



8:00 A.M. OPERATIONS CENTER - 1200 SOUTH GENE AUTRY TRAIL – PALM SPRINGS – CALIFORNIA

*Pursuant to Assembly Bill 361 (AB361), there will be no public location for attending in person. This meeting will be held virtually because state and local officials recommend measures to promote social distancing. Members of the public who wish to participate may do so by calling in at:*

**Toll Free: (253) 215-8782**

**Meeting ID: 867 6466 2287**

**Pass Code: 896564**

**or Via Computer:**

**<https://dwa-org.zoom.us/j/86764662287?pwd=Q3N4ME91YjZRODBVNUsySXVjaU1qUT09>**

**Meeting ID: 867 6466 2287**

*Members of the public who wish to comment on any item within the jurisdiction of the Agency or any item on the agenda may submit comments by emailing [sbaca@dwa.org](mailto:sbaca@dwa.org) or may do so during the meeting. Comments will become part of the Board meeting record. Board members and staff will be participating in this meeting via teleconference.*

***\*In order to reduce feedback, please mute your audio when you are not speaking.***

---

*De acuerdo con el proyecto de Ley de la Asamblea 361 (AB361), no habrá un lugar público para asistir en persona. Esta reunión se llevará a cabo virtualmente porque los funcionarios estatales y locales recomiendan medidas para promover el distanciamiento social. Los miembros del público que deseen participar pueden hacerlo llamando al:*

**Numero gratuito: (253) 215-8782**

**ID de reunión: 867 6466 2287**

**código de acceso: 896564**

**o a través de la computadora:**

**<https://dwa-org.zoom.us/j/86764662287?pwd=Q3N4ME91YjZRODBVNUsySXVjaU1qUT09>**

**ID de reunión: 867 6466 2287**

*Los miembros del público que deseen comentar sobre cualquier tema dentro de la jurisdicción de la Agencia o cualquier tema en la agenda pueden enviar comentarios por correo electrónico a [sbaca@dwa.org](mailto:sbaca@dwa.org) o pueden hacerlo durante la reunión. Los comentarios pasarán a formar parte del registro de la reunión de la Junta. Los miembros de la junta y el personal participarán en esta reunión por teleconferencia.*

***\*Para reducir los comentarios, silencia el audio cuando no estés hablando.***

- 
- |   |                |
|---|----------------|
| <b>1. CALL TO ORDER/PLEDGE OF ALLEGIANCE</b>  | <b>BLOOMER</b> |
| <b>2. ROLL CALL</b>   | <b>BACA</b>    |
| <b>3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:</b> Members of the public may comment on any item not listed on the agenda, but within the jurisdiction of the Agency. Speakers are requested to keep their comments to no more than three (3) minutes. As provided in the Brown Act, the Board is prohibited from acting on items not listed on the agenda. |                |
| <b>4. PUBLIC COMMENT ON LISTED AGENDA ITEMS:</b> Members of the public may also comment on items listed on the agenda that are not the subject of a public hearing, at this time. Again, speakers are requested to keep their comments to no more than three (3) minutes.   |                |
| <b>5. ACTION ITEM: PUBLIC HEARING PORTION OF THE AGENDA</b>   |                |
| A. Public Hearing #3 on Electoral Division Map Adoption   | <b>METZGER</b> |
| Adoption of Ordinance No. 73  |                |

**6. CONSENT CALENDAR ITEMS:** Items listed under the Consent Calendar are considered to be routine and will be acted upon by one motion of the Board without discussion. There will be no separate discussion on these items unless a Board Member requests a specific item to be discussed and/or removed from the Consent Calendar for separate action.

- A. Approve minutes of the March 15, 2022 Board Meeting
- B. Receive and File – Memo on March 17, 2022 State Water Contractors’ Meeting
- C. Receive and File – Minutes of the March 24, 2022 Conservation & Public Affairs Meeting
- D. Receive and File - Minutes of the March 31, 2022 Executive Committee Meeting
- E. Receive and File – February Water Use Reduction Figures
- F. Request Authorization to Continue Virtual Board and Committee Meetings for Another 30 Days Based Upon a Determination That In-Person Meetings Would Pose a Risk to Public Health (Per AB 361)
- G. Annual Reporting of Back-up Facility and Capacity Charges
- H. Request Adoption of Resolution No. 1272 Authorizing and Approving Submission for a U.S. Bureau of Reclamation Small-Scale Water Efficiency Projects Grant
- I. Request Approval of Budget Augmentation for Palm Springs North Reservoir Phase III Fire Hazard Abatement Project.

**7. ACTION ITEM:**

- A. Request Adoption of the Legislative Committee’s Bill Position Recommendation **KRAUSE/REEB**

**8. DISCUSSION ITEM:**

- A. Executive Order N-7-22 on Drought Emergency **METZGER**

**9. GENERAL MANAGER’S REPORT**

**KRAUSE**

**10. DIRECTORS COMMENTS/REQUESTS**

**11. CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9 (d) (1)

Name of Case: Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al  
(Two Cases)

**B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9 (d) (1)

Name of Case: Mission Springs Water District vs. Desert Water Agency

**C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9 (d) (1)

Name of Case: AT&T vs. County of Riverside

**D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9 (d) (1)

Name of Case: Albrecht et al vs. County of Riverside

**E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9 (d) (1)

Name of Case: Abbey et al vs. County of Riverside

F. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION (Government Code Section 54956.9(e)(1))  
Potential Exposure to Litigation Pursuant to Section 54956.9(d) (2)  
One Case

**12. RECONVENE INTO OPEN SESSION – REPORT FROM CLOSED SESSION**

**13. ADJOURN**

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting is asked to contact Desert Water Agency's Assistant Secretary of the Board, at (760) 323-4971, at least 48 working hours prior to the meeting to enable the Agency to make reasonable arrangements. Copies of records provided to Board members that relate to any agenda item to be discussed in open session may be obtained from the Agency at the address indicated on the agenda.

**DECLARATION OF POSTING**

Pursuant to Government Code Section 54954.2, I certify that this agenda has been posted at least 72 hours prior to the meeting on the Agency's website at [www.dwa.org](http://www.dwa.org) and at the Agency's main office, 1200 South Gene Autry Trail, Palm Springs, CA.

Sylvia Baca, MMC  
Assistant Secretary of the Board

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: PUBLIC HEARING #3 ON ELECTORAL DIVISION MAP ADOPTION,  
ADOPTION OF ORDINANCE NO. 73**

Every ten years, agencies with by-district election systems must use new census data to review and, if needed, redraw electoral division lines to reflect how local populations have changed. This process, called redistricting, ensures all divisions comply with both the California and federal Voting Rights Acts.

Requirements for redistricting include:

- Revised electoral districts must be “substantially equal in population as required by U.S. Constitution.”
  - Balance must comply with US and Calif. Constitutions and Federal Voting Rights Act (FVRA) Section 10301 of Title 52 of the United States Code, as amended.
  - Population equality is based on total population of District residents (not customers) per U.S. Census
  - Incarcerated persons only counted if last known residence may be assigned to a City census block
  - In adjusting the boundaries of the divisions, the board may give consideration to the following factors:
    - (1) topography,
    - (2) geography,
    - (3) cohesiveness, contiguity, integrity, and compactness of territory, and
    - (4) community of interests of the division.

This section does not apply to divisions in which only landowners vote for directors or whose directors are all elected at large or appointed.

- Boundaries shall not be drawn to favor or discriminate against a political party.
- Change of boundaries shall not affect the unexpired term of office of any elected Board member.

Analysis of DWA's current division boundaries, adjusted for the 2020 Census data, shows the divisions are no longer population-balanced. The district's population is 96,419. The ideal division population is one-fifth of that number, or 19,284.

Determining population balance is done by measuring the spread, or deviation, between the least populated division and the greatest populated division. Deviations of 10% or less are generally considered acceptable under U.S. Supreme Court rulings on the equal population standard under the U.S. Constitution.

The current population of Division 1 is under the ideal at -10.77% while Division 3 is considerably over the ideal at 17.59%. Combined, those deviations bring the district's current total deviation to a substantial 28.36%. As such, the division boundaries must be adjusted to achieve a population balance with less than a 10% deviation

Another consideration is the distribution of minority voters throughout the agency, and whether there is a possibility of creating a majority/minority voting district as addressed in the federal Voting Rights Act. This analysis involves reviewing the ethnicity demographics from the census data, specifically citizens of voting age populations (CVAP). Upon review of the district's CVAP data, creation of a majority/minority voting district (a division in which an identified minority comprises the majority of voting age population) is possible. While no division currently represents a majority/minority voting division, the concentration of Hispanic citizens of voting age suggests that a majority/minority voting division may be drawn.

The Agency held the first of a minimum of two required public hearings on September 21, 2021, to receive testimony and comments from Agency board members and the public. DWA held its second public hearing on March 15, 2022. In addition to the first two public hearings, the Agency conducted two virtual community workshops, on January 26, 2022 and February 9, 2022. Following the first public hearing and community workshops, the Agency's redistricting consultant prepared seven draft maps reflecting the 2020 census data and considering any comments received. In addition, two maps were received from members of the public. At the public hearing held on March 15<sup>th</sup>, the Board narrowed its focus to Consultant Maps 2.1 and 4.1.

Both maps are summarized below, and images, with complete demographic data, is attached to this report. Further, an online link to view the maps, with full search, zoom, and other geolocation features enabled, may be found here:

[VIEW DWA MAPS ONLINE](#)

## **Draft Map Options**

### **Map Option 2.1**

- Revision to Option 2
- Is population balanced with a deviation of 8.63%
- Creates compact, contiguous divisions
- Exhibits significant change from the current boundary map, although retains components of each existing division
- Draws Division 2 as a majority/minority Hispanic voting division

- Defers a population of 1793 from a 2022 voting cycle to a 2024 voting cycle
- Does not accelerate any populations

#### Map Option 4.1

- Is population balanced with a deviation of 3.84%
- Creates compact, contiguous voting divisions
- Respects communities of interest in the Palm Springs community
- Divides North Palm Springs community of interest
- Draws Division 1 as a majority/minority Hispanic voting division
- Renumbers several divisions, therefore moving substantial populations between voting cycles
- Defers a population of 7,998 from a 2022 voting cycle to a 2024 voting cycle
- Accelerates a population of 9,941 from a 2024 voting cycle to a 2022 voting cycle

The current redistricting process for Desert Water Agency must be completed by April 17, 2022.

Fiscal impact: None

Recommendation:

Staff requests:

1. The Board receive a report from BB&K Election Services on the redistricting requirements and review draft maps
2. Open a public hearing to receive testimony and comments regarding Agency division boundaries and proposed maps
3. Close the public hearing and select a preferred map
4. Adopt Ordinance No. 73: Ordinance of Desert Water Agency Adjusting Boundaries of Director Electoral Divisions

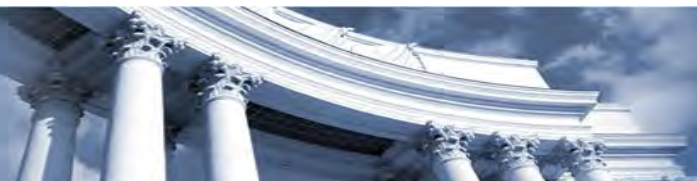
Attachment

Powerpoint Presentation with Maps and Demographic Analysis  
Ordinance No. 73



# 2022 Redistricting Public Hearing No. 3

April 5, 2022



[www.bbklaw.com](http://www.bbklaw.com)  
© 2021 BEST & KRIEGER LLP

# Desert Water Agency

2021/22 Redistricting Process

## AGENDA

---

- 01 Review Draft Maps
- 02 Conduct Public Hearing
- 03 Adopt Ordinance approving final map



# Redistricting Rules & Goals

## Federal Law

- Equal Population
- Federal Voting Rights Act
- No Racial Gerrymandering



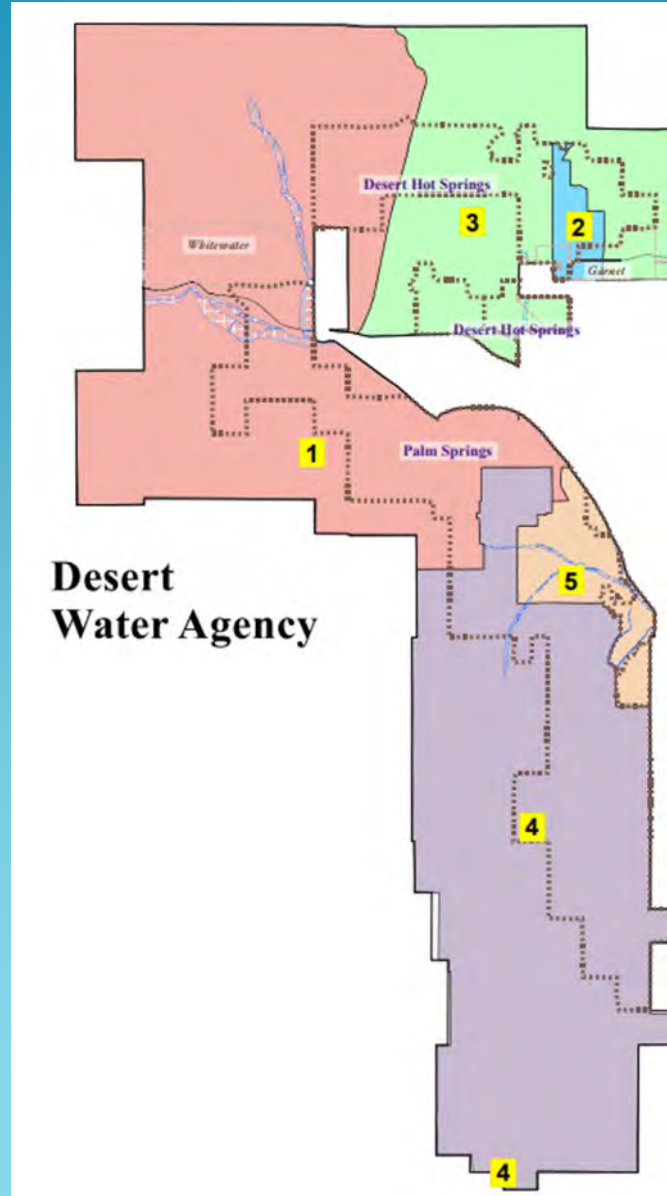
## California Criteria for Special Districts

- Topography
- Geography
- Cohesiveness, Contiguity, Integrity of territory
- Communities of Interest

## Other traditional principles

- Minimize voters shifted to different election years
- Respect voters' choices / continuity in office
- Future population growth
- Preserving the core of existing divisions

