</th>
<th>Location</th>
<th>Summary</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA SB 153</td>
<td>Chesbro (D)</td>
<td>Clean Water, Clean Air, and Coastal Protection Act</td>
<td>no</td>
<td></td>
<td>02/08/2005</td>
<td>04/04/2005</td>
<td>Pending</td>
<td>Senate Appropriations Committee</td>
<td>Enacts the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006. Authorizes the issuance of bonds for the purpose of financing a program for the acquisition, development, and preservation of park, recreational, water, coastal, agricultural land, air, cultural, and historical resources.</td>
<td></td>
</tr>
<tr>
<td>CA SB 183</td>
<td>Cox (R)</td>
<td>Open-Space Easements</td>
<td>no</td>
<td>no</td>
<td>02/09/2005</td>
<td>Pending</td>
<td>Senate Local Government Committee</td>
<td>Modifies the statement of legislative intent in the Open-Space Easement Act to provide that open-space easements be in the best interest of a county or city.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CA SB 187</td>
<td>Soto (D)</td>
<td>Drinking Water: Contaminants</td>
<td>yes</td>
<td>no</td>
<td>02/10/2005</td>
<td>04/28/2005</td>
<td>Pending</td>
<td>Senate Appropriations Committee</td>
<td>Requires that a school district superintendent shall serve for at least 12 consecutive months to be eligible for severance pay and other severance benefits. Authorizes the state to reduce the amount of any subsequent allocation to a local agency employer that violates the prohibition against payment of more than 6 months severance pay. Prohibits a local agency employer or its governing board from negotiating with the superintendent concerning during the 60 day period preceding an election.</td>
<td></td>
</tr>
</tbody>
</table>
Amends the Safe Drinking Water Act. Requires the Office of Environmental Health Hazard Assessment to revise the public health goal for perchlorate in drinking water as soon as possible after new methods for analyzing pathways of exposure become available to the office. Provides considerations that the office may use in the revisions of the goal.

**STATUS:**
04/28/2005 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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**CA SB 197**

**AUTHOR:** Cox (R)

**TITLE:** Sly Park Reservoir

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/10/2005

**DISPOSITION:** Pending

**FILE:** 18

**LOCATION:** Senate Second Reading File

SUMMARY:
Deletes the requirement that Sly Park Reservoir receive ongoing treatment to ensure water purity for the recreational use of the reservoir.

**STATUS:**
05/03/2005 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended. To Consent Calendar.

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**CA SB 200**

**AUTHOR:** Machado (D)

**TITLE:** Sacramento-San Joaquin Delta Conservancy Program

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/10/2005

**LAST AMEND:** 04/19/2005

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee

SUMMARY:
Relates to the membership of the State Coastal Conservancy. Establishes the Sacramento-San Joaquin Delta Conservancy Program, program trust and program trust account for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access and urban waterfront resources and opportunities of the delta in a coordinated, comprehensive and effective manner.

**STATUS:**
05/02/2005 In SENATE Committee on APPROPRIATIONS: To Suspense File.

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**CA SB 211**

**AUTHOR:** Ackerman (R)

**TITLE:** Joint Powers Agreements: Public Agencies

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/10/2005

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee

**SUMMARY:**
### CA SB 240
**Author:** Margett (R)
**Title:** Water Rights
**Fiscal Committee:** no
**Urgency Clause:** no
**Introduced:** 02/15/2005
**Disposition:** Pending
**Location:** Senate Rules Committee
**Summary:**
Makes nonsubstantive, technical changes to existing law that grants certain rights and privileges relating to the appropriation of water to persons, and extends those same rights and privileges to the United States, the state, and any entity capable of holding an interest in real property in the state.

**Status:**
- 02/24/2005 To SENATE Committee on RULES.

### CA SB 264
**Author:** Machado (D)
**Title:** Delta Flood Protection Fund: Delta Levee Maintenance
**Fiscal Committee:** yes
**Urgency Clause:** no
**Introduced:** 02/15/2005
**Last Amended:** 04/28/2005
**Disposition:** Pending
**Location:** Senate Appropriations Committee
**Summary:**
Extends the existing of the Delta Flood Protection Fund which provides funding for a delta levee maintenance subventions program.

**Status:**
- 04/28/2005 From SENATE Committee on Appropriations with author’s amendments.
- 04/28/2005 In SENATE. Read second time and amended. Re-referred to Committee on Appropriations.

### CA SB 268
**Author:** Campbell (R)
**Title:** Local Government Investment
**Fiscal Committee:** no
**Urgency Clause:** no
**Introduced:** 02/15/2005
Specifies that up to 25% value of the total assets of the investments of a city or county may be invested in the first tier securities of a single issuer for a period of up to 3 business days after acquisition and for only one issuer at a time.

STATUS:
04/25/2005 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

CA SB 274

AUTHOR: Romero (D)
TITLE: Incompatible Offices: Elected and Appointed Positions
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/16/2005
LAST AMEND: 04/13/2005
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:
Provides that service on an appointed or elected governmental board, commission, committee, or other body shall be deemed to be inconsistent, incompatible, in conflict with, or inimical to the duties of service on another elected or appointed governmental board, commission, committee, or other body, if the service in the offices satisfies this common law test for incompatibility. Requires an elected or appointed member of one of 2 local bodies to resign prior to accepting the 2nd position.

STATUS:
04/21/2005 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

CA SB 300

AUTHOR: Kuehl (D)
TITLE: Family and Medical Leave
INTRODUCED: 02/16/2005
LAST AMEND: 04/19/2005
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 05/16/2005 1:30 pm
SUMMARY:
Increases the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by eliminating the age and dependency elements from the definition of child, expanding the definition of parent to include an employee's parent-in-law, and permitting an employee to take leave to care for a seriously ill grandparent, sibling, or domestic partner. Provides an employer violates the act if it fails to grant or interferes with an employee's right to take family leave.

STATUS:
04/27/2005 From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on APPROPRIATIONS.

CA SB 350

AUTHOR: Machado (D)
TITLE: San Joaquin River Restoration and Water Management
INTRODUCED: 02/16/2005
LAST AMEND: 04/19/2005
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
Establishes the San Joaquin River Fund in the State Treasury. Requires the Secretary of the Resources Agency to expend the money in the fund for projects that improve habitat and physical conditions in and along the San Joaquin River to facilitate the restoration of stream flows and native anadromous fish populations, or result in the acquisition of cost-effective replacement water supplies and related actions.

STATUS:
05/02/2005 In SENATE Committee on APPROPRIATIONS: To Suspense File.
Requires audits of special purpose districts to be performed in accordance with government auditing standards for financial audits. Requires the governing boards of special districts to conduct legal and ethics orientation sessions that governing board members would be required to attend, if they choose to receive compensation for their activities. Specifies whistle-blower protections for members who make protected disclosures of improper governmental activities.

**STATUS:**
04/21/2005 Re-referred to SENATE Committee on APPROPRIATIONS.

**CA SB 409**

**AUTHOR:** Kehoe (D)

**TITLE:** General Plans: Air Quality Element

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/17/2005

**LAST AMEND:** 04/13/2005

**DISPOSITION:** Pending

**FILE:** 52

**LOCATION:** Senate Third Reading File

**SUMMARY:**
Requires that portion of the conservation element of a city or county's long-term general plan that includes waters to be correlated with the land use element.

**STATUS:**
05/03/2005 In SENATE. Read second time. To third reading.

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**CA SB 420**

**AUTHOR:** Simitian (D)

**TITLE:** Waste Management: Diversion

**INTRODUCED:** 02/17/2005

**LAST AMEND:** 03/29/2005

**DISPOSITION:** Pending

**LOCATION:** Senate Environmental Quality Committee

**SUMMARY:**
Amends provisions of the Integrated Waste Management Act that require every city or county to develop a source reduction and recycling element of an integrated waste plan that requires diversion from the solid waste stream at specified rates. Requires the source reduction and recycling plan to increase this diversion percentage to 75% by a specified date.

**STATUS:**
03/29/2005 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.

03/29/2005 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.

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**CA SB 426**

**AUTHOR:** Simitian (D)

**TITLE:** Energy Resources Conservation: Liquified Natural Gas

**FISCAL COMMITTEE:** yes
Requires the Energy Commission to make a liquefied natural gas (LNG) needs assessment study to assess demand and supply for natural gas and alternatives thereto to meet energy demands and to determine the number of LNG terminals needed to meet the projected natural gas demand. Requires that with respect to any LNG terminal that requires a certificate of public convenience and necessity, that no certificate be issued unless the terminal has obtained a permit from the Energy Commission.

STATUS:
05/02/2005 In SENATE Committee on APPROPRIATIONS: To Suspense File.

CA SB 429

AUTHOR: Florez (D)
TITLE: Recreational Bathing: Sanitation
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2005
LAST AMEND: 05/03/2005
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY: Requires the Department of Health Services to convene a public advisory group to advise the department on the development of minimum standards for sanitation of high-use or priority freshwater bathing sites. Requires the department, by December 31, 2008, to establish minimum sanitation standards for the recreational use of the public freshwater bathing areas.

STATUS:
05/03/2005 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA SB 483

AUTHOR: Cedillo (D)
TITLE: Special Districts
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/18/2005
DISPOSITION: Pending
LOCATION: Senate Local Government Committee
SUMMARY: Relates to special district reimbursement. Authorizes that disclosure to be made by posting the information on the special district's Web site.

STATUS:
03/03/2005 To SENATE Committee on LOCAL GOVERNMENT.

CA SB 490

AUTHOR: Lowenthal (D)
TITLE: Toxic Substances List: Netherlands
FISCAL COMMITTEE: yes
cooperation with the Ministry of Housing, Spatial Planning, and the Environment of the Government of Netherlands to compile a listing of substances recognized as posing hazards to human health or the environment. Requires the office to not include any substance that is listed pursuant to Proposition 65. Requires the submission of a report to the Legislature regarding action taken by the Government of the Netherlands to protect its citizens.

**STATUS:**
04/25/2005 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS.

---

**CA SB 511**

**AUTHOR:** Hollingsworth (R)

**TITLE:** County Water Authority

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/18/2005

**LAST AMEND:** 04/26/2005

**DISPOSITION:** Pending

**FILE:** 62

**LOCATION:** Senate Third Reading File

**SUMMARY:**
Provides for the formation of a county water authority and prescribes the powers and purposes of a county water authority. Requires the controller of a county water authority to prepare and transmit, as promptly as possible after the close of each fiscal year, to the chief executive officer of each public agency within the boundaries of that authority a statement of revenues and expenditures and a statement relating to water storage and use. Provides the timeframe for submission of statements.

**STATUS:**
05/09/2005 In SENATE. From Special Consent Calendar. To third reading.

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**CA SB 554**

**AUTHOR:** Alarcon (D)

**TITLE:** Local Agency Financing

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/18/2005

**DISPOSITION:** Pending

**LOCATION:** Senate Rules Committee

**SUMMARY:**
States the intent of the Legislature to enact legislation that would provide a clearer definition of the term surplus with respect to local government financing and budgets.

**STATUS:**
03/03/2005 To SENATE Committee on RULES.

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**CA SB 568**

**AUTHOR:** Kehoe (D)

**TITLE:** Property Tax Revenue Allocations

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** yes

**INTRODUCED:** 02/18/2005

**LAST AMEND:** 04/07/2005

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee
LOCATIONS: Senate Appropriations Committee

SUMMARY:
Relates to property tax revenue allocations. Specifies that, for the 05-06 fiscal year, a non-enterprise special district does not include a local health care district. Requires the Controller to implement this exception in a manner that ensure that this act does not result in a net increase in the total amount of the reduction for any special district for the 2005-06 fiscal year from the total amount of the reduction determined for that special district for the 2004-05 fiscal year.

STATUS:
04/25/2005 In SENATE Committee on APPROPRIATIONS: To Suspense File.

CA SB 580

AUTHOR: Escutia (D)

TITLE: Public Utilities Commission: Low-Income Oversight

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/18/2005

LAST AMEND: 04/26/2005

DISPOSITION: Pending

FILE: 35

LOCATION: Senate Third Reading File

SUMMARY:
Relates to the Low Income Oversight Board. Expands the duties of the board to include advising the commission on low income water customer issues and to serve as liaison for the commission to those low income ratepayers and representatives. Increases the membership of the Board.

STATUS:
04/26/2005 In SENATE. Read second time and amended. To third reading.

CA SB 623

AUTHOR: Aanestad (R)

TITLE: Water Quality: Civil Penalties

INTRODUCED: 02/22/2005

LAST AMEND: 04/11/2005

DISPOSITION: Pending

LOCATION: Senate Environmental Quality Committee

SUMMARY:
Amends the Porter-Cologne Water Quality Control Act. Relates to penalties for repeat violations of water quality laws. Modifies the repeated violation provision to apply to a period of 6 calendar months. Modifies the effluent limitation provision to include only violations of an effluent limitation for the same pollutant parameter. Requires mandatory minimum civil penalties to be assessed within one year of the date of the violation.

STATUS:
04/14/2005 Withdrawn from SENATE Committee on RULES.
04/14/2005 Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.

CA SB 646

AUTHOR: Kuehl (D)

TITLE: Water Discharge Requirements: Waivers

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/22/2005
| INTRODUCED: | 02/22/2005 |
| LAST AMEND: | 04/27/2005 |
| DISPOSITION: | Pending |
| LOCATION: | ASSEMBLY |
| SUMMARY: |
Requires the State Water Resources Board or a regional water quality control board to include the payment of an annual fee as a condition of a waiver of certain waste discharge requirements. Requires the annual fee to be adequate to pay for the cost of the waiver program. Makes provisions applicable to cease and desist orders, punitive actions or cleanup and abatement orders in connection with violations of discharge requirements or of board orders or prohibitions also applicable to certain violations.

**STATUS:**
05/09/2005 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

| CA SB 648 | AUTHOR: | Margett (R) |
| TITLE: | CEQA: Lead Agencies: Determinations |
| FISCAL COMMITTEE: | yes |
| URGENCY CLAUSE: | no |
| INTRODUCED: | 02/22/2005 |
| LAST AMEND: | 04/21/2005 |
| DISPOSITION: | Pending |
| LOCATION: | Senate Second Reading File |
| SUMMARY: |
Relates to CEQA, which authorizes any public agency, in the event that a dispute arises with respect to a project to be carried out or approved by two or more public agencies, as to which is the lead agency, to submit the question to the Office of Planning and Research. Provides that a dispute means a contested, active difference of opinion between 2 or more public agencies as to which of those agencies shall prepare the necessary environmental document and that a dispute exists.

**STATUS:**
05/09/2005 From SENATE Committee on APPROPRIATIONS: To second reading without further hearing pursuant to Senate Rule 28.8.

| CA SB 732 | AUTHOR: | Ashburn (R) |
| TITLE: | Local Government Finance: Enterprise Special Districts |
| INTRODUCED: | 02/22/2005 |
| LAST AMEND: | 04/11/2005 |
| DISPOSITION: | Pending |
| LOCATION: | Senate Local Government Committee |
| SUMMARY: |
Relates to county Educational Revenue Augmentation Fund formulas. Limits the amount of reduction for an enterprise special district that meets certain criteria to the lesser of 40% of the district's total property tax revenues for the 2001-02 fiscal year, or 5% of the district's total revenues for the 2001-02 fiscal year. Requires a county auditor to increase the total amount of property tax revenue otherwise allocated to a qualified enterprise special district by the district public safety amount.

**STATUS:**
05/04/2005 In SENATE Committee on LOCAL GOVERNMENT: Reconsideration granted.
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Author</th>
<th>Title</th>
<th>Fiscal Committee</th>
<th>Urgency Clause</th>
<th>Introduced</th>
<th>Last Amend</th>
<th>Disposition</th>
<th>Committee</th>
<th>Hearing</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA SB 757</td>
<td>Kehoe (D)</td>
<td>Oil Conservation, Efficiency and Alternative Fuels Act</td>
<td>yes</td>
<td>no</td>
<td>02/22/2005</td>
<td>05/03/2005</td>
<td>Pending</td>
<td>Senate Appropriations Committee</td>
<td>05/16/2005 1:30 pm</td>
<td>Enacts the Oil Conservation, Efficiency and Alternative Fuels Act. Declares that it is the policy of the state that state agencies should take all cost-effective and technologically feasible actions needed to achieve a net zero increase in on-road petroleum consumption by 2010, and a significant reduction in petroleum demand and on-road petroleum consumption by 2020. Declares that state agencies should take the state's petroleum usage reduction goals into account in adopting rules and regulations.</td>
</tr>
<tr>
<td>CA SB 773</td>
<td>Cox (R)</td>
<td>Groundwater Aquifers: Injection Wells</td>
<td></td>
<td></td>
<td>02/22/2005</td>
<td>04/19/2005</td>
<td>Pending</td>
<td>Senate Environmental Quality Committee</td>
<td></td>
<td>Exempts from the definition of waste drinking water, water that is injected into storage in a groundwater aquifer for later recovery and use. Directs the Water Resources Control Board and regional boards to encourage projects in which drinking water is injected into groundwater aquifers for later recovery and use by the public. Requires any person who proposes to inject drinking water into storage in an aquifer to file a report with the regional board in whose region the proposed injection would occur.</td>
</tr>
<tr>
<td>CA SB 816</td>
<td>Kehoe (D)</td>
<td>Electric Service Providers: Net Metering</td>
<td>yes</td>
<td>no</td>
<td>02/22/2005</td>
<td>04/13/2005</td>
<td>Pending</td>
<td>Assembly</td>
<td></td>
<td>Amends existing law that requires electric service providers to develop a standard contract or tariff providing for net energy metering, and to make this contract available to eligible customer generators, upon request, on a first-come-first-served basis until the total rated generating capacity used by</td>
</tr>
</tbody>
</table>
eligible customer generators exceeds 0.5% of the electric service provider's aggregate customer peak demand. Establishes for the San Diego Gas and Electric Company a separate limit of 50 megawatts.

**STATUS:**
05/02/2005 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

**CA SB 820**

**AUTHOR:** Kuehl (D)

**TITLE:** Water

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/22/2005

**LAST AMEND:** 04/18/2005

**DISPOSITION:** Pending

**COMMITTEE:** Senate Appropriations Committee

**HEARING:** 05/16/2005 1:30 pm

**SUMMARY:**
Requires the Department of Water Resources to prepare and deliver to all State Water Project contractors, city and county planning departments, and regional and metropolitan planning departments within the project service area a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.

**STATUS:**
04/27/2005 Withdrawn from SENATE Committee on RULES.
04/27/2005 Re-referred to SENATE Committee on APPROPRIATIONS.

**NOTES:** Kuehl's Omnibus Water Bill

**CA SB 858**

**AUTHOR:** Kehoe (D)

**TITLE:** San Diego County Water Authority

**INTRODUCED:** 02/22/2005

**LAST AMEND:** 04/26/2005

**DISPOSITION:** Pending

**LOCATION:** ASSEMBLY

**SUMMARY:**
Requires the Controller of a county water authority to prepare and transmit, as promptly as possible after the close of each fiscal year, to the Chief Executive Officer of each public agency within the boundaries of that authority a statement of revenues and expenditures and a statement relating to water storage and use. Requires the authority to prepare and transmit those statements not later than 270 days after the close of the fiscal year.

**STATUS:**
05/09/2005 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

**CA SB 866**

**AUTHOR:** Kehoe (D)

**TITLE:** Water Use Measurement Information

**INTRODUCED:** 02/22/2005
Legislature a report with regard to various matters concerning water use measurement information. Requires the department to conduct a study to determine the cost-effectiveness of more accurate farm-gate measurement and to report to the Legislature. Requires the department to develop and implement jointly with the Department of Health the use of a coordinated water use reporting database.

STATUS:
04/19/2005 From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.
04/19/2005 In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.

CA SB 888
AUTHOR: Ashburn (R)
TITLE: Public Employees’ Retirement: Hybrid Programs
INTRODUCED: 02/22/2005
LAST AMEND: 04/11/2005
DISPOSITION: Pending
LOCATION: Senate Public Employment and Retirement Committee
SUMMARY: Requires the Board of Administration of the Public Employees’ Retirement System and retirement boards of city, county, and district retirement systems to create hybrid retirement programs for public employees hired on and after January 1, 2006, that contain a defined benefit plan funded by employer contributions and a defined contribution plan funded by employee contributions.
STATUS:
05/09/2005 In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Heard, remains in Committee.

CA SB 922
AUTHOR: Ducheny (D)
TITLE: Public Records: Native American Places: Archaeological
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 02/22/2005
LAST AMEND: 04/27/2005
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 05/16/2005 1:30 pm
SUMMARY: Expands exemption from public records disclosure requirements records of specified Native American graves, cemeteries, and sacred places that are maintained by or in the possession of, another state agency or a local agency or records obtained as a result of conducting consultations involving a state or local agency and a Native American tribe. Includes reports maintained by the Department of Parks and Recreation.
STATUS:
04/27/2005 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA SB 923
AUTHOR: Florez (D)
TITLE: Unemployment: Transition Assistance
INTRODUCED: 02/22/2005
LAST AMEND: 04/26/2005
DISPOSITION: Pending
Requires the State Department of Health Services to allocate funds the department receives for West Nile virus control to mosquito and vector control districts for purposes of abatement and control of mosquitoes and vectors that cause the transmission of West Nile virus. Amends Personal Income Tax Law and the Corporation Tax Law provisions that allow the carryover of losses sustained as a result of certain disasters. Extends these provisions to losses related to West Nile virus.

04/27/2005 In SENATE Committee on REVENUE AND TAXATION: Not heard.

Requires that any person who communicates with the Coastal Commission or commission staff regarding an administrative action of the commission, who qualifies as a lobbyist, is required to comply with specified requirements of the Political Reform Act of 1974. Provides for purposes of a quasi-judicial matter before the commission, provides that an agency official only means a member of the commission.

05/04/2005 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

Concerns provisions governing perchlorate contamination prevention, defines "perchlorate" to mean all perchlorate-containing compounds, and "perchlorate material" to mean perchlorate and all perchlorate-containing waste. Specifies that "perchlorate" does not include perchlorate located in unused military munitions.

05/03/2005 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee.

Concerns provisions governing perchlorate contamination prevention, defines "perchlorate" to mean all perchlorate-containing compounds, and "perchlorate material" to mean perchlorate and all perchlorate-containing waste. Specifies that "perchlorate" does not include perchlorate located in unused military munitions.