# EXISTING DISTRICTS



# Existing Divisions with 2020 Census Data

Division	Total Pop	% Dev.	CVAP19 Total	CVAP19 NL White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN*	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	17,207	-10.77%	13,129	8,266	1,075	2,950	10,124	45	546	29	63
2	20,568	6.66%	10,305	3,660	1,245	4,738	5,414	60	259	8	35
3	22,676	17.59%	12,505	6,614	1,220	4,290	8,430	69	309	19	42
4	18,646	-3.31%	15,502	12,233	370	2,141	13,335	165	359	5	33
5	17,322	-10.17%	13,923	9,038	432	3,348	10,574	127	690	25	51

**Total Population: 96,419 • Ideal Population: 19,284 • Total Deviation: 28.36%**

# Findings – Existing Divisions

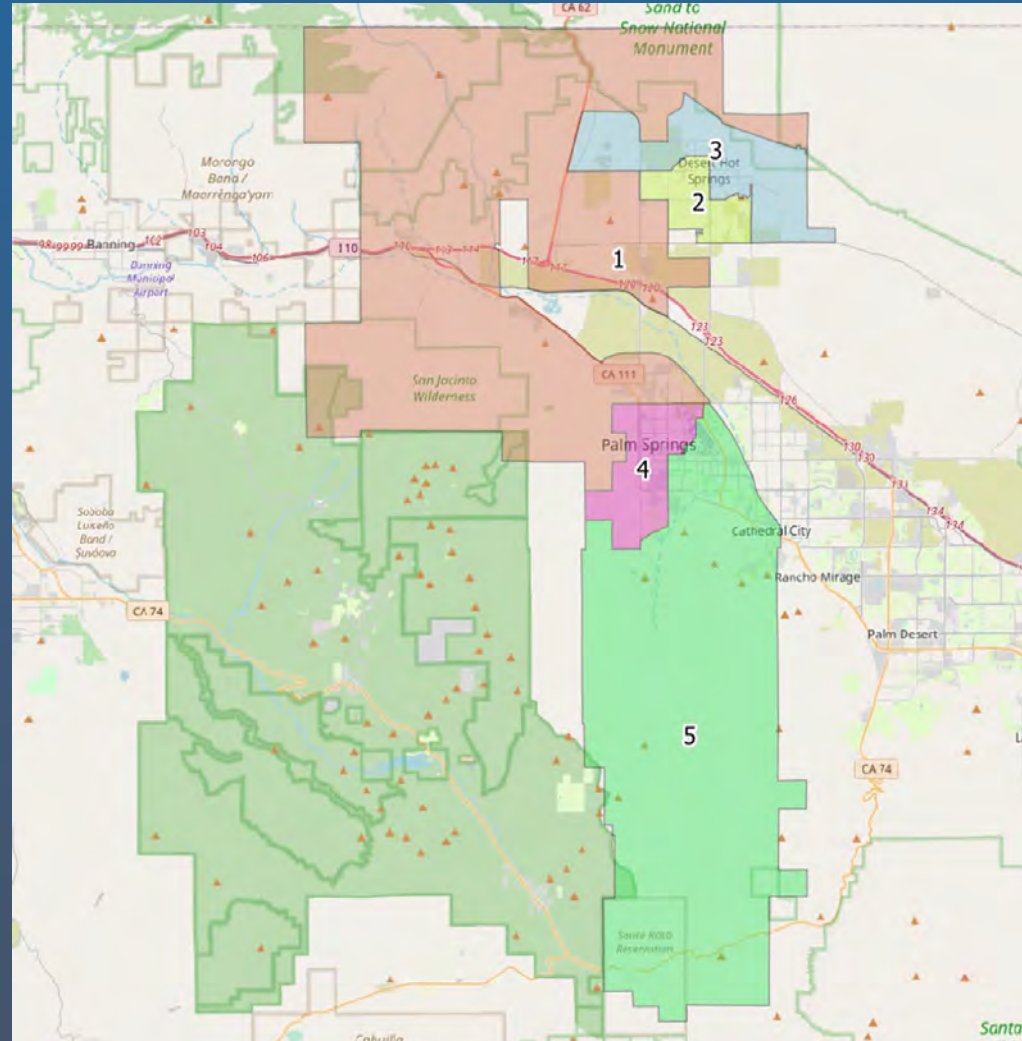
- Total Deviation is above the acceptable range of 10% at 28.36%
- No Division is a true majority/minority voting district with a 50% + 1 concentration of any given minority using Citizen Voting Age Population
- Divisions 1 and 2 represent combined majority/minority districts, where all minorities represent greater than 50% + 1 of the Citizen Voting Age Population
- Divisions must be adjusted for population balance

# Draft Maps

1. Nine map options were presented
2. On March 15, Board narrowed its focus to maps 2.1 & 4.1
3. Today, staff recommends adopting Ordinance 73 with a final map selection



# MAP OPTION 2.1





# Map Option 2.1 with 2020 Census Data

Division	Total Pop	% Dev.	CVAP19 Total	CVAP19 NL White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN*	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	19,190	-0.49%	14,092	8,762	1,126	3,295	10,749	58	576	29	66
2	18,930	-1.83%	9,319	3,206	922	4,743	4,539	26	227	-	18
3	20,538	6.50%	11,131	5,390	1,475	3,822	7,408	81	264	27	55
4	18,887	-2.06%	15,560	12,299	366	2,135	13,390	81	389	5	28
5	18,874	-2.13%	15,262	10,154	453	3,472	11,791	220	707	25	57

**Total Population: 96,419 • Ideal Population: 19,284 • Total Deviation: 8.63%**

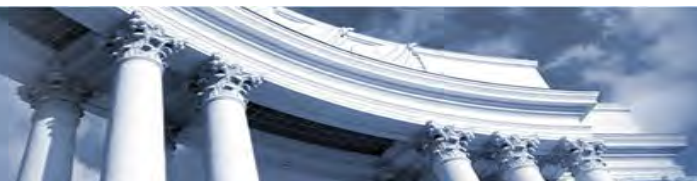
\*



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

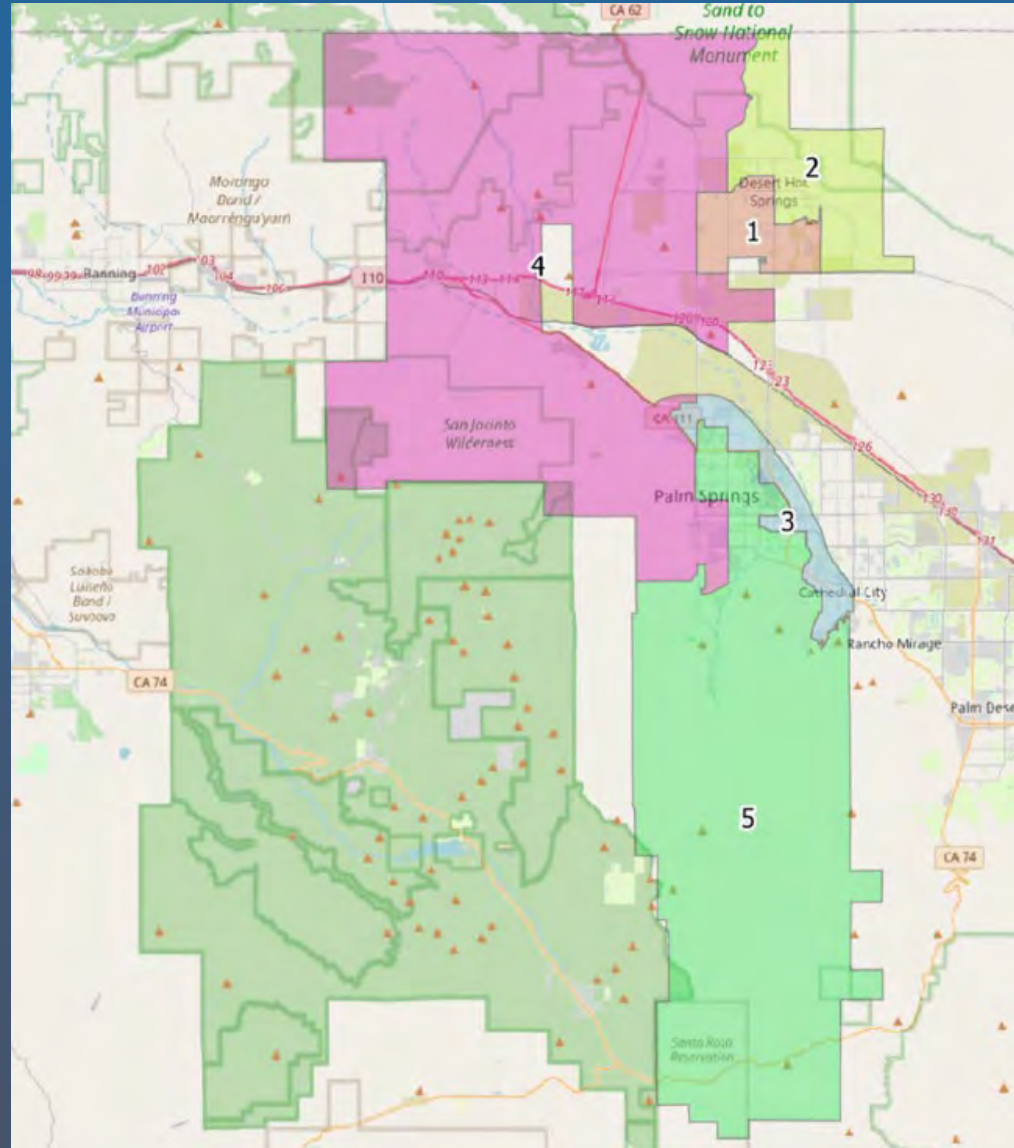
# Findings – Map Option 2.1

- Total Deviation is below the acceptable range of 10% at 8.63%
- Creates compact, contiguous divisions
- Exhibits significant change from the current boundary map, although retains components of each existing division
- Draws Division 2 as a majority/minority Hispanic voting division
- Defers a population of 1793 from a 2022 voting cycle to a 2024 voting cycle
- Does not accelerate any population from 2024 to 2022 voting cycle





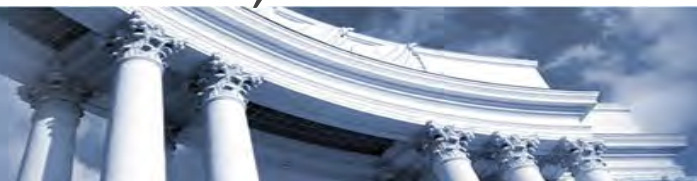
# MAP OPTION 4.1



# Map Option 4.1 with 2020 Census Data

Division	Total Pop	% Dev.	CVAP19 Total	CVAP19 NL White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN*	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	19,035	-1.29%	9,378	3,259	924	4,757	4,597	26	231	-	18
2	19,706	2.19%	10,714	5,181	1,450	3,706	7,148	81	260	27	55
3	19,042	-1.25%	13,907	8,019	959	3,754	10,059	26	774	21	63
4	19,670	2.00%	14,730	10,536	454	2,848	11,811	75	413	6	54
5	18,966	-1.65%	16,635	12,816	556	2,402	14,262	258	486	32	34

**Total Population: 96,419 • Ideal Population: 19,284 • Total Deviation: 3.84%**



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

# Findings – Map Option 4.1

- Is population balanced with a deviation of 3.84%
- Creates compact, contiguous voting divisions
- Respects communities of interest in Palm Springs, but divides North Palm Springs
- Draws Division 1 as a majority/minority Hispanic voting division
- Renumbers several divisions, therefore moving substantial population between voting cycles
- Defers a population of 7,998 from a 2022 voting cycle to a 2024 voting cycle
- Accelerates a population of 9,941 from a 2024 voting cycle to a 2022 voting cycle



# Public Hearing & Discussion

1. Review draft maps
2. Open public hearing to receive testimony
3. Close public hearing
4. Board discussion and map selection
5. Adopt Ordinance 73 approving final map



# Timeline & Next Steps

<b>September 21, 2021</b>	Public Hearing No. 1
<b>March 15, 2022</b>	Public Hearing No. 2
<b>January 26, 2022</b>	Community Workshop
<b>February 9, 2022</b>	Community Workshop
<b>April 5, 2022</b>	Public Hearing No. 3 Adopt Ordinance 73 approving final map
<b>April 17, 2022</b>	Deadline to adopt and submit map to Registrar of Voters
<b>November 8, 2022</b>	2022 Election

## **ORDINANCE NO. 73**

### **ORDINANCE OF DESERT WATER AGENCY ADJUSTING BOUNDARIES OF DIRECTOR ELECTORAL DIVISIONS**

**WHEREAS**, Desert Water Agency began its transition to an election by division system with a resolution adopted in 2019; and

**WHEREAS**, on July 16, 2019, the Board selected a Director electoral map and adopted Ordinance No. 69 to transition to an election by division system with divisions configured based upon the 2010 Census population information; and

**WHEREAS**, the 2020 Census has provided an updated tally of population within Desert Water Agency's boundaries, and the Census results reveal the need to adjust the Agency's division boundaries; and

**WHEREAS**, in July of 2021 Desert Water Agency retained BB&K Election Services to assist the Agency with the process of analyzing the Agency's population, assessing the need to redraw the Agency's division map, developing draft maps, and gathering input from residents on the possible maps; and

**WHEREAS**, at public hearings conducted virtually on September 21, 2021 and March 15, 2022, members of the public were invited to provide input regarding the composition of the Agency's divisions, and the Board of Directors discussed and considered the same; and

**WHEREAS**, at community workshops conducted virtually on January 26, 2022 and February 9, 2022, members of the public were invited to provide input regarding communities of interest and the configuration of the Agency's divisions; and

**WHEREAS**, the demographers prepared seven draft maps, members of the public submitted two additional alternative draft maps, and all nine maps were published at least seven days in advance of the Agency's public hearing conducted on March 15, 2022; and

**WHEREAS**, in addition to two public hearings and two additional workshops conducted previously, the Board has now completed a third public hearing conducted on April 5, 2022, during which all members of the public who wanted to provide input on the draft maps were given an opportunity to do so; and

**WHEREAS**, following the conclusion of the April 5, 2022 public hearing, the Board of Directors has decided to approve the proposed division boundaries shown on Draft Map \_\_; and

**WHEREAS**, throughout the process, the Agency has reached out to the public for its input, and the Board of Directors has satisfied all legal prerequisites to the adoption of this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of Desert Water Agency as follows:

**Section 1**      **Incorporation of Recitals.**

All of the foregoing recitals are true and correct, and the Board so finds and determines. The recitals set forth above are incorporated herein and made an operative part of this Ordinance.

**Section 2**      **Completion of Public Hearings.**

The Board conducted the third of three public hearings on April 5, at 8:00 a.m. to receive oral and written testimony regarding the updated electoral map drafts.