05/03/2005 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee.
| **LOCATION:** Senate Natural Resources and Water Committee |
| **SUMMARY:** Requires an urban water supplier to install water meters on all municipal and industrial water service connections that are located in its service area. Requires an urban water supplier to charge for water service each customer that has a service connection for which a water meter has been installed, based on the actual volume of deliveries, as measured by a water meter. |
| **STATUS:** 03/17/2005 To SENATE Committee on NATURAL RESOURCES AND WATER. |

**CA SB 1009**

| **AUTHOR:** Florez (D) |
| **TITLE:** Water Storage Districts: Election Rolls |
| **FISCAL COMMITTEE:** no |
| **URGENCY CLAUSE:** no |
| **INTRODUCED:** 02/22/2005 |
| **LAST AMEND:** 03/29/2005 |
| **DISPOSITION:** Pending |
| **FILE:** 19 |
| **LOCATION:** Senate Second Reading File |
| **SUMMARY:** Revises the manner in which a water storage district election roll is prepared. Requires the district to determine the value of each parcel on the basis of the benefits derived by each parcel as a result of being within the boundaries of the district, receiving services from the district, or both. |
| **STATUS:** 05/04/2005 From SENATE Committee on LOCAL GOVERNMENT: Do pass as amended. |

**CA SB 1067**

| **AUTHOR:** Kehoe (D) |
| **TITLE:** Drinking Water |
| **INTRODUCED:** 02/22/2005 |
| **LAST AMEND:** 05/04/2005 |
| **DISPOSITION:** Pending |
| **LOCATION:** Senate Appropriations Committee |
| **SUMMARY:** Requires the Office of Environmental Health Hazard Assessment to adopt a public health goal for trihalomethanes and total haloacetic acids. Requires the Department of Health Services to adopt regulations to ensure that any public water system that has levels of those substances that pose a potential risk to public health to notify its customers of the public health risks, including any risks to pregnant women. Sets forth notices to be included in a consumer confidence report regarding those contaminants. |
| **STATUS:** 05/04/2005 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS. |

**CA SB 1070**

| **AUTHOR:** Kehoe (D) |
| **TITLE:** Water Quality Information |
| **FISCAL COMMITTEE:** yes |
| **URGENCY CLAUSE:** no |
| **INTRODUCED:** 02/22/2005 |
| **LAST AMEND:** 04/13/2005 |
| **DISPOSITION:** Pending |
| DISPOSITION: | Pending |
| LOCATION: | Senate Appropriations Committee |
| SUMMARY: | Requires the Water Resources Control Board to implement a public information program on matters involving water quality and to maintain an information file on water quality research and other pertinent matters. Requires the board to place on its Web site a public information file on water quality research, standards, regulations, enforcement and other pertinent matters. Requires the board to prepare an inventory of existing water quality monitoring activities within coastal watersheds, bays and estuaries. |
| STATUS: | 05/09/2005 In SENATE Committee on APPROPRIATIONS: To Suspense File. |

**CA SB 1081**  
**AUTHOR:** Ducheny (D)  
**TITLE:** Resource Protection and Restoration  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2005  
**LAST AMEND:** 05/02/2005  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/16/2005 1:30 pm  
**SUMMARY:** States the intent of the Legislature that certain bond moneys appropriated to the Wildlife Conservation Board, be used exclusively for the purpose of restoration of the Salton Sea and related activities. Requires the board to prepare and submit to the Legislature a report regarding a specified land purchase. Requires the Department of Water Resources to seek to enter into a memorandum of understanding with specified entities to establish a coordinated plan for the restoration of the Salton Sea.  
**STATUS:** 05/02/2005 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS. |

**CA SB 1109**  
**AUTHOR:** Senate Natural Resources and Water Committee  
**TITLE:** Salton Sea: Restoration Study  
**INTRODUCED:** 03/29/2005  
**DISPOSITION:** Pending  
**LOCATION:** Senate Natural Resources and Water Committee  
**SUMMARY:** Amends existing law by requiring a restoration study to establish a range of alternatives for the restoration of the Salton Sea and the fish and wildlife dependent on the Salton Sea, including a most cost-effective technical alternatives.  
**STATUS:** 04/07/2005 To SENATE Committee on NATURAL RESOURCES AND WATER. |

**CA ACA 1 a**  
**AUTHOR:** Richman (R)  
**TITLE:** Public Employee Defined Contribution Plan  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/06/2005
Proposes an amendment to the Constitution that establishes the California Public Employee Defined Contribution Plan. Provides that on and after July 1, 2007, any person hired by a public agency may enroll only in a defined contribution plan of a public pension or retirement system, and is prohibited from enrolling in a defined benefit plan. Permits an active member of a benefit plan, during a specified period, to transfer a sum equal to the member's interest in the benefit plan to a contribution plan.

STATUS:
03/02/2005 In ASSEMBLY Committee on PUBLIC SECTOR: Heard, remains in Committee.

US H 125
SPONSOR: Issa (R)
TITLE: Santa Margarita River
INTRODUCED: 01/04/2005
DISPOSITION: Pending
LOCATION: Multiple Committees
SUMMARY: Authorizes the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

STATUS:
01/04/2005 INTRODUCED.
01/04/2005 To HOUSE Committee on RESOURCES.
01/04/2005 Additionally referred to HOUSE Committee on ARMED SERVICES.

US H 135
SPONSOR: Linder (R)
TITLE: Comprehensive Water Strategy
INTRODUCED: 01/04/2005
DISPOSITION: Pending
LOCATION: Senate Environment and Public Works Committee
SUMMARY: Establishes the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.

STATUS:
04/13/2005 In SENATE. Read second time.
04/13/2005 To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.

US H 1190
SPONSOR: Hunter (R)
TITLE: Four Reservoir Intertie System Study
INTRODUCED: 03/09/2005
DISPOSITION: Pending
LOCATION: House Resources Committee
San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

**STATUS:**

03/09/2005 INTRODUCED.
03/09/2005 To HOUSE Committee on RESOURCES.

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Quarterly Report on Activities of Lobbyists and Imperial Valley Consultant (Information)

Purpose
This report provides the Legislation, Conservation and Outreach Committee with a summary of work Water Authority lobbyists and Imperial Valley consultants performed during the months of February, March and April 2005.

Background
The Water Authority retains lobbyists to inform members of the state Legislature, Congress and the California and U.S. administrations about the Water Authority, water transfers, seawater desalination, the Quantification Settlement Agreement and other key legislative issues. Carpi and Clay has served as the Water Authority’s chief legislative advocacy firm since 1984. Other contract lobbyists supplement Carpi and Clay’s work. These firms’ specialized skills, experience and relationships contribute to the success of the Water Authority’s legislative program.


Discussion
Ken Carpi, Ben Clay and Jonathan Clay, Carpi and Clay
Carpi and Clay has served as the Water Authority’s chief legislative advocacy firm since 1984. Ken Carpi represents the Water Authority in Washington, D.C., and Ben and Jonathan Clay represent the Water Authority in Sacramento. The firm monitors and reviews legislation that may affect the Water Authority, informs legislators and administration officials of the Water Authority’s perspective and concerns and seeks authors for legislation on the Water Authority’s behalf. Carpi and Clay also represents adopted policy positions of the Water Authority to the state Legislature, Congress and the California and U.S. administrations, and works with Water Authority directors and staff on legislative issues. Carpi and Clay provides the board of directors monthly written and oral reports summarizing the activities of the firm on behalf of the Water Authority.

Bob Morales, DePinto Morales
DePinto Morales, an Arcadia-based firm specializing in lobbying, government relations and public affairs, has provided legislative advocacy and public affairs services for the Water Authority since 2001. Bob Morales, a principal of the firm, is a registered legislative advocate for the Water Authority. His work supports the efforts of the Water Authority’s chief legislative advocacy firm, Carpi and Clay, in Sacramento. Morales has served as a lobbyist and/or public affairs consultant to the Water Authority since 1997 through his work at other firms.

Morales also assists the Water Authority with outreach in the Imperial Valley.
During this reporting period, Morales:

- Advised Water Authority staff on communication issues in Imperial Valley.
- Discussed public affairs and ongoing Imperial Valley outreach activities with Grace Sesma and Water Authority staff.
- Coordinated community and governmental outreach activities and monitoring with Grace Sesma, including updates on key stakeholder’s activities.
- Participated in meetings, conference calls and discussions with Authority staff regarding Imperial Valley community and governmental updates regarding the Water Transfer, QSA and implementation.
- Updated community, media, event databases and relevant calendar dates and reviewed with Grace Sesma and Water Authority staff.
- Drafted FAQs and discussed responses with Water Authority staff.
- Coordinated lobbying discussions with Lobbying Team and Authority executive staff; discussed SB 277 and Local Entity process with Senator Dean Florez.
- Discussed legislative package with Lobbying Team.

The activities of DePinto Morales will be reported monthly starting in June as part of the monthly Public Affairs outreach report and the firm’s lobbying activities will be reported as part of Carpi & Clay’s monthly lobbying report.

John White, V. John White Associates

V. John White Associates, a Sacramento firm specializing in environmental issues, has provided legislative advocacy services for the Water Authority since 1997. John White, a registered legislative advocate for the Water Authority, supports the efforts of the Water Authority's chief legislative advocacy firm, Carpi and Clay, in Sacramento.

During this reporting period, White’s activities included:

- Meetings and discussions with Ben Clay, Jonathan Clay and other SDCWA executive staff regarding sponsored bills and legislative issues of interest to the Water Authority, including renewable energy, desalination and water conservation.
- Discussions with renewable energy advocates regarding pumped storage and hydroelectric energy being included within renewable energy and green power programs.
- Discussions with environmental leaders, including Susan Jordan and Ann Notthoff regarding environmental concerns with desalination issues.
- Meetings and discussions with legislative staff, Assembly Member Lori Saldana and state Senators Christine Kehoe and Denise Moreno Ducheny regarding energy and environmental issues.
- Meetings and discussions with legislative and committee staff members, including Kip Lipper, Senator Don Perata, and Bill Craven, Senator Sheila Kuehl.

Beginning June 2005, the firm’s lobbying activities will be reported as part of Carpi & Clay’s monthly lobbying report.
Susan McCabe, McCabe and Company
McCabe & Company is a government affairs consulting firm specializing in legislative, regulatory and California Coastal Commission advocacy and public affairs. The firm is led by Susan McCabe, who possesses 25 years of legislative and lobbying experience in the state of California. McCabe has provided legislative advocacy services for the Water Authority since November 2004. McCabe & Company has offices in Sacramento and Los Angeles.

During this reporting period, McCabe:

Coastal Commission
- Monitored current proposed desalination permits (e.g., Ocean View Plaza, City of Sand City).
- Monitored current planned desalination projects (Cal-Am/Monterey).
- Conducted discussions with Commissioners regarding upcoming permit application in light of Commission changes.
- Prepared briefing for Commissioner Ben Haddad.

Legislature
- Tracked legislation regarding desalination, AB 771 (Saldana).
- Represented the Water Authority's position on legislation regarding ex parte communications at the Coastal Commission.

Beginning June 2005, the firm’s lobbying activities will be reported as part of Carpi & Clay’s monthly lobbying report.

Fabiani and Company, LLC
In February 2003, the Water Authority retained Fabiani and Company, LLC, to provide specialized lobbying services on behalf of the Water Authority in Washington, D.C. The principal focus of the firm’s work was to help the Water Authority obtain federal appropriations to help fund seawater desalination projects. Fabiani and Company, LLC’s contract was terminated in January 2005.

Prepared by: Lisa Gordon, Government Relations Representative
Approved by: Dennis A. Cushman, Assistant General Manager
Attention: Legislation, Conservation, and Outreach

Status of Water Authority Conservation Action Plan – Discussion

Purpose
This report provides an update on the status of the Water Conservation Action Plan adopted by the Board in December 2002.

Background
Water Conservation is a significant component in the Water Authority’s mission to provide a safe and reliable supply of water to the San Diego region. Conservation is a critical part of the Water Authority’s water supply portfolio and the Urban Water Management Plan. The Water Authority has saved more than 357,000 acre-feet of water since demand management programs were first implemented in 1991.

The Water Authority is continuously looking at ways to conserve our region’s limited water resources. The Water Conservation Action Plan approved by the Board in December 2002 detailed future enhancements to the water conservation programs offered by the Water Authority and its member agencies. The Water Authority’s conservation programs provide financial incentives for a number of water-efficient devices in the residential and commercial sectors. The recent addition of outdoor irrigation hardware and water efficient commercial equipment will enhance the water savings.