**Section 3**      **Establishment of Divisions.**

Pursuant to the provisions of the Fair Maps Act of 2019 as amended in 2020, codified at California Elections Code section 21500 to 21509, after giving consideration to those provisions and applicable decisions of the courts, the Board of Directors hereby adjusts, changes, and establishes the boundaries of the Director divisions as set forth on the map attached hereto as Exhibit A, and the division boundaries reflected on said map shall constitute and are hereby established as the boundaries of the Director divisions of the Desert Water Agency for subsequent elections until further adjustment is required by law.

**Section 4**      **Election Process.**

A.      Members of the Board of Directors shall be elected in the electoral divisions established by this Ordinance, which may be subsequently reapportioned as provided for in State law. Elections shall take place “by division,” meaning that one Director shall be elected from each division, by the voters of that division alone.

B.      No term of any member of the Board of Directors that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.

C.      A Director elected or appointed to represent a division must reside in that division and must be a registered voter in that division, and any candidate for the Board must reside in, and be a registered voter in, the division in which he or she seeks election at the time nomination papers are issued.

D.      Notwithstanding any other provision of this Ordinance, each Director in office at the time this Ordinance takes effect shall continue in office until the expiration of the term to which he or she was elected.

E.      The term of each Director elected to the Board of Directors shall remain four (4) years.



**Section 5**      Adjustment of Boundaries.

Pursuant to Elections Code section 22000, as it may be amended from time to time, the Board of Directors shall adjust the boundaries of any or all of the divisions following each decennial federal census to ensure that the divisions are in compliance with all applicable provisions of law.

**Section 6**      Exemption from CEQA.

The Board of Directors finds that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Section 7**      Effective Date.

The President of the Board of Directors shall sign this ordinance and the Secretary of the Board of Directors shall attest thereto, and this ordinance shall be in full force and effective immediately upon adoption. Within 15 days after adoption of this ordinance, the ordinance shall be published with the names of those Directors voting for and against this ordinance and a certified copy of the full text of this ordinance, along with the names of those Directors voting for and against this ordinance, shall be posted in the Agency's office. In addition, the Secretary of the Board of Directors shall transmit a certified copy thereof to the Registrar of Voters for the County of Riverside, California.

**Section 8**      Validity.

If any section, subsection, clause or phrase in this ordinance is for any reason held invalid, the validity of the remainder of this ordinance shall not be affected thereby. The Board hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**ADOPTED** this 5<sup>th</sup> day of April, 2022.

---

Kristin Bloomer, President

ATTEST:

---

Joseph K. Stuart, Secretary-Treasurer



I, Sylvia Baca, Assistant Secretary of the Board of Directors DO HEREBY CERTIFY that the foregoing Ordinance No. 73 was duly adopted at a regular meeting of the Board of Directors of the Desert Water Agency on April 5, 2022 by the following roll call vote:

AYES: DIRECTORS:  
NOES: DIRECTORS:  
ABSENT: DIRECTORS:  
ABSTAIN: DIRECTORS:

Dated: April 5, 2022

---

Sylvia Baca  
Assistant Secretary of the Board

**MINUTES  
OF THE REGULAR MEETING  
OF THE  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**6-A**

**March 15, 2022**

DWA Board via Kristin Bloomer, President )  
Teleconference: James Cioffi, Vice President )  
Joseph K. Stuart, Secretary-Treasurer )  
Patricia G. Oygar, Director )  
Paul Ortega, Director )

DWA Staff via Mark S. Krause, General Manager )  
Teleconference: Steve Johnson, Assistant General Manager )  
Esther Saenz, Finance Director )  
Sylvia Baca, Asst. Secretary of the Board )  
Ashley Metzger, Dir. Public Affairs & Water Planning )  
Kim McCance, Senior Administrative Asst. )

Consultants via Michael T. Riddell, Best Best & Krieger )  
Teleconference: Matthew Richardson, Best Best & Krieger )

Public via Marion Champion, Mission Springs Water District )  
Teleconference: Randy Duncan, Mission Springs Water District )  
David Freedman, Palm Springs Sustainability Comm. )  
Julia Gomez, American Civil Liberties Union )  
Steve Grasha, Desert Hot Springs resident )  
Maribel Nunez, California Partnership )

19387. President Bloomer opened the meeting at 8:00 a.m. and asked everyone to join her in the Pledge of Allegiance. **Pledge of Allegiance**

19388. President Bloomer called upon Assistant Secretary of the Board Baca to conduct the roll call: **Roll Call**

Present: Ortega, Oygar, Stuart, Cioffi, Bloomer

19389. President Bloomer opened the meeting for public comment. **Public Comment**

Mr. Freedman gave an update on the Palm Springs Airport Demonstration Garden. Mr. Freedman

There was no one else from the public wishing to address the Board at this time.

**Public Comment**  
(Cont.)

19390. President Bloomer called for approval of the Consent Calendar. She noted that the Consent Calendar items 4-A through 4-G are expected to be routine and to be acted upon by the Board of Directors at one time without discussion. If any Board member requests that an item be removed from the consent calendar, it will be removed so that it may be presented separately.

- A. Approve Minutes of the March 1, 2022 Regular Board Meeting
- B. Approve Minutes of the March 10, 2022 Special Board Meeting
- C. Receive and File - Minutes of the March 2, 2022 Finance Committee Meeting
- D. Receive and File - Minutes of the March 8, 2022 Finance Committee Meeting
- E. Receive and File - Minutes of the March 10, 2022 Executive Committee Meeting
- F. Receive and File – February Activities & Events for the Public Affairs & Water Planning Department
- G. Request Authorization to Suspend Disconnection of Service for Non-Payment to Maximize Customer Relief Funding

**Approval of the Consent Calendar**

- A. March 1, 2022 Regular Board Mtg. Meeting Minutes
- B. March 10, 2022 Special Board Mtg. Meeting Minutes
- C. March 2, 2022 Finance Comm. Mtg. Minutes
- D. March 8, 2022 Finance Comm. Mtg. Minutes
- E. March 10, 2022 Executive Comm. Mtg. Minutes
- F. February Activities & Events
- G. Request Authorization to Suspend Disconnection of Service for Non-Payment to Maximize Customer Relief Funding

Vice President Cioffi requested Item 4-G be pulled for discussion.

Mrs. Saenz reported that in response to the economic impact of Covid-19, the Agency has actively pursued funding sources made available in order to assist customers with their delinquent bills. The Agency received funding from the California Water and Wastewater Arrearage Payment Program (CWWAPP) on January 28, 2022. She explained that soon after, DWA found an error that resulted in program disbursement to the Agency of approximately 70% of eligible amounts rather than the anticipated 100%. As a result, Management suspended disconnections to ensure that customers would remain eligible for as much assistance funding as possible. Mrs. Saenz noted that the Agency is unable to apply for additional drinking water funding through the California Water and Wastewater Arrearage Payment Program because the legislation restricts check distributions after January 31, 2022. She reported that at the March 2, 2022 Finance Committee meeting, staff presented recommended next steps to provide support for delinquent water accounts. To do this most effectively, staff also recommended temporarily suspending disconnection of service for non-payment. The Finance Committee supported staff recommendations.

Mrs. Saenz noted that the Agency is currently compiling the application for the wastewater component of CWWAPP. Additionally, in

May or June 2022, the Low Income Household Water Assistance Program (LIHWAP) will launch. Low-income residential customers will be able to apply through the County for these funds, which will be paid directly to the Agency. The goal of these programs is to assist customers who are having issues paying their bill and prevent service disconnection due to non-payment.

**Approval of the  
Consent Calendar  
Items A - G  
(Cont.)**

There being no additional questions or comments, Vice President Cioffi moved for approval of Items 4-A thru 4-G. After a second by Secretary-Treasurer Stuart, the Consent Calendar was approved by the following roll call vote:

AYES: Ortega, Oygar, Stuart, Cioffi, Bloomer  
NOES: None  
ABSENT: None  
ABSTAIN: None

19391. President Bloomer opened the public hearing to provide input on the Agency's Electoral Division Maps at 8:14 a.m.

**Public Hearing Open**  
Electoral Divisions  
Map

President Bloomer called upon Director of Public Affairs & Water Planning Metzger to present her report regarding Electoral Division Maps Public Hearing.

Mrs. Metzger noted that staff recommends the Board accept additional public testimony on existing map drafts, eliminate any maps that no longer merit consideration, provide Board feedback on any additional mapping requests and schedule a third public hearing for April 5, 2022 to consider and adopt a final boundary map. She then introduced and asked Matthew Richardson with Best Best & Krieger, Election Services to present his report. Mr. Richardson gave a Power Point Presentation regarding; 1) Redistricting process including the legal process, 2) Review maps noting preeminent considerations, equal population, geographically contiguous divisions, and geographically compact, and, 3) Important Considerations, communities of interest, physical boundaries, natural or artificial barriers, roadways, rivers, railways, parks, schools and other landmarks, and geographic integrity.

Mr. Richardson displayed nine draft maps noting the Board may request revisions, new maps be drawn or the Board may select a preferred map which will come back for adoption at the third public hearing. He explained the next steps would be the third public hearing on April 5 adopting a resolution approving the final map, noting April 17 is the deadline to adopt and submit map to the Registrar of Voters.

President Bloomer called for public comments.

**Public Hearing Open**  
(Cont.)  
Public Comments

Mr. Freedman, Palm Springs resident, stated he would have preferred to have seen the power point presentation sooner and asked the Board to take another look at Mr. Crawford's map.

Mr. Freedman

Mr. Duncan reported that Mission Springs Water District recommends for consideration Map 2 or Map 2.1.

Mr. Duncan

Mr. Grasha stated he prefers Map 4.1

Mr. Grasha

There being no one else from the public wishing to address the Board, President Bloomer asked for comments from the Board.

In response to Director Ortega, Mr. Richardson explained that maps 2.1 and 4.1 have majority/minority districts.

Secretary-Treasurer Stuart noted that Mr. Crawford's map, Map A does not have a majority/minority district and no communities of interest, which Mr. Richardson confirmed.

After discussions, the Board concurred to eliminate maps 1, 2, 3, 3.1, 4, A, and B, and to move forward with maps 2.1 and 4.1 and to publish a public hearing notice for the April 5 Board meeting.

There being no further discussions, President Bloomer closed the public hearing at 8:56 a.m.

**Public Hearing**  
**Closed**

Vice President Cioffi moved for additional consideration of maps 2.1 and 4.1 After a second by Director Ortega, the motion carried by the following roll call vote:

AYES: Ortega, Oygard, Stuart, Cioffi, Bloomer  
NOES: None  
ABSENT: None  
ABSTAIN: None

19392. President Bloomer called upon Assistant General Manager Johnson to present staff's Request for Adoption of Resolution No. 1270 Authorizing Execution of Additional Funding to the Department of Water Resources for Environmental Planning Costs Associated with the Delta Conveyance Project and Determining the Actions are Exempt from the California Environmental Quality Act.

**Items for Action:**  
Request Adoption of  
Reso. No. 1270,  
Authorizing Add'l  
Funding to DWR for  
Environmental  
Planning Costs  
Associated with the  
DCP

Mr. Johnson gave a Power Point Presentation noting the following highlights: 1) Proposed Board Action, 2) Previous Board Action, 3) DCP – Objective, Schedule & Status, 4) DCP – Cost Information and Cost Allocation, 5) Proposed Board Action, 6) Authorize providing additional funding to the DWR for the Agency’s share of the environmental planning costs associated with the proposed DCP, and 7) Determining that the action is exempt from CEQA.

**Items for Action:**  
(Cont.)  
Request Adoption of  
Reso. No. 1270,  
Authorizing Add’l  
Funding to DWR for  
Environmental  
Planning Costs  
Associated with the  
DCP

Director Ortega moved for approval of staff’s request. After a second by Vice President Cioffi, the motion carried by the following roll call vote:

AYES: Ortega, Oygar, Stuart, Cioffi, Bloomer  
NOES: None  
ABSENT: None  
ABSTAIN: None

#### **RESOLUTION NO. 1270**

**Resolution No. 1270  
Adopted**

#### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DESERT WATER AGENCY (1) AUTHORIZING THE PROVIDING OF ADDITIONAL FUNDING TO THE DEPARTMENT OF WATER RESOURCES FOR THE AGENCY’S SHARE OF THE ENVIRONMENTAL PLANNING COSTS ASSOCIATED WITH THE PROPOSED DELTA CONVEYANCE PROJECT AND (2) DETERMINING THAT THE ACTIONS ARE EXEMPT FROM CEQA**

19393. President Bloomer called upon Secretary-Treasurer Stuart to present an overview of financial activities for the month of February 2022.

**Secretary-Treasurer’s  
Report (February)**

Secretary-Treasurer Stuart reported that the Operating Fund received \$2,557,668 in Water Sales Revenue Receipts, \$29,182 in Reclamation Sales Revenue Receipts, \$17,777 in Power Sales Revenue from SCE for Snow Creek Hydro, \$55,500 in Construction Deposits, and \$204,016 included in the miscellaneous cash receipts from the State Water Resources Control Board for the California Water and Wastewater Arrearage Payment Program. \$2,155,104 was paid out in Accounts Payable. Year-to-date Water Sales are 2% over budget, Year-to-date Total Revenues are 6% over budget; and Year-to-date Total Expenses are 17% under budget. There were a total of 23,350 active services as of February 28, compared to 23,317 active services as of January 31.

Operating Fund

Reporting on the General Fund, Mr. Stuart stated \$7,738,344 was received in Property Taxes, \$76,786 in Groundwater Assessments, and \$1,669 in Power Sales Revenue from SCE for Whitewater Hydro. \$1,369,957 was paid in State Water Project charges (YTD \$14,579,948).

General Fund

Reporting on the Wastewater Fund, Mr. Stuart reported \$87,481 was received in Wastewater Revenue Receipts. \$74,148 was paid out in Accounts Payable.

**Secretary-Treasurer's  
Report (February)**  
(Cont.)  
Wastewater Fund

19394. President Bloomer called upon General Manager Krause to provide an update on Agency operations.

**General Manager's  
Report**

Mr. Krause provided an update on Agency operations for the past several weeks.

19395. At 9:40 a.m., President Bloomer convened into a Teleconference Closed Session for the purpose of Conference with Legal Counsel, (A) Existing Litigation, pursuant to Government Code Section 54956.9 (d) (1), Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al (Two Cases); (B) Existing Litigation, pursuant to Government Code Section 54956.9 (d) (1), Mission Springs Water District vs. Desert Water Agency; et al; (C) Existing Litigation, Pursuant to Government Code Section 54956.9 (d) (1), AT&T vs. County of Riverside; and (D) Potential Litigation, (Government Code Section 54956.9 (e) (1)), Potential Exposure to Litigation Pursuant to Section 54956.9 (d) (2) (One Case).

**Closed Session:**

A. Existing Litigation –  
ACBCI vs. CVWD, et  
al. (2 Cases)  
B. Existing Litigation –  
MSWD vs. DWA  
Agency et al  
C. Existing Litigation -  
Possible Intervention in  
Case: AT&T vs.  
County of Riverside  
D. Possible Litigation -  
Potential Exposure to  
Litigation (1 Case)

19396. At 10:51 a.m., General Manager Krause reconvened the meeting into open session and announced there was no reportable action taken.

**Reconvene – No  
Reportable Action**

19397. In the absence of any further business, General Manager Krause adjourned the meeting at 10:52 a.m.

**Adjournment**

---

Sylvia Baca  
Assistant Secretary of the Board



**BEST BEST & KRIEGER**  
**ATTORNEYS AT LAW**

STATE WATER  
CONTRACTORS MEETING  
March 17, 2022

**I. LEGISLATIVE REPORT**

- (a) Capitol Building annex is shut down for renovation
- (b) Huge turnover expected in the Legislature
  - Redistricting, term limits and resignations
  - 30% turnover expected in the Assembly
  - 10 out of 20 Senators whose terms are up will not run for reelection
  - Redistricting has resulted in very large changes in a lot of districts

**II. DWR MANAGEMENT REPORT – Deputy Director Craddock**

- (a) Commitment to hold operating costs down due to low allocations (low water sales)
- (b) DWR seeking supplemental funding for SWP
  - Oroville spillway cost recovery funds
  - Money for update of flood control manual
  - Aqueduct subsidence funding
  - Grant funds for seismic retrofit for Sisk Dam

**III. SWC PROPOSED SCIENCE PROJECTS**

- (a) Municipal Water Quality Investigations
- (b) Fish entrainment projects
- (c) Research on effect of aquatic weeds in the Delta
- (d) Winter run salmon life cycle model
- (e) Projects related to effects of food web and habitat restoration
- (f) Mechanisms underlying outflow augmentation
- (g) Hosting additional science symposia to promote management of Delta

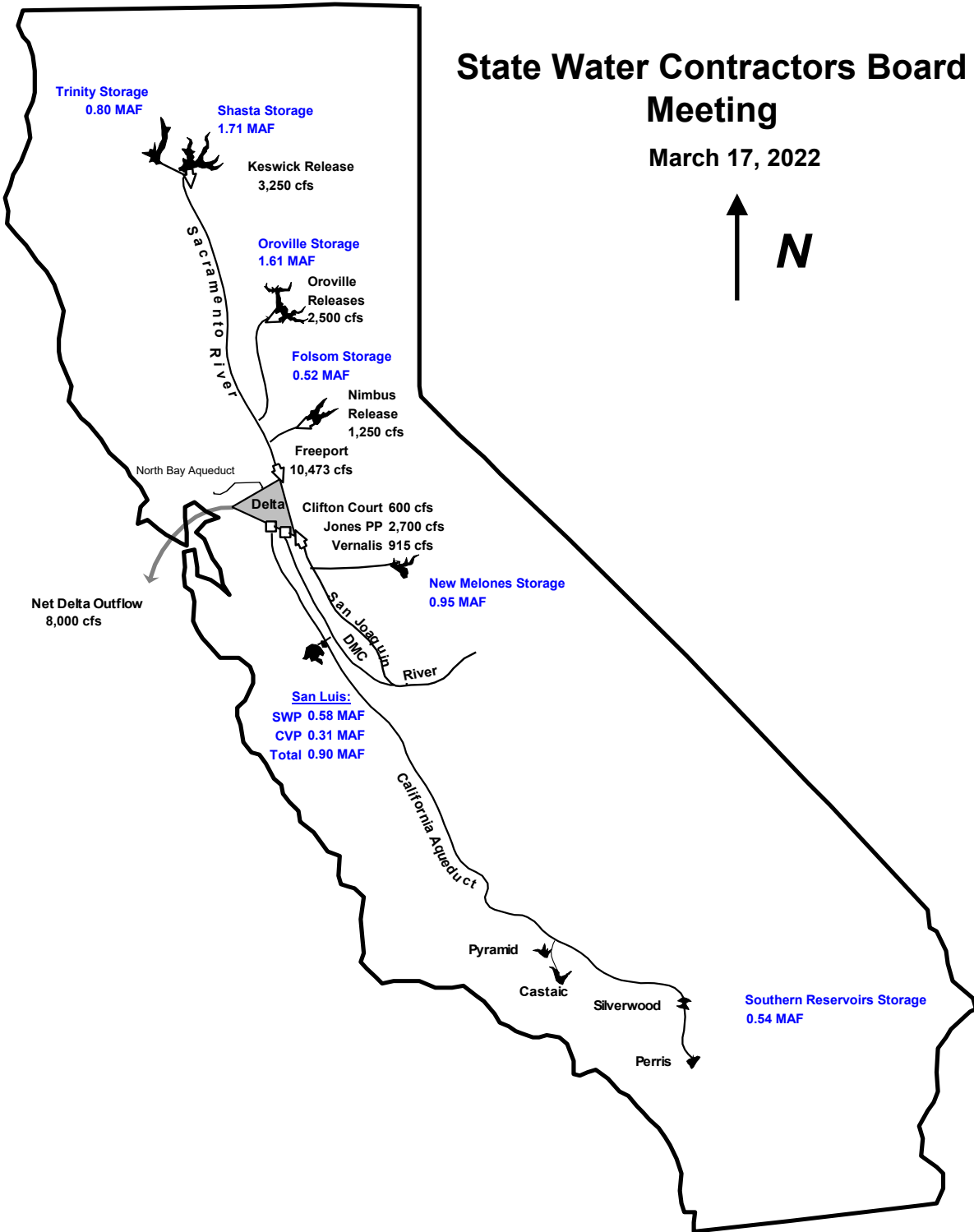
**IV. SWP OPERATIONS REPORT**

- (a) Precipitation has flat-lined in all three Sierra regions since January
  - Driest 13 week period on record
  - An additional ½ inch projected then continued dry
  - State snowpack at 60% of average
  - Oroville storage at 68% of average
  - Shasta storage at 60% of average
  - State storage in San Luis Reservoir at 580,000 acre-feet