Discussion
The SMART Landscape Program was implemented in January 2005. This program provides $65 vouchers for self-adjusting, Weather Based Irrigation Controllers (WBIC). The new smart controllers save water by automatically adjusting the irrigation schedule based upon historical or real-time evapotranspiration data. The program also offers free home surveys to residential customers with a minimum of 2,000 square feet of irrigated landscape. The Commercial, Industrial, and Institutional (CII) component of SMART Landscape provides $640 per controller to CII sites with a minimum of 2,000 square feet of irrigated landscape. The commercial landscape incentive component also provides $2,500 in matching grants for irrigation hardware upgrades. This program is partially funded through the California Department of Water Resources Proposition 13 grant funding. Sites with dedicated irrigation meters receiving funding must enroll in a water budget program as required by the grant.

During the past year, incentives became available for public sports fields and playgrounds that install artificial turf. A typical regulation football field receives an incentive of about $8,000. While this amount is minute compared to the $500,000 to $1 million cost to install a regulation athletic field, funding from public agencies serves as seed money for the schools and parks to do
additional fundraising. Incentives for five athletic fields have been provided. Each field is expected to conserve 9.5 acre-feet per year.

In November 2004, the Water Authority’s Voucher Incentive Program began issuing $75 toilet vouchers for only ultra-low-flush models that have undergone additional testing to assure sustainable water savings. These models have flappers certified as “no leak” and the toilet tank cannot hold more than two gallons of water. Ninety-five dollar vouchers for dual-flush toilets (DFT) became available in FY04. Vouchers for high-efficiency toilets (HET) will be added in FY06. HETs are at least 20 percent more efficient than standard ULFTs.

The residential High-Efficiency Clothes Washer (HEW) Program is taking the next step to realize greater water savings by providing financial incentives exclusively for ‘super’ HEWs effective July 1, 2005. These machines must meet a water efficiency factor of 6.0 or less, determined by the amount of water it takes to wash a cubic foot of laundry. Super HEWs use about 60 percent less water than traditional washers, saving an average of 9,000 gallons per year.

A number of commercial devices were added to the menu of items available through the CII Voucher Program. Proposition 13 grant funding augments funding for many of these devices.

The installation of X-ray film processing units has significantly increased with 30 installed in the past year. Water-pressurized brooms are used at food service facilities and other public areas as an alternative to hosing down areas. With increased participation, 90 water brooms are now being used at commercial sites.

The Water Authority secured grant funding for 500 commercial multi-load (ML) HEWs, as well as a study to determine actual water savings. The Water Authority partnered with SDG&E to obtain energy savings during this study. Six laundromats study sites, five treatment sites and one control site, are part of the study. Metering systems measure water and energy consumption both before and after the owner completes an equipment replacement.

Over the past two years, more than 2,000 pre-rinse spray valves were installed through a California Public Utilities Commission grant. Water savings per device range from 100 to 300 gallons per day, depending on daily usage. The Water Authority is collaborating with East Bay Municipal Utility District to receive additional grant funding for more pre-rinse spray valves and commercial dishwashers with Proposition 13 grants.

Prepared by: Cynthia J. Hansen, Senior Water Resources Specialist
Prepared by: Bill Jacoby, Water Resources Manager
Reviewed by: Ken Weinberg, Director of Water Resources

\CJH
Attachment 1: Water Conversation Action Plan
I:\boardoc\May05\Action Plan update2.doc
WATER CONSERVATION ACTION PLAN

I. CURRENT CONSERVATION PROGRAMS
These are the programs the Authority is currently implementing. Costs and water savings are included with program descriptions.

AGRICULTURE
Agricultural Water Management
Provides free irrigation system evaluations to agricultural properties with two or more acres of irrigated crop or grove and no-cost, micro-irrigation education for grove workers. The Authority funds this program.

LANDSCAPE
Landscape Assistance Program
Metropolitan Water District provides $154 per acre-foot of verified water savings to sites installing water efficient irrigation equipment. Metropolitan funds this program.

Professional Assistance For Landscape Management (PALM)
The PALM team provides a free audit of the irrigation system and landscape at residential sites with one or more acres of irrigated landscape.

<table>
<thead>
<tr>
<th>Device</th>
<th>total cost/audit</th>
<th>CWA cost/audit</th>
<th>MA cost/audit</th>
<th>MWD cost/audit</th>
<th>Total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th>AF saved to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protector Del Agua (PDA)</td>
<td>Provides free, basic landscape and irrigation training to field-level workers in English or Spanish. Bilingual PDA classes are also available for single-family residents who want to learn about water-efficient home landscapes. This program is funded by Metropolitan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| COMMERCIAL
CII Voucher Incentive Program
Provides point-of-purchase vouchers to customers purchasing water-efficient equipment in commercial, industrial, or institutional (CII) settings. Vouchers include the following devices: ultra-low-flush toilets (ULFT), urinals, coin-operated high-efficiency clothes washers (HEW), and cooling tower conductivity controllers (CTCC). |
<table>
<thead>
<tr>
<th>Device</th>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Devices</th>
<th>AF saved to date</th>
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</thead>
<tbody>
<tr>
<td>ULFT</td>
<td>$125.00</td>
<td>$32.50</td>
<td>$32.50</td>
<td>$60.00</td>
<td>$118.73</td>
<td>$30.87</td>
<td>$30.87</td>
<td>$56.99</td>
<td>17,288</td>
<td>3,475.5</td>
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<tr>
<td>Urinal</td>
<td>$125.00</td>
<td>$32.50</td>
<td>$32.50</td>
<td>$60.00</td>
<td>$169.11</td>
<td>$43.97</td>
<td>$43.97</td>
<td>$81.17</td>
<td>162</td>
<td>19.3</td>
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<td>HEW</td>
<td>$330.00</td>
<td>$40.00</td>
<td>$40.00</td>
<td>$250.00</td>
<td>$499.41</td>
<td>$60.53</td>
<td>$60.53</td>
<td>$378.34</td>
<td>4,362</td>
<td>550.9</td>
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<td>CTCC</td>
<td>$535.00</td>
<td>$17.50</td>
<td>$17.50</td>
<td>$500.00</td>
<td>$48.55</td>
<td>$1.59</td>
<td>$1.59</td>
<td>$45.37</td>
<td>230</td>
<td>359.9</td>
</tr>
</tbody>
</table>

1 San Diego County Water Authority
2 Authority Member Agency
3 Metropolitan Water District of Southern California
4 Cost per acre-foot of water saved
RESIDENTIAL

ULFT Voucher Incentive Program
Residential customers of participating water agencies are offered a voucher redeemable with local plumbing dealers for up to $75 off the purchase price of an approved ULFT. The voucher is for a point-of-purchase discount only. More than 397,555 toilets have been retrofitted through the program. The Authority’s Community Based Organization ULFT Distribution Program, which ended in FY 2000, retrofitted an additional 39,519 toilets. Additionally, almost 556,000 low-flow showerheads have been installed resulting in water savings of 33,306 acre-feet.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Devices</th>
<th>AF saved to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>$104.50</td>
<td>$22.25</td>
<td>$22.25</td>
<td>$60</td>
<td>$259.18</td>
<td>$55.18</td>
<td>$55.18</td>
<td>$148.81</td>
<td>437,074</td>
<td>107,542.3</td>
</tr>
</tbody>
</table>

HEW Voucher Incentive Program
Provides $125 vouchers to be used at the time of purchase for residential HEWs. Qualifying clothes washers must meet or exceed a water efficiency factor standard of 9.5. HEW incentives generate both water and energy savings and are available to eligible residential customers of participating water agencies.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>CALFED cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th>CALFED cost/AF</th>
<th># of Devices</th>
<th>AF saved to date</th>
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</thead>
<tbody>
<tr>
<td>$156.00</td>
<td>$30.50</td>
<td>$30.50</td>
<td>$35.00</td>
<td>$60.00</td>
<td>$641.88</td>
<td>$125.50</td>
<td>$125.50</td>
<td>$144.01</td>
<td>$246.88</td>
<td>13,556</td>
<td>551.0</td>
</tr>
</tbody>
</table>

Residential Survey
Provides water conservation surveys to targeted single-family homes, as well as multi-family properties with less than two acres of irrigated landscape. Authority member agencies may also refer other residential customers that request water conservation assistance.

<table>
<thead>
<tr>
<th>total cost/survey</th>
<th>CWA cost/survey</th>
<th>MA cost/survey</th>
<th>MWD cost/survey</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
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<td>$88.33</td>
<td>$32.50</td>
<td>$32.50</td>
<td>23.33</td>
<td>$15.77</td>
<td>$5.80</td>
<td>$5.80</td>
<td>$4.17</td>
<td>31,432</td>
<td>7,317</td>
</tr>
</tbody>
</table>

II. MODIFIED FY 03 CONSERVATION PROGRAMS
This section expands on current programs to increase water savings. If all these enhancements to the current programs are implemented, the $32,000 required to implement these programs can be obtained from savings in other water conservation programs currently in the FY 03 operating budget. Expanding the current programs could yield an additional 18,791 acre-feet of savings over the life of these devices.

Hospital X-Ray Film Processors
Existing X-ray processing systems in hospitals consume extremely large amounts of water and are very inefficient in their film washing process. A new recirculating system, tested through Metropolitan’s Innovative Conservation Program, demonstrated annual water savings averaging 3.2 acre-feet per year per system. Metropolitan has approved an incentive of $2,000 per system. Qualifying devices will be based on size, operating hours and equipment and offered only to hospitals and large medical centers. These processors cost approximately $3,400. It is

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5 The CALFED Bay-Delta Program provides grant funding for this program in FYs 2002 and 2003.
recommended that the Authority provide a $40 per device incentive and member agencies provide a $40 per device incentive.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Devices</th>
<th>Projected $ Savings/AF</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,080</td>
<td>$40</td>
<td>$40</td>
<td>$2,000</td>
<td>$130</td>
<td>$2.50</td>
<td>$2.50</td>
<td>$125</td>
<td>50</td>
<td>800</td>
</tr>
</tbody>
</table>

**Multi-Load Commercial Clothes Washers**

Single-load commercial clothes washers are currently offered in the CII Voucher Incentive Program. The Authority will be receiving $350,000 from the California Department of Water Resources Prop 13 funding for 500 larger, multi-load clothes washer vouchers. Co-funding amounts from the Authority, member agencies and Metropolitan will remain the same as the current voucher for single-loader clothes washers. It is estimated that one 55-pound multi-loader can save as much as 2.83 acre-feet in a 10-year lifetime.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>Prop 13/device</th>
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<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th>Prop 13 cost/AF</th>
<th># of Devices</th>
<th>Projected $ Savings/AF</th>
</tr>
</thead>
<tbody>
<tr>
<td>$830</td>
<td>$40</td>
<td>$40</td>
<td>$250</td>
<td>$500</td>
<td>$357.27</td>
<td>$8.18</td>
<td>$8.18</td>
<td>$113.64</td>
<td>$227.27</td>
<td>500</td>
<td>1,415</td>
</tr>
</tbody>
</table>

**Water-Pressurized Brooms**

Tested through Metropolitan’s Innovative Conservation Program, this device replaces traditional hoses used to clean large hardscape surface areas at commercial and industrial facilities such as restaurants, hotels, office buildings, and convention centers. It uses a series of small nozzles to direct multiple high intensity water sprays. Annual savings per pressurized water broom averaged 50,000 gallons per year per device. The average cost of a water-pressurized broom is approximately $200. Metropolitan is offering $100 incentive per device. It is recommended that the Authority provide a $50 incentive per device, and member agencies that choose to participate will provide $30 per device.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Devices</th>
<th>Projected $ Savings/AF</th>
</tr>
</thead>
<tbody>
<tr>
<td>$180</td>
<td>$50</td>
<td>$30</td>
<td>$100</td>
<td>$233.77</td>
<td>$64.94</td>
<td>$38.96</td>
<td>$129.87</td>
<td>100</td>
<td>76.71</td>
</tr>
</tbody>
</table>

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6 Over 5-year life of device  
7 Over 10-year life of device  
8 Over 5-year life of device
Pre-Rinse Spray Heads
Pre-rinse spray heads are part of the dishwashing assembly and are used in the typical food service dish room to pre-clean the dishes prior to placement in the dishwasher. The California Public Utilities Commission has awarded the California Urban Water Conservation Council (CUWCC) monies for installation of pre-rinse spray heads in the PG&E Company’s service territory, as well as the San Diego region (SDG&E). Almost 3,000 of these commercial devices will be installed in the Authority’s service area by Honeywell DMC. There will be no additional cost to the Authority or member agencies for this program.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>CPUC cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th>CPUC cost/AF</th>
<th># of Devices</th>
<th>Projected Savings/AF</th>
</tr>
</thead>
<tbody>
<tr>
<td>$180</td>
<td>$0</td>
<td>$0</td>
<td>$50</td>
<td>$130</td>
<td>$166.50</td>
<td>$0</td>
<td>$0</td>
<td>$62.50</td>
<td>$104</td>
<td>3,000</td>
<td>16,500</td>
</tr>
</tbody>
</table>

Concurrently, East Bay MUD received $482,081 of Prop 13 funding for the installation of pre-rinse spray heads. East Bay MUD initiated this request with the understanding that several water agencies would partner in this program. The participating agencies include the Authority, as well as Santa Clara Valley WD. Details have not been finalized on this upcoming program and costs have not been determined.