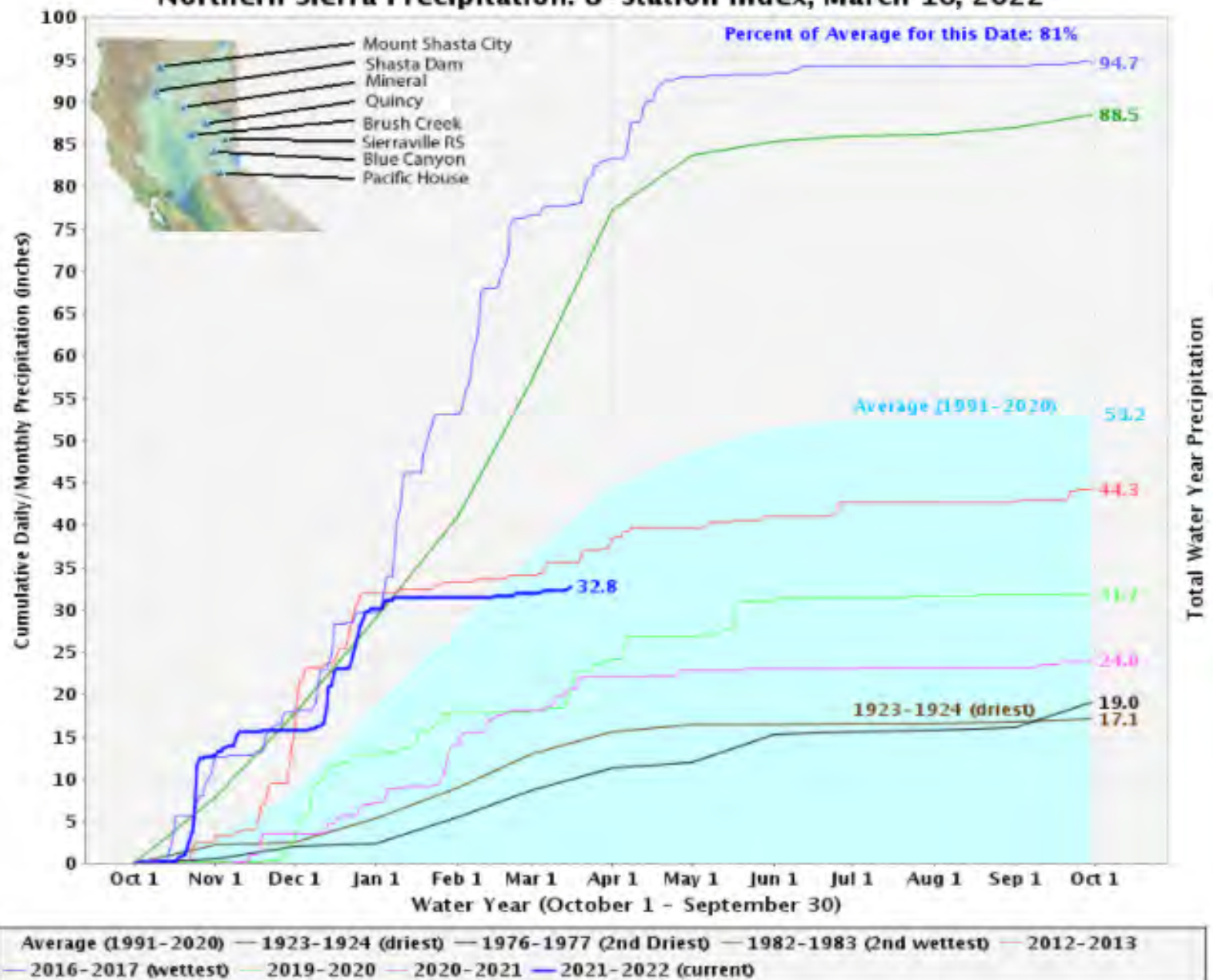
# State Water Contractors Board Meeting

March 17, 2022



Data Compiled on:  
3/16/2022

# Northern Sierra Precipitation: 8-Station Index, March 16, 2022



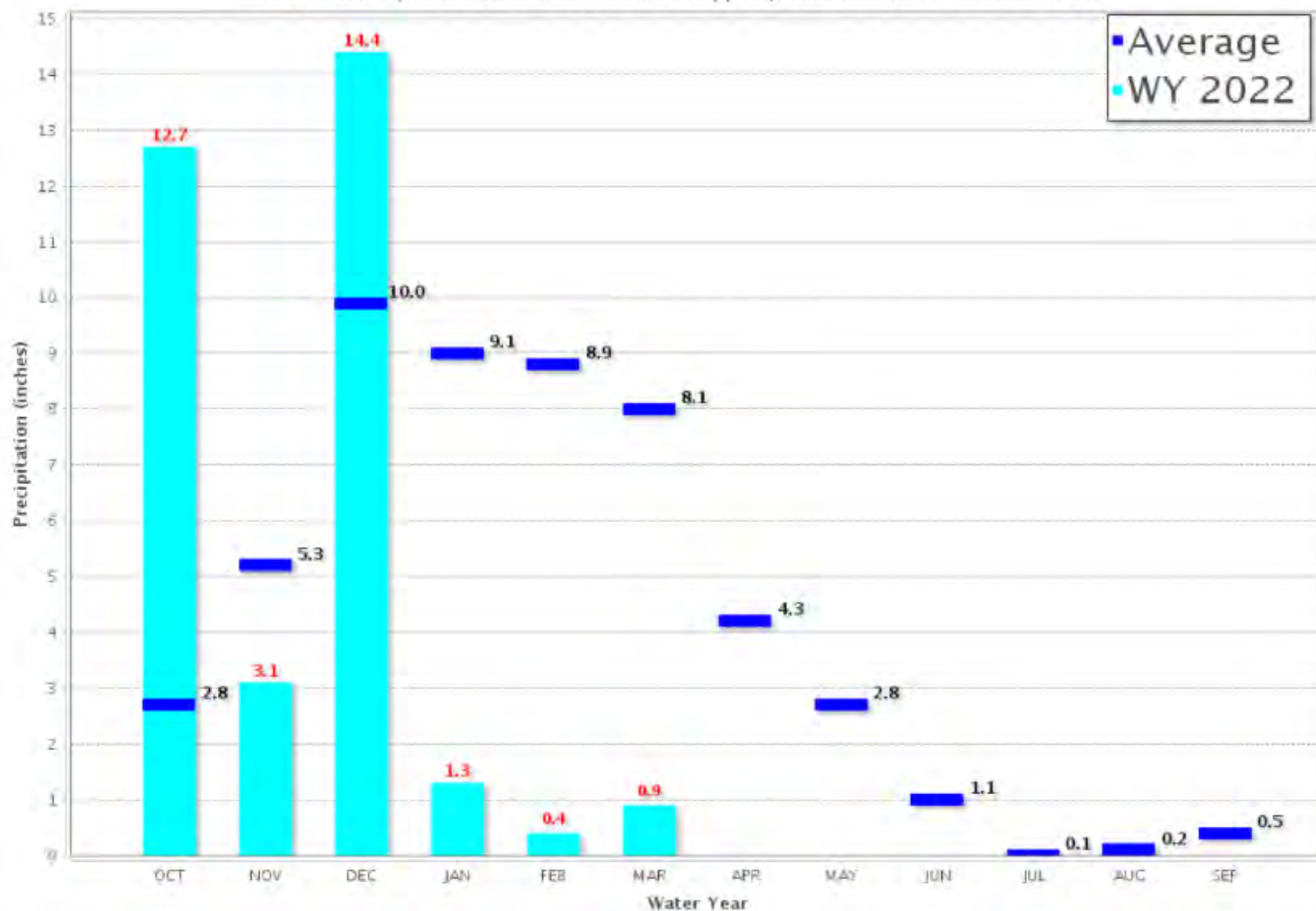


## Northern Sierra 8-Station

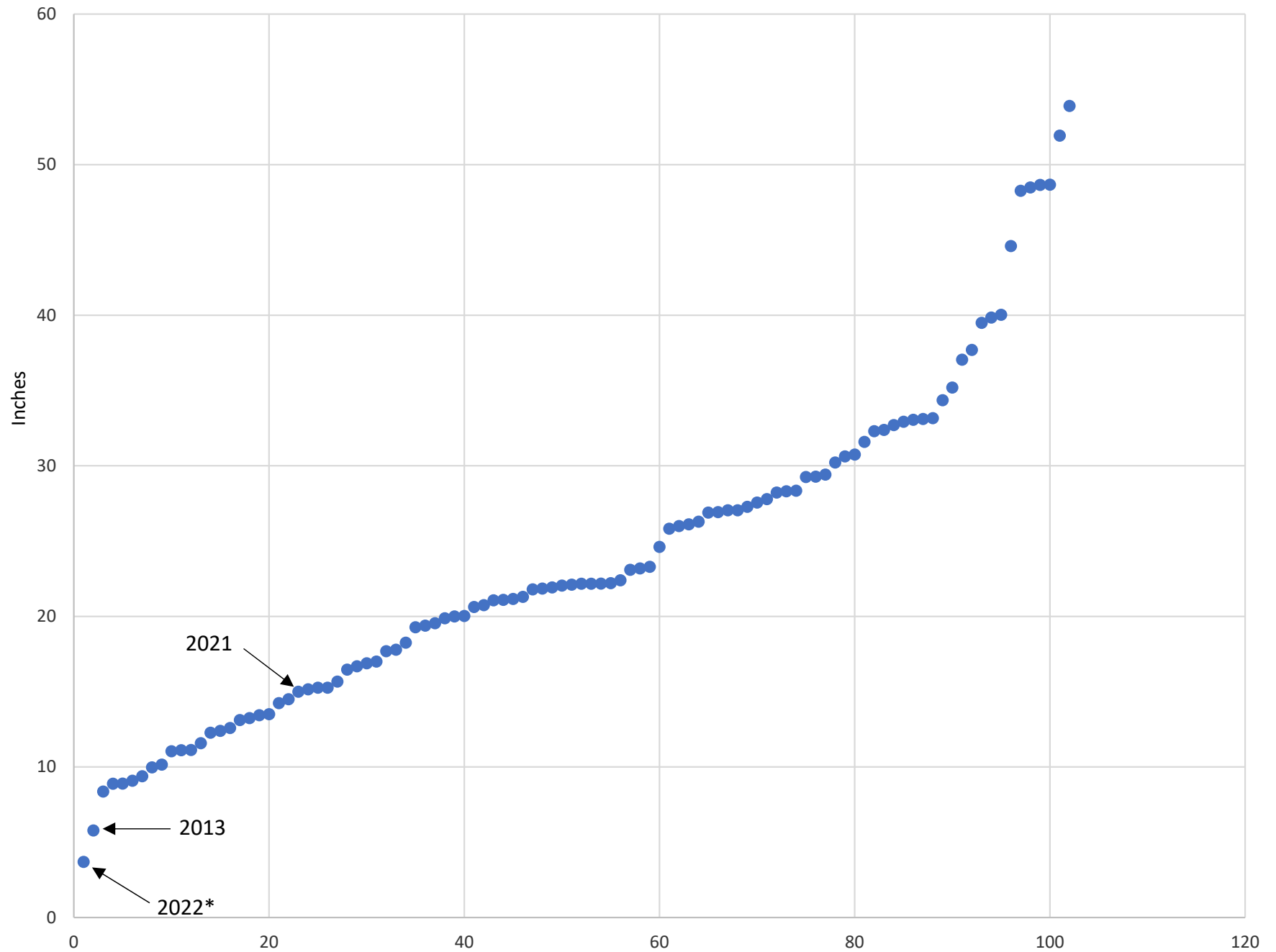
Precipitation Index for Water Year 2022 – Updated on March 16, 2022 09:45 AM

Note: Monthly totals may not add up to seasonal total because of rounding

Water Year Monthly totals are calculated based on Daily precipitation data from 12am to 12am PST

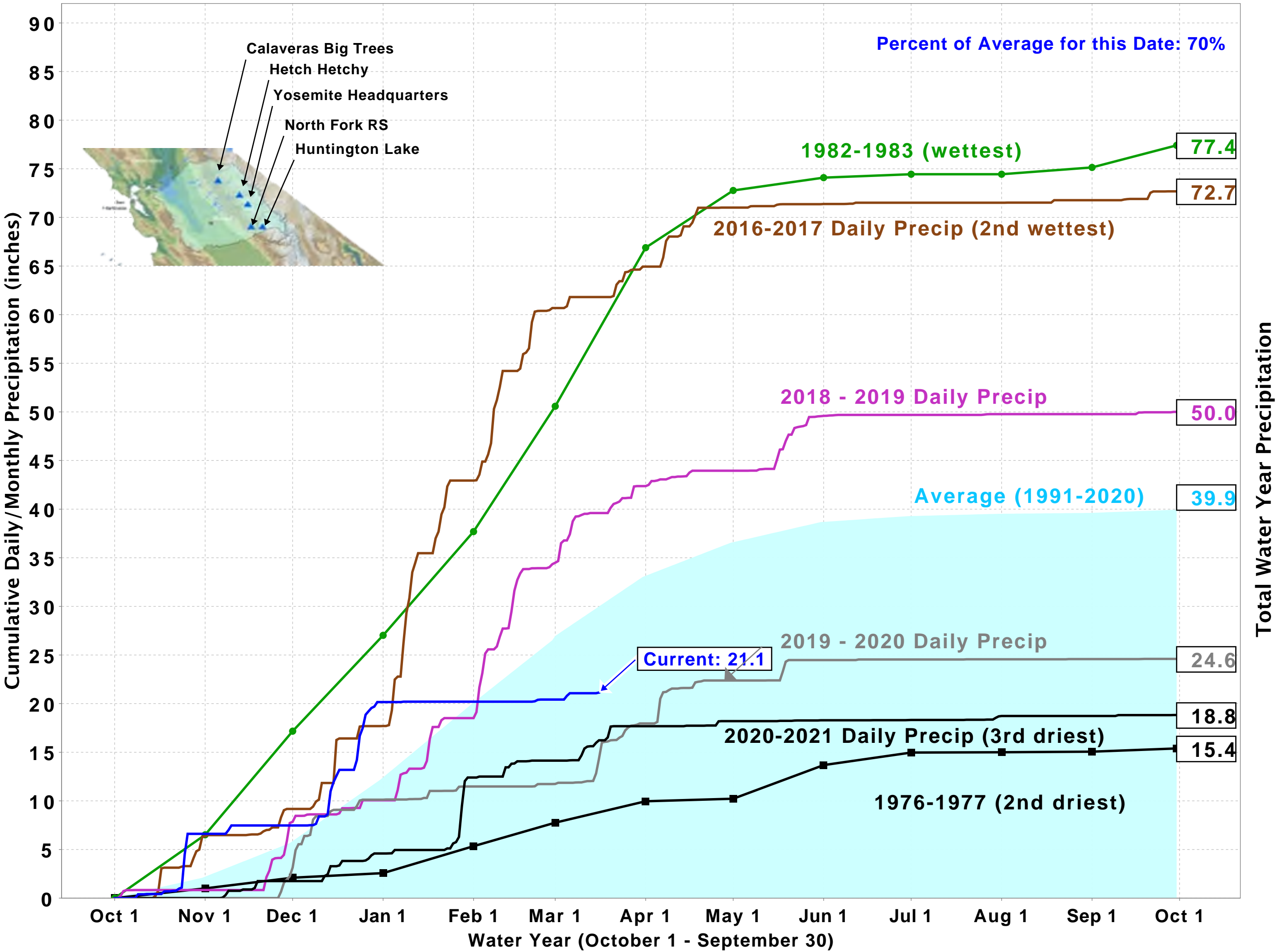


# Historical Northern Sierra Jan-Mar Precipitation

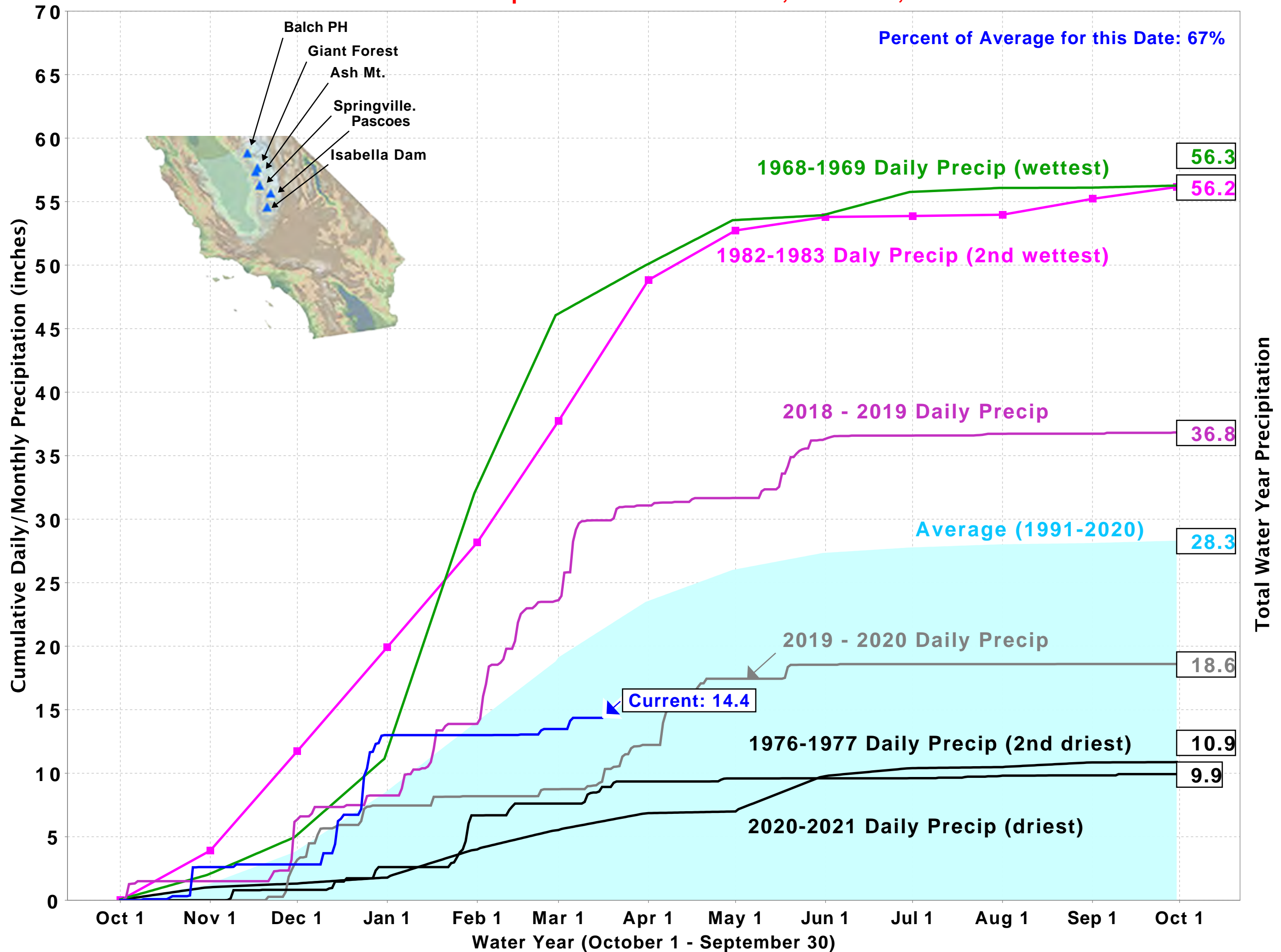


\* Projection based on current (3/14/22) weather forecast through end of March

San Joaquin Precipitation: 5-Station Index, March 16, 2022

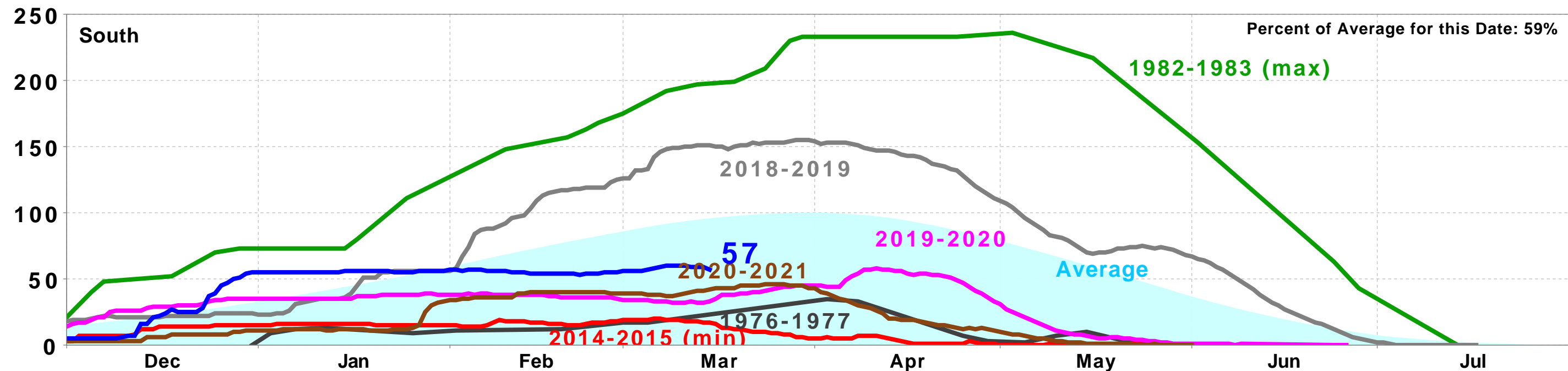
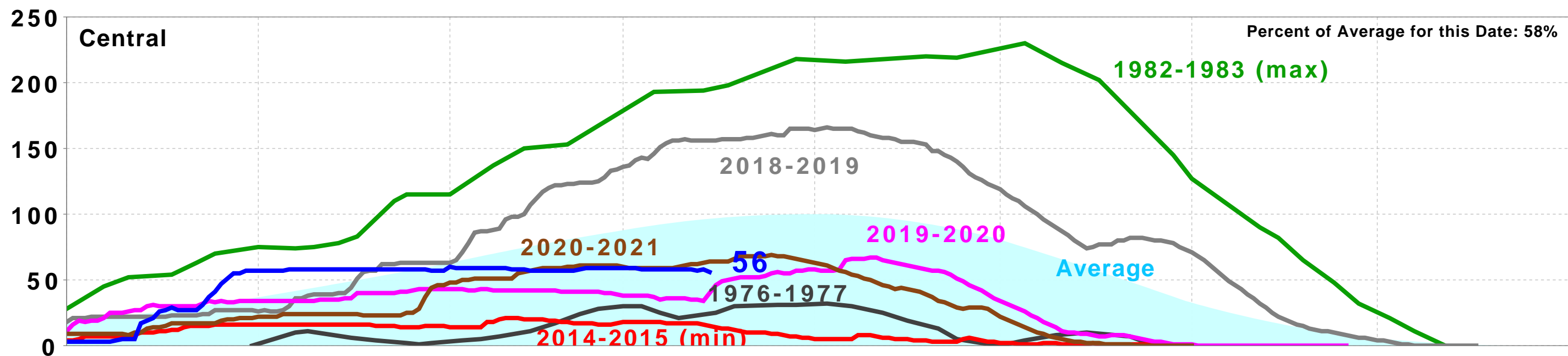
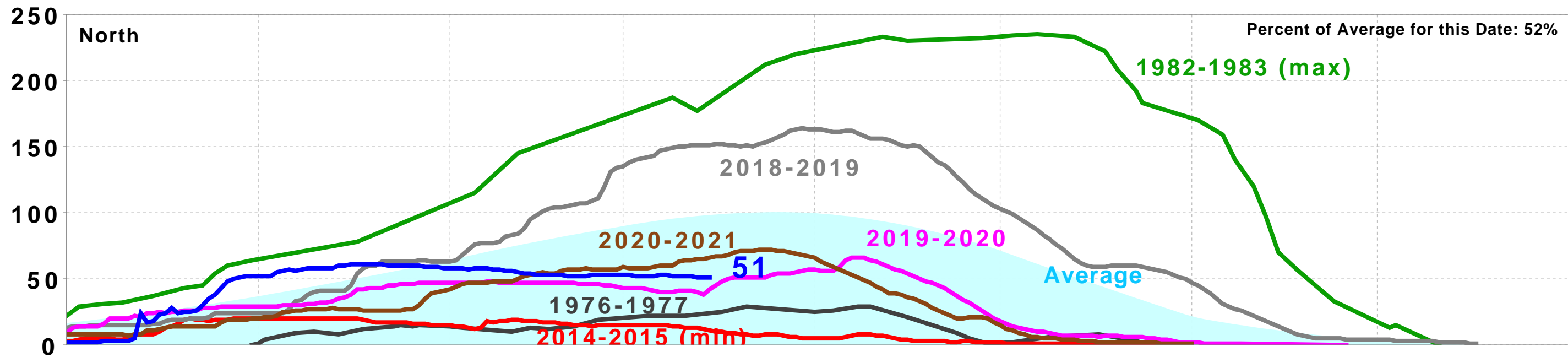


# Tulare Basin Precipitation: 6-Station Index, March 16, 2022





# California Snow Water Content, March 15, 2022, Percent of April 1 Average



Statewide Percent of April 1: 55%

Statewide Percent of Average for Date: 57%

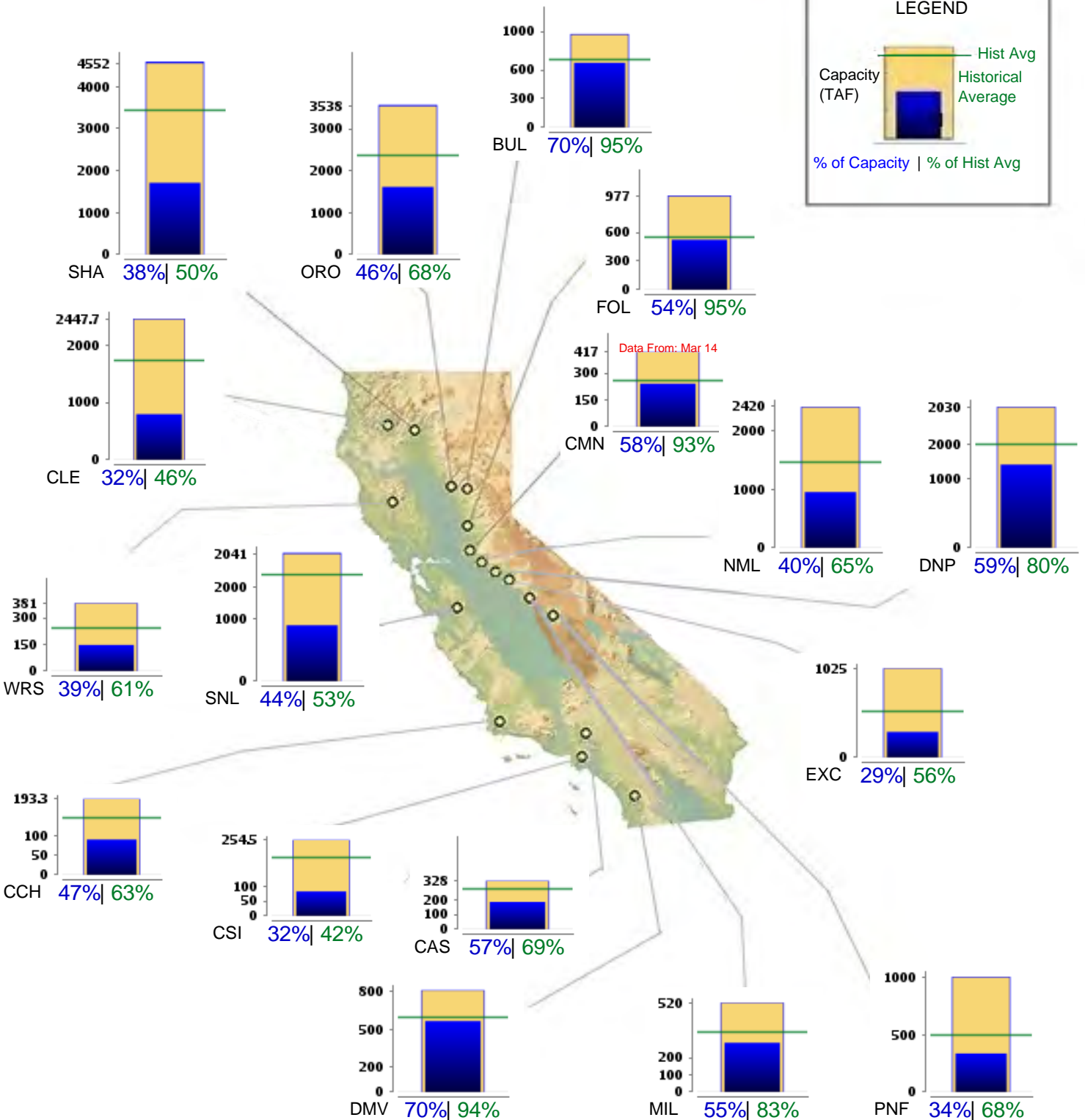
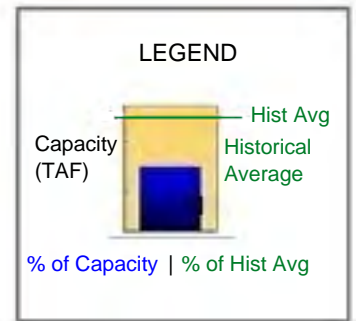


# CURRENT RESERVOIR CONDITIONS

## CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS

Midnight - March 15, 2022

### CURRENT CONDITIONS





**Minutes**  
**Conservation & Public Affairs Committee Meeting**  
**March 24, 2022**

---

**Directors Present:** James Cioffi, Paul Ortega  
**Staff Present:** Mark Krause, Ashley Metzger

Call to Order

1. Public Comments - None

2. Discussion Items

A. Drought Outreach

The Committee reviewed the drought and conservation messaging and proposed vehicles for the campaign. The Committee emphasized the importance of location if staff pursues billboard options and emphasized outreach to neighborhoods.

B. Community Events

The Committee reviewed recent event presence.

C. Water Use Efficiency Legislation Update

Staff reviewed updates on the legislation and regulatory process.

D. Regional Conservation Study Update

General Manager Krause encouraged Mrs. Metzger to approach agricultural extensions for possible project support or guidance. Chair Cioffi supported this approach and inclusion of the study in the upcoming fiscal year budget. Committee Member Ortega underscored the importance of the study to our work and the community.

E. FY 2021-2022 Conservation Program Update

Staff provided an update on funding utilization since the January conservation budget augmentation.

F. FY 2022-2023 Conservation Programs

The Committee supported staff's outlined planned budgets for incentive programs in Fiscal Year 2022-2023. Staff is examining increased budgets for most programs due to the statewide drought outlook and its anticipated impact on program participation.

G. Monthly Conservation Reporting

The Committee discussed updating previously submitted population numbers in the State Water Board's DRINC Portal to improve data quality on R-GPCD.

H. Public Affairs & Water Planning Staffing

Staff updated the Committee on expected changes in the current fiscal year and the plan for Fiscal Year 2022-2023.

I. Committee Member Requests

Committee Member Ortega discussed the Agency's response on drought and noted how critical outreach is on this topic. Chair Cioffi expressed agreement.

Adjourn

**Minutes**  
**Executive Committee Meeting**  
March 31, 2022

---

**Directors Present:** Kristin Bloomer, James Cioffi

**Staff Present:** Mark Krause, Steve Johnson, Esther Saenz,  
Ashley Metzger, Kim McCance

Call to Order

1. Public Comments - None

2. Discussion Item

A. Review Agenda for April 5, 2022 Board Meeting

The proposed agenda for the April 5, 2022 meeting was reviewed.

B. LAFCO Ballot – Special District Member (Western Riverside)

Staff provided the Committee with the notice from LAFCO calling for nominations for Special District Member. The Committee provided the ranking order to put on the ballot for submittal. The completed ballots must be received by April 6, 2022.

C. Review DWA Board Room Audio/Visual Upgrades 2022

Staff provided the Committee an update on the DWA Board Room Audio/Visual Upgrade.

D. Cancellation of May 3, 2022 Board Meeting

Due to some Board members and staff being at the ACWA Conference, it was decided that the May 3, 2022 Board Meeting will be cancelled. Staff will distribute the necessary notices.

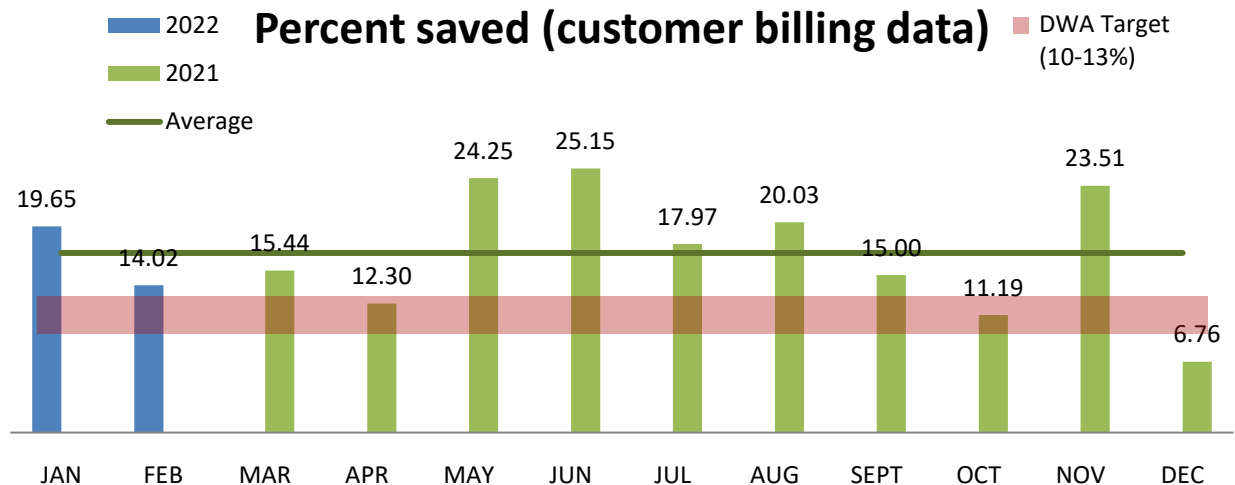
Adjourn

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: FEBRUARY 2022 WATER USE REDUCTION FIGURES**

Desert Water Agency customers achieved a 14% reduction in metered potable water consumption per meter during February 2022 compared to the same month in 2013 – the baseline year the State Water Resources Control Board (State Water Board) used to measure statewide conservation achievements during the last drought.



Over the past 12 months, consumption per meter is trending 18.3% lower compared to 2013. DWA is asking its customers to voluntarily save 10-13% compared to 2013 to help achieve long-term sustainability.

The Governor has asked Californians to voluntarily conserve 15% compared to 2020 usage. DWA use per meter is 3.4% down compared to February 2020. Though we're encouraging and incentivizing conservation, there is presently no requirement for the Agency or any of its customers to meet a certain savings requirement.

On the following page is additional information for this month.

February 2022 conservation per meter percentage	14.02%
February 2022 consumption per meter	32.79 HCF
February 2013 consumption per meter	38.14 HCF
February 2022 gross conservation percentage	7.73%
February 2022 metered potable consumption	1754.68 AF
February 2013 metered potable consumption	1901.69 AF
The percentage of the Total Monthly Potable Water Production going to residential use only for the reporting month	66.20%
Population (inclusive of seasonal residents)	72,462
Estimated R-GPCD	206.14
Number of public complaints of water waste or violation of conservation rules received during the reporting month.	21
Number of contacts with customers for actual/alleged water waste or for a violation of conservation rules.	3
Number of field visits for water waste follow up.	9
Number of citations for violation of conservation rules.	3

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: REQUEST AUTHORIZATION TO CONTINUE VIRTUAL BOARD  
AND COMMITTEE MEETINGS FOR ANOTHER 30 DAYS BASED  
UPON A DETERMINATION THAT IN-PERSON MEETINGS WOULD  
POSE A RISK TO PUBLIC HEALTH (PER AB 361)**

At its March 1, 2022 meeting, the Board of Directors authorized the continuation of virtual Board and Committee meetings for another 30-day period in accordance with the provisions of AB 361.

The Board of Directors may elect to continue conducting virtual meetings if it makes its own specific findings that meetings in person would pose a health threat to those in attendance, or when other regulatory bodies having jurisdiction within the Agency's service area recommend social distancing for the protection of people who otherwise might attend those meetings in person. The Board must make that determination every thirty days in order for meetings to be conducted virtually.

Therefore, it is recommended that the Desert Water Agency Board of Directors authorize Board and Committee meetings to be conducted virtually for the next ensuing 30-day period based upon the following facts and determinations:

- The California Department of Public Health and the County of Riverside continue to recommend social distancing as a result of the COVID-19 state of emergency.
- The Centers for Disease Controls and Prevention (CDC) recommends social distancing in high transmission areas.
- State officials have issued orders imposing or recommending social distancing measures for certain individuals and in certain situations.
- Due to the COVID-19 emergency, meeting in person would present risks to the health and safety of attendees.

Fiscal Impact: None.

Recommendation:

Staff recommends that the Board of Directors authorize the continuation of virtual Board and Committee meetings for another 30 days based upon a determination that in-person meetings would pose a risk to public health (Per AB 361).

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: ANNUAL REPORTING OF BACK-UP FACILITY AND CAPACITY CHARGES**

Attached for the Board's review are summaries of the Agency's Water and Reclaimed Water Back-up Facility Charges and Sewer Capacity Charge. The Agency collects these charges when a new service connection is made to the water distribution, reclaimed or sewer systems. The back-up facility amounts collected are used to offset Agency funded capital expenditures to increase system capacity for production, storage and transmission of potable water and reclaimed water. Sewer capacity charge amounts collected are used to offset Agency funded capital expenditures to increase conveyance capacity in the sewer system.