BMP 5 Assistance
A Best Management Practice (BMP) is a policy, program, practice, rule, regulation or ordinance that is established by the CUWCC and generally accepted practice among water suppliers that results in more efficient use or conservation of water.

BMP 5, Large Landscape Program and Assistance, requires signatory water agencies to develop water budgets based upon the square footage of landscape and no more than 100% reference evapotranspiration (Eto) for all commercial, industrial and institutional, irrigation-only accounts. Water agencies must notify customers each billing cycle of their water usage compared to their water budget to assist them in efficient landscape water management. Water budgets are also a cost-effective way to address peaking problems and urban run-off.

Authority staff has requested permission from the City of San Diego to adapt portions of their Water Resources Landscape Database (WRLD) program. The WRLD program uses SANDAG aerial photos and the Tax Assessors database to calculate landscape area and water budgets for irrigation accounts. Water Resources GIS staff will work with a consultant to modify the WRLD program. Modification of the program is not expected to cost more than $5,000. Once modified, PALM staff will be able to quickly provide retail customer water budgets to member agencies. Estimated cost to provide water budgets for member agencies is $10 per site and funding can be provided via the existing PALM budget. Member agencies could provide additional funding for additional water budgets to the PALM program, as needed.

An important component of water budgets is a requirement to notify customers each billing cycle as to where their water use stands in comparison to their water budget. Notification serves to remind customers to manage their irrigation water efficiently. Member agencies will need to add

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9 California Public Utilities Commission
10 Over 5-year life of device
a program to their billing system to incorporate water budget information and to produce the
notice. While some member agencies have the in-house capability to program their software to
provide follow-up notices for water budgets, others have asked for financial assistance. The
cost to develop a program and provide financial assistance to member agencies is unknown at
this time. However, as much as possible will be performed with savings from other conservation
programs with additional funds requested in FY 04. Water budgets can decrease outside water
use by 20 percent.

III. FY 04 AND BEYOND POTENTIAL CONSERVATION PROGRAMS
These are new programs that would further increase water savings. If these programs are
implemented, the estimated annual cost to the Authority would be an additional $410,000. These
programs could provide a total of 28,300 acre-feet of savings if fully implemented.

Dual Flush Ultra-Low-Flush Toilets
It is recommended that the current successful ULFT program be expanded to include an
incentive for the installation of dual-flush toilets. Dual-flush toilets operate at 1.6 gallons per
flush (gpf) for solid matter and 0.8 gpf for liquid. Recent studies have indicated that additional
water savings of 2,250 gallons per year per toilet can be achieved over the standard ULFT
models. Metropolitan recently added the dual-flush toilet to its menu of items eligible for its
conservation credits. Metropolitan will provide $20 per dual-flush model above the standard $60
per ULFT funds it offers. A pilot program of offering new housing developments a financial
incentive to install these dual-flush toilets in lieu of the standard ULFT will be implemented.
Metropolitan’s contribution will be $20 per toilet since this will not be a retrofit program.
Authority staff has made initial inquiries with developers and staff estimates that a minimum
incentive of $50 is required to encourage developers to participate in this program. Additional
cost to the Authority would be between $25 and $30 per dual-flush model. Member agencies
that choose to participate would also fund a like amount. The Authority’s cost in FY 04 would
be $30,000 for 1,000 toilets.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Devices</th>
<th>Projected Savings/AF</th>
</tr>
</thead>
<tbody>
<tr>
<td>$80</td>
<td>$30</td>
<td>$30</td>
<td>$20</td>
<td>$714.30</td>
<td>$214.29</td>
<td>$214.29</td>
<td>$142.86</td>
<td>1,000</td>
<td>69.03</td>
</tr>
</tbody>
</table>

On-Demand Water Heaters
The CUWCC has named these systems as a Potential Best Management Practice (PBMP). There
are two main types of systems: hot water recirculating systems and point-of-use water heaters.
Several studies have been done to evaluate the actual water savings of these devices. The
savings on these devices has not yet been verified but water savings have been found to be to less
than what manufacturers claim. Staff is reviewing the studies to determine if the water savings
justify providing a financial incentive to installing these units in residences.

Evapotranspiration Landscape Irrigation Controllers (commercial)
New irrigation controllers are emerging onto the market that change the irrigation schedule
automatically based upon local evapotranspiration (Eto) rates. Models with built-in, historical
Eto are recommended for San Diego’s mild climate. Authority staff recommends

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11 Over 10-year life of fixture
implementation of Eto controllers in the commercial sector first as that is the market with greatest opportunity for savings and the technical expertise required to use this new technology.

Metropolitan is applying for Prop. 13 funding for incentives for Eto controllers on behalf of its member agencies. Incentives will be for commercial Eto controllers and will range from $65 to $195 depending on the size of the landscape. The Authority requested incentive funding for 200 commercial controllers for the San Diego region in FY 04, with residential controllers to be added in FY 05 with increases in the number of devices each succeeding year. The Authority’s cost will be an estimated $60 administrative fee per device that may be included in the existing PALM program. Additionally, the PALM contract will need to be increased by $10,000 to cover the cost of administering the program.

Eto controllers are a positive tool used to reduce over-irrigation, which leads to run-off and system peaking problems. Eto controllers also address the difficult, behavioral problems of infrequent controller adjustment. An Eto controller program will be most effective combined with landscape incentive to improve irrigation system efficiency and water budget programs to reinforce efficiency.

The table below displays the cost per acre-foot and savings based upon the average square footage that can be accommodated by each size of controller and an average savings of 26.3 gallons per square foot of landscape per year over the five-year life of the controller.

<table>
<thead>
<tr>
<th>Device</th>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Devices</th>
<th>Projected Savings/AF</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 valve</td>
<td>$125.00</td>
<td>$30</td>
<td>$30</td>
<td>$65</td>
<td>$12.90</td>
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<td>$3.10</td>
<td>$6.71</td>
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<td>125</td>
</tr>
<tr>
<td>24 valve</td>
<td>$190.00</td>
<td>$30</td>
<td>$30</td>
<td>$130</td>
<td>$9.81</td>
<td>$1.57</td>
<td>$1.57</td>
<td>$6.67</td>
<td>50</td>
<td>125</td>
</tr>
<tr>
<td>48 valve</td>
<td>$255.00</td>
<td>$30</td>
<td>$30</td>
<td>$195</td>
<td>$6.58</td>
<td>$0.79</td>
<td>$0.79</td>
<td>$5.00</td>
<td>50</td>
<td>187.5</td>
</tr>
</tbody>
</table>

**Evapotranspiration Landscape Irrigation Controllers (residential)**

New Eto based irrigation timers are being installed in the residential sector on a test basis in a few water districts throughout California. Like their commercial counterpart, these new timers use real-time Eto broadcast via radio, satellite or cable technology for a fee or they use historical Eto built into the timer. As the technology becomes more user-friendly and more widely available, Authority staff proposes to develop a voucher program using Metropolitan’s $65 per device incentive. Authority cost will be $30 per controller for 100 controllers for a total of $3,000 annually. Based upon an average of 1,200 square feet of landscape and a savings of 26.3 gallons per square foot per year over a five-year device life, an Eto controller is expected to save 0.48 acre-feet.

<table>
<thead>
<tr>
<th>total cost/device</th>
<th>CWA cost/device</th>
<th>MA cost/device</th>
<th>MWD cost/device</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Devices</th>
<th>Projected Savings/AF</th>
</tr>
</thead>
<tbody>
<tr>
<td>$125</td>
<td>$30</td>
<td>$30</td>
<td>$65</td>
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<td>$62.40</td>
<td>$135.20</td>
<td>100</td>
<td>48</td>
<td></td>
</tr>
</tbody>
</table>

12 Over 10-year life of device
13 Over 5-year life of device
**Commercial Landscape Incentives**

Authority staff and interested member agencies, in cooperation with Metropolitan are developing a commercial, landscape incentive program. This program will provide $2,500 of incentive money to small, commercial landscapes for hardware to improve irrigation efficiency. The customer must provide $2,500 of matching money and the water district must implement a water budget in accordance with BMP 5 for a site to participate in the program. Sites needing to make irrigation system upgrades to utilize recycled water will be encouraged to participate in the program. Cooperating sites will be encouraged to take advantage of the Eto timer program as well. Authority staff has submitted an application to the U.S. Bureau of Reclamation for $125,000 for 50 sites and an additional application for $375,000 of Prop. 13 funding for 100 sites in FY 04. The Authority’s cost will be $90,000.

Savings at a one-acre commercial site obtained by improving irrigation efficiency and scheduling are estimated to be 38.3 gallons per square foot of landscape per year or 25.6 acre-feet over the five year life of irrigation devices. Figures below include savings from an upgraded controller or Eto controller. The table below summarizes the expected cost and savings.

<table>
<thead>
<tr>
<th>total cost/site</th>
<th>CWA cost/site</th>
<th>MA cost/site</th>
<th>Grant(^{14})r $/site</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>Grant cost/AF</th>
<th># of Sites</th>
<th>Projected(^{15}) Savings/AF</th>
</tr>
</thead>
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<tr>
<td>$2,950</td>
<td>$225</td>
<td>$225</td>
<td>$2,500</td>
<td>$115.23</td>
<td>$8.79</td>
<td>$8.79</td>
<td>$97.66</td>
<td>150</td>
<td>3,840</td>
</tr>
</tbody>
</table>

**Artificial Turf for Playing Fields**

As a result of a number of requests from area sports field managers, staff is researching a program to provide financial assistance to retail customers who want to replace turf sports fields with artificial turf. Sports field managers are interested in artificial turf because of water and maintenance savings as well as demand to keep sports fields open continuously. Lifetime water savings is estimated to be 94.7 acre-feet for each site over ten years. At an avoided cost to member agencies of approximately $514 per site, the conserved water has a value of $48,830 per site. Discussions on program structure are in progress with Metropolitan and Authority member agencies. Metropolitan will be asked to provide one-half and the Authority and participating member agencies will each provide one-fourth of the program cost. A maximum of $36,500 of Authority funding for five sites is recommended.