The Agency has been advised by legal counsel that it is not necessary to produce this report on an annual basis, as the Capital Expenditures exceed the fees collected (when this condition exists, there are no funds to segregate or interest to account for separately as Government Code Section 66006 requires in a situation where fees collected are greater than expenditures for Capital Improvements). However, it is prudent to continue submitting an annual report to the Board in order to show the amounts expended during the year on projects for which the fees were collected. Since this reporting requirement began with the 1988-89 fiscal year, Desert Water Agency has expended more funds on potable water, reclaimed water, and sewer facilities than amounts collected.

Staff's intent is to not only report this information to the Board, but to make it available to the public upon request.

A copy of the analysis was sent to the Building Industry Association (BIA) and the Desert Valleys Builders Association (DVBA). The DVBA has reviewed and approved the report. As of March 25, staff has not received a response from the BIA.

**Attachments:**

1. Water Back-up Facility Charge Analysis
2. Reclaimed Water Back-up Facility Charge Analysis
3. Sewer Capacity Charge Analysis

DESERT WATER AGENCY  
**Back-up Facility Charge Summary**  
 Revenues & Expenditures

**Water Service**

A Backup Facility Charge is levied on a premises for the purpose of providing water service connection capacity in the Agency's overall water supply. *(DWA Ordinance 70 Section 1-1.4)*

The purpose of the Backup Facility Charge is to raise a portion of the funds required by the Agency to develop new water production and storage facilities. *(DWA Ordinance 70 Section 7-1.3)*

<b>Revenue</b>	Back-up Facility Revenue received in a fiscal year in accordance with DWA Ordinance 70 Section 1-1.4 inclusive of any interest on cumulative excess revenues in accordance with DWA Resolution 1230 Section 5.
<b>Expenditures</b>	Capital expenditures funded by Desert Water, put into service in a given fiscal year. These capital expenditures are recorded in proportion to the increased capacity they provide to DWA's water system.

Year	Revenue	Expenditures	Cumulative Balance*
1988-1989	\$ 308,255.92	\$ -	\$ 308,255.92
1989-1990	\$ 259,874.94	\$ 401,979.26	\$ 166,151.60
1990-1991	\$ 157,005.00	\$ 397,885.22	\$ (74,728.62)
1991-1992	\$ 167,250.00	\$ 2,040,172.06	\$ (1,947,650.68)
1992-1993	\$ 44,285.00	\$ 406,160.00	\$ (2,309,525.68)
1993-1994	\$ 52,300.00	\$ 1,000,209.54	\$ (3,257,435.22)
1994-1995	\$ 76,590.00	\$ 2,139,954.41	\$ (5,320,799.63)
1995-1996	\$ 104,680.00	\$ 2,107,535.08	\$ (7,323,654.71)
1996-1997	\$ 81,660.00	\$ 614,238.17	\$ (7,856,232.88)
1997-1998	\$ 98,410.00	\$ -	\$ (7,757,822.88)
1998-1999	\$ 158,840.00	\$ 2,513,445.91	\$ (10,112,428.79)
1999-2000	\$ 263,778.00	\$ 961,408.67	\$ (10,810,059.46)
2000-2001	\$ 267,580.00	\$ 455,155.73	\$ (10,997,635.19)
2001-2002	\$ 172,850.00	\$ 802,284.36	\$ (11,627,069.54)
2002-2003	\$ 334,440.00	\$ 4,291,367.90	\$ (15,583,997.44)
2003-2004	\$ 1,277,190.00	\$ 841,011.61	\$ (15,147,819.05)
2004-2005	\$ 3,393,467.00	\$ 1,370,488.06	\$ (13,124,840.11)
2005-2006	\$ 1,287,940.00	\$ -	\$ (11,836,900.11)
2006-2007	\$ 2,218,549.00	\$ 3,408,196.30	\$ (13,026,547.41)
2007-2008	\$ 603,536.00	\$ 735,649.81	\$ (13,158,661.22)
2008-2009	\$ 181,840.00	\$ 2,409,194.71	\$ (15,386,015.92)
2009-2010	\$ 90,820.00	\$ -	\$ (15,295,195.92)
2010-2011	\$ 138,080.00	\$ 57,858.00	\$ (15,214,973.92)
2011-2012	\$ 396,420.00	\$ 884,623.00	\$ (15,703,176.92)
2012-2013	\$ 481,060.00	\$ 222,131.66	\$ (15,444,248.58)



2013-2014	\$	657,460.00	\$	81,411.00	\$	(14,868,199.58)
2014-2015	\$	680,110.00	\$	2,713,074.69	\$	(16,901,164.28)
2015-2016	\$	574,675.00	\$	1,688,799.26	\$	(18,015,288.54)
2016-2017	\$	939,845.00	\$	285,968.36	\$	(17,361,411.90)
2017-2018	\$	841,190.00	\$	1,137,230.45	\$	(17,657,452.35)
2018-2019	\$	954,159.00	\$	1,237,336.28	\$	(17,940,629.63)
2019-2020	\$	1,186,060.00	\$	3,778,694.83	\$	(20,533,264.45)
2020-2021	\$	1,686,018.00	\$	1,419,117.29	\$	(20,266,363.74)
<b>Total</b>	<b>\$</b>	<b>20,136,217.86</b>	<b>\$</b>	<b>40,402,581.60</b>	<b>\$</b>	<b>(20,266,363.74)</b>
<i>Sum Check</i>	\$	-	\$	-	\$	-

\*A negative cumulative balance represents Agency capital expenditures in excess of Backup Facility Charges levied/collected.

DESERT WATER AGENCY  
**Back-up Facility Charge Interest Calculation**  
 Revenues, Expenditures & Interest

**Water Service**

A Backup Facility Charge is levied on a premises for the purpose of providing water service connection capacity in the Agency's overall water supply.  
*(DWA Ordinance 70 Section 1-1.4)*

The purpose of the Backup Facility Charge is to raise a portion of the funds required by the Agency to develop new water production and storage facilities. *(DWA Ordinance 70 Section 7-1.3)*

- Revenue** Back-up Facility Revenue received in a fiscal year in accordance with DWA Ordinance 70 Section 1-1.4.
- Expenditures** Capital expenditures funded by Desert Water, put into service in a given fiscal year. These capital expenditures are recorded in proportion to the increased capacity they provide to DWA's water system.
- Interest** Accrued interest for the year end cumulative balance where revenues exceed expenditures. Interest is calculated utilizing LAIF Average Annual Yield.

Year	Beginning Balance	Revenue	Expenditures	Sub Total	Rate	Interest*	Cumulative Total**
1988-1989	\$ -	\$ 283,665.00	\$ -	\$ 283,665.00	8.669%	\$ 24,590.92	\$ 308,255.92
1989-1990	\$ 308,255.92	\$ 246,640.00	\$ 401,979.26	\$ 152,916.66	8.655%	\$ 13,234.94	\$ 166,151.60
1990-1991	\$ 166,151.60	\$ 157,005.00	\$ 397,885.22	\$ (74,728.62)	8.013%	\$ -	\$ (74,728.62)
1991-1992	\$ (74,728.62)	\$ 167,250.00	\$ 2,040,172.06	\$ (1,947,650.68)	6.196%	\$ -	\$ (1,947,650.68)
1992-1993	\$ (1,947,650.68)	\$ 44,285.00	\$ 406,160.00	\$ (2,309,525.68)	4.707%	\$ -	\$ (2,309,525.68)
1993-1994	\$ (2,309,525.68)	\$ 52,300.00	\$ 1,000,209.54	\$ (3,257,435.22)	4.387%	\$ -	\$ (3,257,435.22)
1994-1995	\$ (3,257,435.22)	\$ 76,590.00	\$ 2,139,954.41	\$ (5,320,799.63)	5.532%	\$ -	\$ (5,320,799.63)
1995-1996	\$ (5,320,799.63)	\$ 104,680.00	\$ 2,107,535.08	\$ (7,323,654.71)	5.706%	\$ -	\$ (7,323,654.71)
1996-1997	\$ (7,323,654.71)	\$ 81,660.00	\$ 614,238.17	\$ (7,856,232.88)	5.599%	\$ -	\$ (7,856,232.88)
1997-1998	\$ (7,856,232.88)	\$ 98,410.00	\$ -	\$ (7,757,822.88)	5.699%	\$ -	\$ (7,757,822.88)
1998-1999	\$ (7,757,822.88)	\$ 158,840.00	\$ 2,513,445.91	\$ (10,112,428.79)	5.344%	\$ -	\$ (10,112,428.79)
1999-2000	\$ (10,112,428.79)	\$ 263,778.00	\$ 961,408.67	\$ (10,810,059.46)	5.708%	\$ -	\$ (10,810,059.46)
2000-2001	\$ (10,810,059.46)	\$ 267,580.00	\$ 455,155.73	\$ (10,997,635.19)	6.104%	\$ -	\$ (10,997,635.19)

2001-2002	\$ (10,997,635.19)	\$ 172,850.00	\$ 802,284.36	\$ (11,627,069.54)	3.455%	\$ -	\$ (11,627,069.54)
2002-2003	\$ (11,627,069.54)	\$ 334,440.00	\$ 4,291,367.90	\$ (15,583,997.44)	2.152%	\$ -	\$ (15,583,997.44)
2003-2004	\$ (15,583,997.44)	\$ 1,277,190.00	\$ 841,011.61	\$ (15,147,819.05)	1.532%	\$ -	\$ (15,147,819.05)
2004-2005	\$ (15,147,819.05)	\$ 3,393,467.00	\$ 1,370,488.06	\$ (13,124,840.11)	2.256%	\$ -	\$ (13,124,840.11)
2005-2006	\$ (13,124,840.11)	\$ 1,287,940.00	\$ -	\$ (11,836,900.11)	3.873%	\$ -	\$ (11,836,900.11)
2006-2007	\$ (11,836,900.11)	\$ 2,218,549.00	\$ 3,408,196.30	\$ (13,026,547.41)	5.121%	\$ -	\$ (13,026,547.41)
2007-2008	\$ (13,026,547.41)	\$ 603,536.00	\$ 735,649.81	\$ (13,158,661.22)	4.325%	\$ -	\$ (13,158,661.22)
2008-2009	\$ (13,158,661.22)	\$ 181,840.00	\$ 2,409,194.71	\$ (15,386,015.92)	2.224%	\$ -	\$ (15,386,015.92)
2009-2010	\$ (15,386,015.92)	\$ 90,820.00	\$ -	\$ (15,295,195.92)	0.651%	\$ -	\$ (15,295,195.92)
2010-2011	\$ (15,295,195.92)	\$ 138,080.00	\$ 57,858.00	\$ (15,214,973.92)	0.495%	\$ -	\$ (15,214,973.92)
2011-2012	\$ (15,214,973.92)	\$ 396,420.00	\$ 884,623.00	\$ (15,703,176.92)	0.382%	\$ -	\$ (15,703,176.92)
2012-2013	\$ (15,703,176.92)	\$ 481,060.00	\$ 222,131.66	\$ (15,444,248.58)	0.307%	\$ -	\$ (15,444,248.58)
2013-2014	\$ (15,444,248.58)	\$ 657,460.00	\$ 81,411.00	\$ (14,868,199.58)	0.249%	\$ -	\$ (14,868,199.58)
2014-2015	\$ (14,868,199.58)	\$ 680,110.00	\$ 2,713,074.69	\$ (16,901,164.28)	0.269%	\$ -	\$ (16,901,164.28)
2015-2016	\$ (16,901,164.28)	\$ 574,675.00	\$ 1,688,799.26	\$ (18,015,288.54)	0.434%	\$ -	\$ (18,015,288.54)
2016-2017	\$ (18,015,288.54)	\$ 939,845.00	\$ 285,968.36	\$ (17,361,411.90)	0.754%	\$ -	\$ (17,361,411.90)
2017-2018	\$ (17,361,411.90)	\$ 841,190.00	\$ 1,137,230.45	\$ (17,657,452.35)	1.376%	\$ -	\$ (17,657,452.35)
2018-2019	\$ (17,657,452.35)	\$ 954,159.00	\$ 1,237,336.28	\$ (17,940,629.63)	2.266%	\$ -	\$ (17,940,629.63)
2019-2020	\$ (17,940,629.63)	\$ 1,186,060.00	\$ 3,778,694.83	\$ (20,533,264.45)	1.934%	\$ -	\$ (20,533,264.45)
2020-2021	\$ (20,533,264.45)	\$ 1,686,018.00	\$ 1,419,117.29	\$ (20,266,363.74)	0.500%	\$ -	\$ (20,266,363.74)
<b>Total</b>		<b>\$ 20,098,392.00</b>	<b>\$ 40,402,581.60</b>			<b>\$ 37,825.86</b>	<b>\$ (20,266,363.74)</b>
<i>Sum Check</i>		\$ -	\$ -			\$ -	\$ -

\*Interest is only calculated using the fiscal year end cumulative balance when cumulative revenues exceed cumulative expenditures.

\*\*A negative cumulative balance represents Agency capital expenditures in excess of Backup Facility Charges levied/collected.

DESERT WATER AGENCY  
**Back-up Facility Charge**  
Expenditures Detail

**Water Service**

2020-2021

Work Order #	Asset Account	Description	Expenditure
17-123-C-32	11160	WELL #22 - CHLORINE INJECTION	\$ 38,724.85
17-126-C-25	11160	WELL #25 - CHLORINE INJECTION	\$ 40,176.01
17-130-C-33	11160	WELL #33 - CHLORINE INJECTION	\$ 48,070.95
17-131-C-34	11160	WELL #34 - CHLORINE INJECTION	\$ 42,495.63
19-112-X-12	11171	12" MAIN REPLACEMENTS SNOW CREEK PIPELINE	\$ 32,982.38
19-113---30	11171	30" PIPELINE REPLACEMENTS AVENIDA CABALLEROS	\$ 1,069,221.34
19-114---16	11171	16" MAIN REPLACEMENTS SC DIVERSION WINDY POINT	\$ 108,156.81
20-300---08	11171	18" MAIN REPLACEMENTS SEPULVEDA ROAD	\$ 39,289.31
<b>Total</b>			<b>\$ 1,419,117.29</b>

DESERT WATER AGENCY  
**Back-up Facility Charge**  
Increased Capacity/Improvement Calculations

DWA Financed increases to capacity in the distribution system.