<table>
<thead>
<tr>
<th>total cost/site</th>
<th>CWA cost/site</th>
<th>MA cost/site</th>
<th>MWD cost/site</th>
<th>total cost/AF</th>
<th>CWA cost/AF</th>
<th>MA cost/AF</th>
<th>MWD cost/AF</th>
<th># of Sites</th>
<th>Projected(^{16}) Savings/AF</th>
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</thead>
<tbody>
<tr>
<td>$29,166</td>
<td>$7,291.50</td>
<td>$7,291.50</td>
<td>$14,583</td>
<td>$308</td>
<td>$77</td>
<td>$77</td>
<td>$154</td>
<td>5</td>
<td>4,735</td>
</tr>
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</table>

**Landscape Conservation Outreach**

The behavioral aspects of landscape water conservation will need continuous enforcement in many areas to achieve the needed conservation. One excellent opportunity is an outreach program with nurseries and home improvement stores to inform customers about the water and horticultural needs of plants to improve the appearance of the landscape and save water. On-the-spot education will assist customers in purchasing plants that are appropriate to their needs and

\(^{14}\) Includes both USBR and Prop. 13 funds.

\(^{15}\) Over 5-year life of device

\(^{16}\) Over 10-year life of artificial turf
the site rather than impulse. A well-planned outreach program must meet the business needs of
the store as well as the educational needs of the customers.

It is anticipated an outreach program could be implemented via a consultant contract for
approximately $50,000 per year for two years plus the cost of materials distributed to stores.
Consultant and Authority staff efforts may be coordinated with the Metropolitan program
currently in development to maximize both efforts. Outreach opportunities include such items as
signage with conservation messages; grouping plants within the nursery by water needs with
signage; educational signage explaining hydrozoning or planting species with similar water and
horticultural needs together; plant labels describing water and horticultural needs of plants; and
signage on the efficient use and management of turf. All signs and labels must be colorful,
highly visible and easy to understand by the average customer. A similar effort could be
implemented in the irrigation hardware section.

Another effort to support landscape conservation outreach is research to scientifically determine
the water needs of common landscape species. Much has been learned since the last drought, but
very little has been scientifically documented. Funding to help support the statewide research
effort currently underway by University of California Cooperative Extension would demonstrate
the Authority’s commitment and provide much needed additional funding.

**Conservation Devices Saturation Study**
A study to evaluate the saturation of water conservation devices will be included in the
Authority’s proposed FY 04 budget. This study will be done in cooperation with Metropolitan.
The Authority will submit a proposal to the Bureau of Reclamation for cost sharing. Authority
staff will evaluate residential customers to determine the amount of penetration of low-flow
showerheads, ultra-low-flush toilets, and high-efficiency clothes washers in our service area.
Other devices are being considered and may be added to the study. The Authority share of the
costs will be approximately $40,000.

**Hospital X-Ray Film Processors**
It is anticipated that several hundred X-ray processing systems will be installed during FY 03.
These devices can save as much as 3.2 acre-feet per system per year and there are approximately
1,200 processors in the San Diego region. Metropolitan provides $2,000 funding per unit. Co-
funding of $250 from the Authority and member agencies is recommended to increase rapid
installation. Authority staff will continue to seek additional funding.

**Commercial/Industrial Recirculating System**
Members of the business community have suggested that water that is discharged from
commercial sites (i.e. industrial, electronic, pharmaceutical) could be treated and recycled back
into the system. Obvious advantages would be the ability to use the water more than once and
the reduction of the amount of water discharged into the wastewater collection system. A by-
product of highly concentrated brine requiring the construction of a dedicated brine line could be
costly and offset these advantages. The Authority staff will review the cost-benefit of this
recommendation. The Authority’s cost for a study could be up to $50,000.
Commercial Dishwashers
Food service can be among the heaviest consumers of water in the commercial sector. New efficient dishwashers are capable of washing a standard rack of dishes in approximately 1.2 gallons of water. Older models typically use 2.5 to 3.5 gallons of hot water per rack. Commercial dishwashers cost $7,500 to $12,000. Typical restaurant owners often choose not only to “wear out” the inefficient models but also often rebuild them to extend their lifetime beyond 20 years. There are over 3,500 restaurants in the San Diego region. The installation of efficient dishwashers used in high-volume restaurants could save almost one acre-foot of water per device per year. It is recommended that the Authority seek funding for a device incentive program to meet this need.

Car Washes
According to the International Carwash Association, water use by systems with no reclamation component average 15 gallons per vehicle for self-service washes and up to 85 gallons per vehicle for conveyor washes. The cost to retrofit an entire car wash can be prohibitive -- between $50,000 to $100,000. The Western Carwash Association provides ongoing education to their members on efficient water usage. In the San Diego region, car wash owners are partnering with event car washes operated by non-profit groups. (Example: an established car wash company provides tickets for their car wash to a non-profit group. The established car wash opens the car wash facility to the non-profit customers after-hours. Both share the profit.) This demonstrates a positive outcome to all parties. The established car wash increases business, the non-profit is provided monies for their group, and the municipalities do not have polluted water contaminating the storm drain system. Since the industry is an extremely high-volume water user, it will be mutually beneficial to explore possible water conservation measures. Staff is continuing to research this issue to determine if the water savings justify providing a financial incentive.

IV. Conservation Message Strategies
Meetings have been held with JPIC and Authority Water Resources and Public Affair staffs to identify strategies, potential messages and communications tools that can be employed to support and promote the conservation efforts of the Authority and the member agencies.

Among the specific tools available to carry the conservation message are:

- Conservation materials
- Newsletters
- Billing inserts
- Agency Web sites
- Water Conservation Garden tours
- Special events – open houses, contests, etc.
- Speakers bureau presentations
- Conservation classes
- Telephone on-hold conservation messages
The campaign would use all existing tools and opportunities to deliver a no-cost, timely “Conservation is up to you” message focusing on landscape conservation and recycling. A secondary emphasis of “Keep up the good work” would thank the people of San Diego on the great job they have done in adopting conservation methods at home. Possible message strategies include:

- Fall planting time – now is the time to add drought-tolerant plants to your landscape.
- Reminder notice – when you turn back your clocks, set back your watering system and change the batteries in your smoke alarms.
- Ask local weather reporters to include regular conservation tips in their weather reports.
- Send regular conservation tips and information to local newspapers.
- Target the Home/Garden sections of the Union-Tribune, garden radio programs, San Diego Home & Garden and San Diego Magazine for conservation articles.
- Outreach to local nurseries and landscape companies with information and materials on drought tolerant plants.
- Promote landscape classes.
May 18, 2005

Attention: Legislation, Conservation and Outreach Committee

Small Contractor Outreach and Opportunities Program (SCOOP) Quarterly Staff Report (Information)

Purpose
Attached for review is the quarterly staff report for January 1, 2005 – March 31, 2005, on the status of the Water Authority’s SCOOP.

Fiscal Impact
None.

Background
In March 2003, the Board approved overall reporting of small business participation and minority and women-owned business participation on a quarterly basis. Information on minority and women-owned businesses is reported for statistical purposes only.

In August 2004, the Board approved an overall program goal of 21 percent small business participation based on projected FY 2005 procurement dollars.

Discussion
This report summarizes SCOOP outreach and training activities, and evaluates measurements of program effectiveness through March 31, 2005, the end of the third quarter for FY 2005.

SCOOP Activities
SCOOP staff participated in 69 small business, community, trade, and minority outreach activities through the third quarter of FY 2005. These organizations and events are listed in Exhibit A.

SCOOP staff continued to actively participate in the Public Agency Consortium (PAC), a partnership of San Diego regional public agencies that includes Centre City Development Corporation (CCDC), City of San Diego, County of San Diego, San Diego Association of Governments (SANDAG), San Diego City Schools, San Diego County Regional Airport Authority, San Diego Housing Commission, and the Unified Port District of San Diego. The San Diego district office of the California Department of Transportation recently joined in PAC’s efforts. In March, SCOOP and other PAC members participated in the Caltrans District 11 Vendor Fair, attended by 150 vendors seeking government procurement.

SCOOP staff also partnered with the Metropolitan Water District’s (MWD) Office of Small Business on initiatives that benefit the San Diego Region. SCOOP hosted “Successful Strategies for Public Sector Contracting,” a two-day training workshop that educates small businesses on finance, human resources, bidding, and procurement processes needed to compete on public agency contracting opportunities. The graduation ceremony incorporated networking with Water
Authority Engineering and Water Resources staff. In addition, SCOOP staff participates in the Southern California Small Business Advisory Council, hosted quarterly by MWD. This council is similar to PAC, and includes the City of Los Angeles, the Los Angeles Unified School District, and the County of Los Angeles.

The SCOOP Manager represented the Water Authority as a panelist at the State of California Department of General Services’ “Boot Camp” for small businesses, held at the San Diego Convention Center. Over 100 small and veteran-owned businesses networked with local public agencies.

In an effort to increase the number of bidders on Capital Improvement Projects, Water Authority staff presented a special outreach meeting for potential bidders for the San Vicente Pipeline project. An in-depth information session on SCOOP, risk management, the project labor agreement, safety and project management followed the pre-bid meeting. The short-listed primes then networked with subcontractors and suppliers interested in the contracting opportunities associated with this large project.

**SCOOP Measurements**
Listed below are the five performance indicators used to measure the fiscal year-to-date status of SCOOP. These figures represent small business and minority and women-owned business participation in the Water Authority’s procurement process compared to achievements for FY 2004. Specific details of each measurement can be found in Exhibit B.

<table>
<thead>
<tr>
<th>Small Business Measurements for July 1, 2004 – March 31, 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FY05 YTD</strong></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>1. Number of businesses participating on Water Authority procurements</td>
</tr>
<tr>
<td>2. Number of bidders submitting bids and proposals</td>
</tr>
<tr>
<td>3. Number of qualified small businesses capable of bidding on Water Authority projects</td>
</tr>
<tr>
<td>4. Amount committed to small businesses</td>
</tr>
<tr>
<td>5. Number of contracting opportunities</td>
</tr>
</tbody>
</table>

* Small San Diego firms
Minority/Women-Owned Business Measurements for July 1, 2004 – March 31, 2005

<table>
<thead>
<tr>
<th></th>
<th>FY05 YTD</th>
<th></th>
<th>FY04 Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>M/W</td>
<td>% M/W</td>
<td>Total</td>
</tr>
<tr>
<td>1. Number of businesses</td>
<td>321</td>
<td>63</td>
<td>20%</td>
<td>462</td>
</tr>
<tr>
<td>participating on Water</td>
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<td></td>
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</tr>
<tr>
<td>Authority Procurements</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Number of bidders</td>
<td>356</td>
<td>99</td>
<td>28%</td>
<td>524</td>
</tr>
<tr>
<td>submitting bids and</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>proposals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Number of qualified</td>
<td>9,249*</td>
<td>2,329</td>
<td>25%</td>
<td>6,245</td>
</tr>
<tr>
<td>M/W businesses capable of</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>bidding on Water Authority</td>
<td></td>
<td></td>
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<tr>
<td>projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Amount committed to</td>
<td>$91,066,986</td>
<td>$6,053,542</td>
<td>7%</td>
<td>$69,760,244</td>
</tr>
<tr>
<td>minority and women-owned</td>
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</tr>
<tr>
<td>businesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Number of contracting</td>
<td>80</td>
<td></td>
<td></td>
<td>83</td>
</tr>
<tr>
<td>opportunities</td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

* Small San Diego firms

**Conclusion**

Small and minority/women-owned firms are successfully bidding on and receiving contracts and purchase orders for direct vendor procurements with the Water Authority. SCOOP performance for the third quarter of FY 2005 is keeping pace with the goals established for the program.

Prepared by: Emily Yanushka, SCOOP Manager
Reviewed by: Marilyn L. Young, Director of Administrative Services
Approved by: Paul A. Lanspery, Deputy General Manager

EY: cab
Attachments: Exhibits A and B
# EXHIBIT A

**Small Contractor Outreach and Opportunities Program**  
**Outreach Activities**  
**July 1, 2004 – March 31, 2005**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Event/Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFL-CIO</td>
<td>Annual Johns Dinner</td>
</tr>
<tr>
<td>African American Advisory Committee</td>
<td>Representative Bob Filner, 51st District</td>
</tr>
<tr>
<td>African American Business Women of Vision</td>
<td>Women’s History Month Luncheon and Networking Event</td>
</tr>
<tr>
<td>American Subcontractors’ Association</td>
<td>Quarterly Networking Meeting</td>
</tr>
<tr>
<td>American Contract Compliance Association</td>
<td>National Conference Presentation on SCOOP</td>
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<tr>
<td>Asian Pacific Historical District</td>
<td>Chinese Lunar New Year Festival</td>
</tr>
<tr>
<td>Associated General Contractors</td>
<td>Awards Luncheon</td>
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<tr>
<td>Building Careers in Construction</td>
<td>Awards Ceremony</td>
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<tr>
<td>California Association of Purchasing Professionals Organization (CAPPO)</td>
<td>Presentation on The Training Source</td>
</tr>
<tr>
<td>California Department of General Services</td>
<td>1st Annual Small Business Boot Camp Presentation on SCOOP</td>
</tr>
<tr>
<td>Caltrans</td>
<td>Small Business Council Statewide Meeting</td>
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<tr>
<td>Catfish Club</td>
<td>Weekly Meeting</td>
</tr>
<tr>
<td>CDC San Diego</td>
<td>Finance Open House</td>
</tr>
<tr>
<td>Center City Development Corporation</td>
<td>Downtown Multicultural Festival</td>
</tr>
<tr>
<td>Chicano Federation</td>
<td>Awards Dinner Annual All People’s Martin Luther King Jr. Breakfast</td>
</tr>
<tr>
<td>City of San Diego</td>
<td>Public Works Advisory Committee Apprenticeship Subcommittee Mentor-Protégé Advisory Board Martin Luther King Jr. Parade Subcontracting Subcommittee Small Business Advisory Board Meetings</td>
</tr>
<tr>
<td>Construction Tech Academy</td>
<td>Tour of Construction/Engineering/Architecture High School</td>
</tr>
<tr>
<td>Diverse Emerging Vendor Outreach (DEVO)</td>
<td>Outreach and Networking Events</td>
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<tr>
<td>Encanto Street Fair</td>
<td>Community Outreach</td>
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<tr>
<td>Filipino American Chamber of Commerce</td>
<td>Hosted Sundowner Training on Branding</td>
</tr>
<tr>
<td>Jackie Robinson YMCA</td>
<td>20th Dr. Martin Luther King Jr. Human Dignity Award Breakfast</td>
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<tr>
<td>Japan Society of San Diego/Tijuana</td>
<td>11th Annual Leadership Awards</td>
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<tr>
<td>Latino Builders</td>
<td>9th Annual Carne Asada Fiesta</td>
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<tr>
<td>Organization</td>
<td>Event/Meeting</td>
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<tr>
<td>------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Latino Latina Indigenous Peoples Unity Coalition</td>
<td>Cesar Chavez Memorial Breakfast</td>
</tr>
<tr>
<td>Metropolitan Water District of Southern California</td>
<td>Small Business Advisory Council</td>
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<tr>
<td>LEAD San Diego</td>
<td>Graduate Member Celebration</td>
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<tr>
<td>NAACP</td>
<td>Annual Freedom Celebration</td>
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<tr>
<td>National Association of Women Business Owners</td>
<td>Holiday Reception</td>
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<tr>
<td></td>
<td>BRAVO Awards</td>
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<tr>
<td>North County Small Business Development Center</td>
<td>Advisory Board</td>
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<td>Poway Chamber of Commerce</td>
<td>Governance Committee</td>
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<td></td>
<td>Legislative Roundtable</td>
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<td>Public Agency Consortium (PAC)</td>
<td>Monthly Meetings</td>
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<td></td>
<td>PAC Managers Strategy Meeting</td>
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<tr>
<td>San Diego Black Business Association</td>
<td>Networking Barbeque</td>
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<tr>
<td>San Diego County Building and Construction Trades</td>
<td>Pre-Apprenticeship Graduations</td>
</tr>
<tr>
<td>San Diego Chamber of Commerce</td>
<td>Small Business Governance Committee</td>
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<td></td>
<td>Economic Outlook Conference</td>
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<tr>
<td></td>
<td>Legislators Reception</td>
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<tr>
<td>San Diego County Water Authority</td>
<td>Paths to Partnerships</td>
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<tr>
<td>San Diego County Hispanic Chamber of Commerce</td>
<td>New Member Bienvenidos Breakfast</td>
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<tr>
<td></td>
<td>Networking Mixers</td>
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<tr>
<td></td>
<td>Grand Gala Installation Dinner</td>
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<tr>
<td></td>
<td>Installation Dinner</td>
</tr>
<tr>
<td>San Diego MANA</td>
<td>Annual Brindis Awards Dinner</td>
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<tr>
<td></td>
<td>Building Latina Success Conference</td>
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<tr>
<td>San Diego Supplier Development Council</td>
<td>Monthly Networking Meetings</td>
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<tr>
<td></td>
<td>Operation Opportunity</td>
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<tr>
<td></td>
<td>Executive Awareness</td>
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<td>San Diego Urban League</td>
<td>Annual Dinner</td>
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<td>San Diego Workforce Partnership</td>
<td>Recognition Event</td>
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<tr>
<td>Small Business Administration</td>
<td>Annual Friends of SCORE</td>
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<td>Women’s Business Center of California</td>
<td>Advisory Board Meetings</td>
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<td></td>
<td>Business Finance Workshop</td>
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<td></td>
<td>Technology Basics Workshop</td>
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<td></td>
<td>Success by Design Workshop</td>
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<tr>
<td></td>
<td>Women’s Business-to-Business Expo</td>
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</tbody>
</table>
EXHIBIT B

Small Contractor Outreach and Opportunities Program
Program Measurements
July 1, 2004 – March 31, 2005

1. Number of businesses participating on Water Authority procurements.

A total of 148 small firms did business with the Water Authority through the third quarter of the fiscal year. This represents 46 percent of the total number (321) of firms commencing new business with the Water Authority during the same period. In total, the small business participation was 57 percent for professional services, 56 percent for construction, and 33 percent for vendor purchases. All nine of the construction contracts through the third quarter were awarded to small businesses.

The number of minority and women-owned businesses participating on Water Authority procurements was 63, or 20 percent. In total, 25 percent of professional service consultants, 22 percent of construction contractors, and 14 percent of vendors were minority or women-owned businesses.

B-1. Number of small businesses participating as primes, subcontractors, and vendors on Water Authority procurements.

<table>
<thead>
<tr>
<th></th>
<th>FY05 YTD</th>
<th></th>
<th>FY04 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Small</td>
<td>% Small</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>Small</td>
<td>% Small</td>
</tr>
<tr>
<td>Prof Svc</td>
<td>133</td>
<td>76</td>
<td>57%</td>
</tr>
<tr>
<td>Construction</td>
<td>41</td>
<td>23</td>
<td>56%</td>
</tr>
<tr>
<td>Vendors</td>
<td>147</td>
<td>49</td>
<td>33%</td>
</tr>
<tr>
<td>Total</td>
<td>321</td>
<td>148</td>
<td>46%</td>
</tr>
</tbody>
</table>

B-1(a). Number of minority and woman-owned businesses participating as primes, subcontractors, and vendors on Water Authority procurements.

<table>
<thead>
<tr>
<th></th>
<th>FY05 YTD</th>
<th></th>
<th>FY04 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>M/W</td>
<td>% M/W</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>M/W</td>
<td>% M/W</td>
</tr>
<tr>
<td>Prof Svc</td>
<td>133</td>
<td>33</td>
<td>25%</td>
</tr>
<tr>
<td>Construction</td>
<td>41</td>
<td>9</td>
<td>22%</td>
</tr>
<tr>
<td>Vendors</td>
<td>147</td>
<td>21</td>
<td>14%</td>
</tr>
<tr>
<td>Total</td>
<td>321</td>
<td>63</td>
<td>20%</td>
</tr>
</tbody>
</table>
2. Number of businesses submitting bids and proposals.

Overall, 177 (50 percent) of the 356 total construction and service bids reviewed through the third quarter were from small businesses (refer to figure B-2). Of these 177 small business bids, 99 bids, or 56 percent of small bidders, were successful in obtaining contracts with the Water Authority (refer to figure B-1).

Ninety-nine (28 percent) women and minority-owned firms submitted bids and proposals through the third quarter of FY05 (refer to figure B-2(a)). Of the 99 minority and women bidders for professional service and construction contracts, 42 (42 percent) were successful in obtaining contracts with the Water Authority (refer to figure B-1(a)).

### B-2. Number of small businesses submitting bids and proposals for Water Authority projects.

<table>
<thead>
<tr>
<th></th>
<th>FY05 YTD</th>
<th></th>
<th>FY04 Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Small</td>
<td>% Small</td>
<td>Total</td>
</tr>
<tr>
<td>Prof Svc</td>
<td>233</td>
<td>125</td>
<td>54%</td>
<td>338</td>
</tr>
<tr>
<td>Construction</td>
<td>123</td>
<td>52</td>
<td>42%</td>
<td>186</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>356</td>
<td>177</td>
<td><strong>50%</strong></td>
<td>524</td>
</tr>
</tbody>
</table>

### B-2(a). Number of minority and woman-owned businesses submitting bids and proposals for Water Authority projects.

<table>
<thead>
<tr>
<th></th>
<th>FY05 YTD</th>
<th></th>
<th>FY04 Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>M/W</td>
<td>% M/W</td>
<td>Total</td>
</tr>
<tr>
<td>Prof Svc</td>
<td>233</td>
<td>66</td>
<td>28%</td>
<td>338</td>
</tr>
<tr>
<td>Construction</td>
<td>123</td>
<td>33</td>
<td>26%</td>
<td>186</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>356</td>
<td>99</td>
<td><strong>28%</strong></td>
<td>524</td>
</tr>
</tbody>
</table>
3. **Number of qualified small businesses capable of bidding on Water Authority projects.**

The number of qualified small businesses capable of bidding on Water Authority projects is measured by the number of small businesses registered in the SCOOP databases.

The number of certified small firms eligible to bid on Water Authority projects for the third quarter of FY 2005 was 9,249, which represents a 48 percent increase over the FY 2004 SCOOP database. The increase reflects the result of outreach to small businesses, focused training programs, and collaborations with other public agencies, particularly with the Public Agency Consortium and the Metropolitan Water District of Southern California.

![B-3. Number of Small Businesses in the SCOOP Database](chart)

The number of minority and women-owned firms in SCOOP databases was 2,329, or 25 percent of the total SCOOP database.
4. **Amount committed to small businesses.**

The amount committed to small businesses through the third quarter of FY 2005 was $18,849,597. This represents 21 percent of the total amount ($91,066,986) awarded through the third quarter, and exceeds the total dollar amount committed to small businesses in FY 2004. In total, 12 percent of professional service consultants, 46 percent of construction contractors, and 22 percent of vendors were small businesses.

Currently, 71 percent ($65,160,354) of dollars awarded were for professional service contracts, and 25 percent ($23,046,373) of dollars awarded were for construction projects. These percentages are atypical for the Water Authority’s historical procurement patterns, in which the percentage of construction dollars awarded is usually twice that for professional services. This ratio is expected to change during the next quarter with the award of several larger construction contracts.

The amount committed to minority and women-owned business was $6,053,542, or 7 percent of the total procurement amount.

| B-4. Amount committed to small primes, subcontractors, and vendors participating in the Water Authority’s procurement process. |
|---|---|---|---|
| FY05 YTD | FY04 Total |
| Total | Small | % Small | Total | Small | % Small |
| Prof Svc | 65,160,354 | 7,554,863 | 12% | 19,027,249 | 9,412,817 | 50% |
| Construction | 23,046,373 | 10,678,659 | 46% | 46,579,716 | 4,029,949 | 11% |
| Vendors | 2,860,259 | 616,075 | 22% | 4,153,279 | 1,010,095 | 24% |
| Total | 91,066,986 | 18,849,597 | 21% | 69,760,244 | 15,452,861 | 22% |

| B-4(a). Amount committed to minority/women primes, subcontractors, and vendors participating in the Water Authority’s procurement process. |
|---|---|---|---|---|---|---|
| FY05 YTD | FY04 Total |
| Total | M/W | % M/W | Total | M/W | % M/W |
| Prof Svc | 65,160,354 | 5,072,101 | 8% | 19,027,249 | 4,638,027 | 24% |
| Construction | 23,046,373 | 759,065 | 3% | 46,579,716 | 1,195,408 | 3% |
| Vendors | 2,860,259 | 222,376 | 8% | 4,153,279 | 273,469 | 7% |
| Total | 91,066,986 | 6,053,542 | 7% | 69,760,244 | 6,106,904 | 9% |

| B-4(b). Comparison of goals and amount committed to small primes, subcontractors, and vendors participating in the Water Authority’s procurement process. |
|---|---|---|---|---|---|---|
| FY05 YTD | FY05 Goals |
| Total | Small | % Small | Total | Small |
| Prof Svc | 65,160,354 | 7,554,863 | 12% | 48% |
| Construction | 23,046,373 | 10,678,659 | 46% | 11% |
| Overall Contracts | 88,206,727 | 18,233,522 | 21% | 20% |
| Vendors | 2,860,259 | 616,075 | 22% | 25% |
| Total | 91,066,986 | 18,849,597 | 21% | 21% |
5. Number of contracting opportunities.

Through the end of the third quarter of FY 2005, 80 contracts were executed. Eighty-eight percent, or 70 contracts, were valued at less than $1 Million, with 41, or 51 percent valued at less than $50,000. The majority of Water Authority contracts were valued at less than one million dollars, which encourages small business participation. Of the 40 small primes awarded contracts, twenty-eight, or 70 percent, received contracts valued at less than $50,000, which demonstrates the Water Authority’s commitment to sizing its contracts to facilitate small business participation.

B-5. Number of contracting opportunities.

<table>
<thead>
<tr>
<th></th>
<th>FY05 YTD</th>
<th>FY04</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - $49,999</td>
<td>41</td>
<td>42</td>
</tr>
<tr>
<td>$50,000 - $249,999</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>$250,000 - $999,999</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>$1,000,000 +</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80</strong></td>
<td><strong>83</strong></td>
</tr>
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</table>
May 18, 2005

Attention: Legislation, Conservation and Outreach Committee

Outreach activities for the month of April 2005 (Information)

Purpose
This report outlines the activities performed by the Public Affairs department in supporting Water Authority programs and projects.

Background
During April, the Public Affairs department supported Water Authority programs and projects, assisted member agencies, worked with people directly affected by Water Authority construction projects, conducted media relations activities, provided outreach to government officials, educated students and supplied information through various means, including publications and the Web site. (See attachment for a detailed listing of activities.)

Discussion
The attached Summary of Activities details work performed by the department.

Prepared by: Patricia Brock, Public Affairs Supervisor
Reviewed by: Donna Nenow, Acting Director of Public Affairs

Attachment
1. Summary of Activities
OUTREACH ACTIVITIES

April 2005

Community Relations

Speakers Bureau Program

On April 1, the water resources manager provided an overview on seawater desalination to the Transportation and Infrastructure Committee of the South County Economic Development Council. On April 5, the director of water resources provided an update on seawater desalination to the SCEDC’s board of directors. The engineering manager gave an overview presentation on the Water Authority to the Hope United Methodist Church in Rancho Bernardo and capital improvement projects were discussed. The community relations representative presented the La Mesa Kiwanis with a Water Authority overview and a summary of upcoming projects.

Tours

On April 13, Director Loveland hosted the last tour of the season to Diamond Valley Lake and the Santa Rosa Plateau. Attendees included board members from the city of San Diego’s park and recreation board, staff from the Oceanside Chamber of Commerce, members of the city of San Diego’s Public Utility Advisory Commission and members of the Downtown Optimists Club, La Mesa Kiwanis, United Filipino American Senior Citizens of San Diego and the Twin Oaks Valley Community Planning Group.

Imperial Valley Outreach

Staff met with several opinion leaders from the agricultural sector of Imperial Valley to discuss the terms of the water transfer agreement’s Fourth Amendment and to discuss the findings of the Economist’s Panel. Staff produced a fact sheet called, “Temporary Land Fallowing and Socioeconomic Impacts.” Staff made a presentation to the Imperial County Farm Bureau Water Committee. On April 29, the board chairman and Imperial Valley staff attended the Farm Bureau Spring BBQ. At this event, the chairman discussed the Water Authority’s outreach in the Imperial Valley and answered questions regarding the water transfer. The Water Authority also joined the Imperial County Farm Bureau. Consultant Bob Morales of DePinto Morales participated in meetings and conference calls regarding Imperial Valley activities, drafted newspaper ads, updated the community outreach plan and advised the Water Authority staff on various issues related to the water transfer and QSA.

Government Relations

Board members and staff attended the “2005 Straight Talk From Sacramento” breakfast held on April 8. The San Diego Regional Chamber of Commerce hosted the event and panel discussion to highlight how San Diego legislators are addressing key regional issues. Panelists included state senators Denise Moreno Ducheny and Dennis Hollingsworth and assemblymembers George Plescia and Shirley Horton.
Staff continued to work with the Water Authority’s legislative advocates to review, analyze and track more than 125 bills to determine their potential impact on the Water Authority.

In an effort to provide periodic updates and continue outreach efforts with San Diego County elected officials, staff scheduled a briefing with County Supervisor Bill Horn on the Del Dios Pipeline 4 Relining Project.

**Joint Public Information Council**

Staff prepared for the May 5 JPIC meeting to be held at the Water Authority.

**Media Relations**

Most of the media coverage in April related to the interagency agreement on seawater desalination between the Water Authority and Carlsbad. Articles appeared in *The San Diego Union-Tribune, North County Times, Daily Transcript, San Diego Business Journal, The Coast News* and *The Voice of San Diego*. Coverage included the announcement of the agreement, the Carlsbad City Council’s approval of the agreement, and the Water Authority’s board approval of the agreement. The *Associated Press*, KPBS radio, KGTV Channel 10 and Adelphia Cable also covered the approval of the agreement by the two organizations.

*The San Diego Union-Tribune, North County Times and KGTV* interviewed the director of imported water for articles on Department of Energy’s decision to move the uranium tailings pile in Moab, Utah.

The *North County Times, San Diego Business Journal* and the *Daily Transcript* published articles on awards presented to the Water Authority by the American Society of Civil Engineers and American Association of Environmental Engineers for the Olivenhain Dam and Reservoir project.

KFMB-TV, Channel 8 interviewed Vickie Driver, principle water resource specialist, on spring and summer water conservation tips during a live morning newscast.

Staff continued its plans for a June media tour at the completion of the Water Authority’s Manchester Wetlands Mitigation Project, the first wetlands project created by the Water Authority.

Staff planned an issues briefing in June for print and electronic media executives.

**Publications**
Staff conducted an editorial planning session, edited articles, prepared layout, updated the distribution list, and prepared to issue *Water Source*, the Water Authority’s bi-monthly electronic newsletter in May.

**School Education**

Staff participated at this year’s Earth Day in Balboa Park. Staff continued working with a landscape designer to create a model Xeriscape garden at this year’s San Diego County Fair.

Staff and ITV completed filming the fourth grade water history video project and began the editing process. Staff also attended a DWR education committee meeting, hosted a WateReUse Education Curriculum Committee meeting, and participated in a Fire Recovery Curriculum Project sponsored by SDSU.

Staff presented awards to this year’s science fair winners at the April board meeting and helped judge a poster contest sponsored by the city of San Diego’s water department. Staff also held a Xeriscape gardening workshop for teachers, made classroom presentations, provided teacher in-service training, and responded to requests for materials from teachers and member agencies.

**CIP Projects**

**Emergency Storage Project**

Staff joined local Elfin Forest officials in escorting and briefing judges of the “America in Bloom” nationwide contest that measures a community’s beauty, tidiness and environmental awareness. Judges toured the Elfin Forest Recreational Reserve, the Escondido Creek Riparian Enhancement Project, the OMWD Water Treatment Plant and the Olivenhain Dam. Judges were provided briefings on the projects and lunch at the reservoir overlook.

**Lake Hodges Pipeline and Pump Station**

A joint Water Authority-SDG&E meeting comprised of public affairs representatives and project team engineers was held at Lake Hodges following complaints by a local resident that violations of the Emergency Storage Project EIR were taking place. The purpose of the meeting was review and resolve all documented violations and ensure compliance within the prescribed limits of the EIR.

**San Vicente Pipeline and Related Projects**

Staff and the consultant conducted six stakeholder interviews for the San Vicente Pipeline project. Staff offered project briefings to affected community planning groups. Staff made presentations to the Poway City Council and the Goodan Ranch Policy Committee and began planning a tour for community leaders to tour the pipeline alignment.
Mission Trails Projects

Staff attended the April meeting of the Tierrasanta Community Council to provide a project update. Staff sent a letter announcing a scoping meeting and the preparation of an environmental impact report to more than 7,000 residents and stakeholders. Fifteen people attended the scoping meeting, including representatives of Tierrasanta Community Council and Navajo Community Planners, park volunteers and residents of Tierrasanta. Staff confirmed participation of eight community representatives who will serve on a public working group this spring and summer that will provide input to the Water Authority on ways to address community concerns. Staff worked with the consultant to draft a project newsletter and a fact sheet and finalized preparations to host a tour of the project site for the Citizens’ Advisory Committee for Mission Trails Regional Park.

Pomerado Pipeline 4 Relining

On April 14, staff made a presentation to the Scripps Ranch Planning Group. Staff coordinated with the contractor on restoration issues and shutdown schedule.

Del Dios Pipeline 4 Relining

On April 11, staff conducted a briefing with Supervisor Horn and prepared a letter to outline the scope of the project to The Crosby Estates. Staff communicated with developers in the impacted areas.

Black Mountain Ranch-to-Black Mountain Vent Relining

Staff updated the project fact sheet and information line.

Paint Mountain to Del Dios Pipeline 4 Relining

Staff coordinated with Elfin Forest Town Council and made a PowerPoint presentation at the May 4 meeting.

Moreno-Lakeside Project

Staff coordinated with a local resident to address concerns about a project drainage ditch, which displaced a local equestrian trail. The Water Authority is meeting with County Public Works Traffic Engineering to determine a way to modify the ditch or create a new equestrian trail parallel to the previous one.

Seawater Desalination Program

Staff prepared a joint letter, signed by Carlsbad Mayor Bud Lewis and Chairman Jim Bond, announcing the interagency agreement approved by the Carlsbad City Council and the Water Authority board of directors. The letter was sent to approximately 400 public officials, business and community leaders and stakeholders in the county. A second letter was sent to city
managers under Chairman Bond’s signature offering a presentation to city councils on seawater desalination. Staff provided an update on the agreement to key regional organizations and to state and federal legislators. Staff produced five new or updated fact sheets on seawater desalination, the project in Carlsbad and the conveyance facilities. The outreach team, supported by the public relations consultant, planned small-group briefings about the project for community leaders in North County, to be hosted in May. The outreach team also visited approximately 50 businesses near the potential pipeline alignments to provide information about the conveyance project.

**Twin Oaks Valley Water Treatment Plant**

Staff informed the community that additional field work would be performed at the project site and that staff would host the Engineering and Operations tour for members of the board of directors.

**Rancho Peñasquitos Pressure Control and Hydroelectric Facility**

Staff hosted an engineering and operations tour for members of the board of directors. Staff invited community members to participate in a community site tour on April 14. The construction manager and contractor’s representative were on site to answer technical questions about the project. Staff met with a member of the local planning group to discuss landscaping and fencing plans. Staff participated in weekly construction progress meetings.