OP Stat Report Year	WO #	Description	Original Pipe Diameter (in)	Pipe Area (ft^2)	New Pipe Diameter (in)	Pipe Area (ft^2)2	Upsize %	Total Expenditure	Upsize \$
2020-2021	17-123-C-32	WELL #22 - CHLORINE INJECTION	N/A	N/A	N/A	N/A	100.00%	\$ 38,724.85	\$ 38,724.85
2020-2021	17-126-C-25	WELL #25 - CHLORINE INJECTION	N/A	N/A	N/A	N/A	100.00%	\$ 40,176.01	\$ 40,176.01
2020-2021	17-130-C-33	WELL #33 - CHLORINE INJECTION	N/A	N/A	N/A	N/A	100.00%	\$ 48,070.95	\$ 48,070.95
2020-2021	17-131-C-34	WELL #34 - CHLORINE INJECTION	N/A	N/A	N/A	N/A	100.00%	\$ 42,495.63	\$ 42,495.63
2020-2021	19-112-X-12	12" MAIN REPLACEMENTS SNOW CREEK PIPELINE	10	0.545	12	0.785	30.56%	\$ 107,942.34	\$ 32,982.38
2020-2021	19-113---30	30" PIPELINE REPLACEMENTS AVENIDA CABALLEROS	20	2.182	30	4.909	55.56%	\$ 1,924,598.42	\$ 1,069,221.34
2020-2021	19-114---16	16" MAIN REPLACEMENTS SC DIVERSION WINDY POINT	0	0.000	16	1.396	100.00%	\$ 108,156.81	\$ 108,156.81
2020-2021	20-300---08	18" MAIN REPLACEMENTS SEPULVEDA ROAD	4	0.087	8	0.349	75.00%	\$ 52,385.75	\$ 39,289.31
								<b>\$ 2,362,550.76</b>	<b>\$ 1,419,117.29</b>

DESERT WATER AGENCY  
**Back-up Facility Charge Summary**  
 Revenues & Expenditures

**Reclaimed Water Service**

A Backup Facility Charge for recycled water service shall be imposed for all existing water service connections for which increased capacity is requested and larger meters are installed. *(DWA Resolution 1168 Section 2)*

The purpose of the Backup Facility Charge is to raise a portion of the funds required by the Agency to develop recycled water supplies and construct storage and distribution facilities. *(DWA Ordinance 67 Section 6-1.3)*

- Revenue** Back-up Facility Revenue received in a fiscal year in accordance with DWA Ordinance 67 Section 6-1.3 inclusive of any interest on cumulative excess revenues in accordance with DWA Resolution 1168 Section 3.
- Expenditures** Capital expenditures funded by Desert Water, put into service in a given fiscal year. These capital expenditures are recorded in proportion to the increased capacity they provide to DWA's water system.

Year	Revenue		Expenditures		Cumulative Balance*
1988-1989	\$	-	\$	8,496,895.00	\$ (8,496,895.00)
1989-1990	\$	96,193.00	\$	28,934.00	\$ (8,429,636.00)
1990-1991	\$	-	\$	-	\$ (8,429,636.00)
1991-1992	\$	-	\$	37,793.00	\$ (8,467,429.00)
1992-1993	\$	-	\$	-	\$ (8,467,429.00)
1993-1994	\$	-	\$	19,190.00	\$ (8,486,619.00)
1994-1995	\$	-	\$	21,123.00	\$ (8,507,742.00)
1995-1996	\$	-	\$	3,545,644.00	\$ (12,053,386.00)
1996-1997	\$	-	\$	49,258.00	\$ (12,102,644.00)
1997-1998	\$	-	\$	33,313.00	\$ (12,135,957.00)
1998-1999	\$	-	\$	177,863.00	\$ (12,313,820.00)
1999-2000	\$	-	\$	28,864.00	\$ (12,342,684.00)
2000-2001	\$	-	\$	1,207,954.00	\$ (13,550,638.00)
2001-2002	\$	-	\$	339,383.00	\$ (13,890,021.00)
2002-2003	\$	-	\$	38,056.00	\$ (13,928,077.00)
2003-2004	\$	-	\$	522,373.00	\$ (14,450,450.00)
2004-2005	\$	-	\$	50,211.00	\$ (14,500,661.00)
2005-2006	\$	-	\$	25,173.00	\$ (14,525,834.00)
2006-2007	\$	-	\$	4,198,092.00	\$ (18,723,926.00)
2007-2008	\$	-	\$	1,935,892.00	\$ (20,659,818.00)
2008-2009	\$	-	\$	180,517.00	\$ (20,840,335.00)
2009-2010	\$	-	\$	45,005.00	\$ (20,885,340.00)
2010-2011	\$	-	\$	55,067.00	\$ (20,940,407.00)

2011-2012	\$	-	\$	4,973,063.00	\$	(25,913,470.00)
2012-2013	\$	-	\$	-	\$	(25,913,470.00)
2013-2014	\$	-	\$	739,724.00	\$	(26,653,194.00)
2014-2015	\$	-	\$	99,660.00	\$	(26,752,854.00)
2015-2016	\$	-	\$	2,555,400.00	\$	(29,308,254.00)
2016-2017	\$	-	\$	26,248.00	\$	(29,334,502.00)
2017-2018	\$	-	\$	45,207.00	\$	(29,379,709.00)
2018-2019	\$	-	\$	-	\$	(29,379,709.00)
2019-2020	\$	-	\$	-	\$	(29,379,709.00)
2020-2021	\$	-	\$	-	\$	(29,379,709.00)
<b>Total</b>	<b>\$</b>	<b>96,193.00</b>	<b>\$</b>	<b>29,475,902.00</b>	<b>\$</b>	<b>(29,379,709.00)</b>
<i>Sum Check</i>	\$	-	\$	-	\$	-

\*A negative cumulative balance represents Agency capital expenditures in excess of Backup Facility Charges levied/collected.

DESERT WATER AGENCY  
**Back-up Facility Charge Interest Calculation**  
 Revenues, Expenditures & Interest

**Reclaimed Water Service**

A Backup Facility Charge for recycled water service shall be imposed for all existing water service connections for which increased capacity is requested and larger meters are installed. *(DWA Resolution 1168 Section 2)*

The purpose of the Backup Facility Charge is to raise a portion of the funds required by the Agency to develop recycled water supplies and construct storage and distribution facilities. *(DWA Ordinance 67 Section 6-1.3)*

<b>Revenue</b>	Back-up Facility Revenue received in a fiscal year in accordance with DWA Ordinance 67 Section 6-1.3.
<b>Expenditures</b>	Capital expenditures funded by Desert Water, put into service in a given fiscal year. These capital expenditures are recorded in proportion to the increased capacity they provide to DWA's reclaimed water system.
<b>Interest</b>	Accrued interest for the year end cumulative balance where revenues exceed expenditures. Interest is calculated utilizing LAIF Average Annual Yield.

Year	Beginning Balance	Revenue	Expenditures	Sub Total	Rate	Interest*	Cumulative Total**
1988-1989	\$ -	\$ -	\$ 8,496,895.00	\$ (8,496,895.00)	8.669%	\$ -	\$ (8,496,895.00)
1989-1990	\$ (8,496,895.00)	\$ 96,193.00	\$ 28,934.00	\$ (8,429,636.00)	8.655%	\$ -	\$ (8,429,636.00)
1990-1991	\$ (8,429,636.00)	\$ -	\$ -	\$ (8,429,636.00)	8.013%	\$ -	\$ (8,429,636.00)
1991-1992	\$ (8,429,636.00)	\$ -	\$ 37,793.00	\$ (8,467,429.00)	6.196%	\$ -	\$ (8,467,429.00)
1992-1993	\$ (8,467,429.00)	\$ -	\$ -	\$ (8,467,429.00)	4.707%	\$ -	\$ (8,467,429.00)
1993-1994	\$ (8,467,429.00)	\$ -	\$ 19,190.00	\$ (8,486,619.00)	4.387%	\$ -	\$ (8,486,619.00)
1994-1995	\$ (8,486,619.00)	\$ -	\$ 21,123.00	\$ (8,507,742.00)	5.532%	\$ -	\$ (8,507,742.00)
1995-1996	\$ (8,507,742.00)	\$ -	\$ 3,545,644.00	\$ (12,053,386.00)	5.706%	\$ -	\$ (12,053,386.00)
1996-1997	\$ (12,053,386.00)	\$ -	\$ 49,258.00	\$ (12,102,644.00)	5.599%	\$ -	\$ (12,102,644.00)
1997-1998	\$ (12,102,644.00)	\$ -	\$ 33,313.00	\$ (12,135,957.00)	5.699%	\$ -	\$ (12,135,957.00)
1998-1999	\$ (12,135,957.00)	\$ -	\$ 177,863.00	\$ (12,313,820.00)	5.344%	\$ -	\$ (12,313,820.00)
1999-2000	\$ (12,313,820.00)	\$ -	\$ 28,864.00	\$ (12,342,684.00)	5.708%	\$ -	\$ (12,342,684.00)
2000-2001	\$ (12,342,684.00)	\$ -	\$ 1,207,954.00	\$ (13,550,638.00)	6.104%	\$ -	\$ (13,550,638.00)



2001-2002	\$ (13,550,638.00)	\$ -	\$ 339,383.00	\$ (13,890,021.00)	3.455%	\$ -	\$ (13,890,021.00)
2002-2003	\$ (13,890,021.00)	\$ -	\$ 38,056.00	\$ (13,928,077.00)	2.152%	\$ -	\$ (13,928,077.00)
2003-2004	\$ (13,928,077.00)	\$ -	\$ 522,373.00	\$ (14,450,450.00)	1.532%	\$ -	\$ (14,450,450.00)
2004-2005	\$ (14,450,450.00)	\$ -	\$ 50,211.00	\$ (14,500,661.00)	2.256%	\$ -	\$ (14,500,661.00)
2005-2006	\$ (14,500,661.00)	\$ -	\$ 25,173.00	\$ (14,525,834.00)	3.873%	\$ -	\$ (14,525,834.00)
2006-2007	\$ (14,525,834.00)	\$ -	\$ 4,198,092.00	\$ (18,723,926.00)	5.121%	\$ -	\$ (18,723,926.00)
2007-2008	\$ (18,723,926.00)	\$ -	\$ 1,935,892.00	\$ (20,659,818.00)	4.325%	\$ -	\$ (20,659,818.00)
2008-2009	\$ (20,659,818.00)	\$ -	\$ 180,517.00	\$ (20,840,335.00)	2.224%	\$ -	\$ (20,840,335.00)
2009-2010	\$ (20,840,335.00)	\$ -	\$ 45,005.00	\$ (20,885,340.00)	0.651%	\$ -	\$ (20,885,340.00)
2010-2011	\$ (20,885,340.00)	\$ -	\$ 55,067.00	\$ (20,940,407.00)	0.495%	\$ -	\$ (20,940,407.00)
2011-2012	\$ (20,940,407.00)	\$ -	\$ 4,973,063.00	\$ (25,913,470.00)	0.382%	\$ -	\$ (25,913,470.00)
2012-2013	\$ (25,913,470.00)	\$ -	\$ -	\$ (25,913,470.00)	0.307%	\$ -	\$ (25,913,470.00)
2013-2014	\$ (25,913,470.00)	\$ -	\$ 739,724.00	\$ (26,653,194.00)	0.249%	\$ -	\$ (26,653,194.00)
2014-2015	\$ (26,653,194.00)	\$ -	\$ 99,660.00	\$ (26,752,854.00)	0.269%	\$ -	\$ (26,752,854.00)
2015-2016	\$ (26,752,854.00)	\$ -	\$ 2,555,400.00	\$ (29,308,254.00)	0.434%	\$ -	\$ (29,308,254.00)
2016-2017	\$ (29,308,254.00)	\$ -	\$ 26,248.00	\$ (29,334,502.00)	0.754%	\$ -	\$ (29,334,502.00)
2017-2018	\$ (29,334,502.00)	\$ -	\$ 45,207.00	\$ (29,379,709.00)	1.376%	\$ -	\$ (29,379,709.00)
2018-2019	\$ (29,379,709.00)	\$ -	\$ -	\$ (29,379,709.00)	2.266%	\$ -	\$ (29,379,709.00)
2019-2020	\$ (29,379,709.00)	\$ -	\$ -	\$ (29,379,709.00)	1.934%	\$ -	\$ (29,379,709.00)
2020-2021	\$ (29,379,709.00)	\$ -	\$ -	\$ (29,379,709.00)	0.500%	\$ -	\$ (29,379,709.00)
<b>Total</b>	<b>\$ 96,193.00</b>	<b>\$ 29,475,902.00</b>				<b>\$ -</b>	<b>\$ (29,379,709.00)</b>
<i>Sum Check</i>	\$ -	\$ -				\$ -	\$ -

\*Interest is only calculated using the fiscal year end cumulative balance when cumulative revenues exceed cumulative expenditures.

\*\*A negative cumulative balance represents Agency capital expenditures in excess of Backup Facility Charges levied/collected.

DESERT WATER AGENCY  
**Back-up Facility Charge**  
Expenditures Detail

**Reclaimed Water Service**

2021-2022

Work Order			
#	Asset Account	Description	Expenditure
	None		
Total			\$ -

DESERT WATER AGENCY  
**Capacity Charge Summary**  
 Revenues & Expenditures

**Sewer Service**

Each applicant shall pay to the Agency a sewer capacity charge, then in effect, as established by resolution of the Board. Capacity charges are based on equivalent dwelling units (EDU) and/or fixture units (FU) as determined by the Agency (*DWA Ordinance 71, Section 6-1*)

Capacity Charge shall mean a charge levied on a premises for the purpose of providing treatment capacity in a waste water reclamation plant and for conveyance capacity in the sewer system. (*DWA Ordinance 71 Section 1-1.6*)

<b>Revenue</b>	Capacity Charge Revenue received in a fiscal year in accordance with DWA Ordinance 71 Section 6-1 inclusive of any interest on cumulative excess revenues in accordance with DWA Resolution 1229, Section 2.
<b>Expenditures</b>	Capital expenditures funded by Desert Water, put into service in a given fiscal year. These capital expenditures are recorded in proportion to the increased capacity they provide to DWA's sewer system.

Year	Revenue	Expenditures	Cumulative Balance*
Prior 1988-1989	\$ 36,140.00	\$ 119,529.00	\$ (83,389.00)
1988-1989	\$ -	\$ 7,599.00	\$ (90,988.00)
1989-1990	\$ 77,512.00	\$ 7,599.00	\$ (21,075.00)
1990-1991	\$ 35,469.10	\$ 7,599.00	\$ 6,795.10
1991-1992	\$ 2,970.00	\$ 11,447.00	\$ (1,681.90)
1992-1993	\$ 14,179.20	\$ 7,599.00	\$ 4,898.30
1993-1994	\$ 6,154.30	\$ 8,309.00	\$ 2,743.60
1994-1995	\$ 31,846.90	\$ 7,599.00	\$ 26,991.50
1995-1996	\$ 11,983.68	\$ 7,599.00	\$ 31,376.18
1996-1997	\$ 22,308.53	\$ 7,599.00	\$ 46,085.71
1997-1998	\$ 27,038.00	\$ 99,631.00	\$ (26,507.29)
1998-1999	\$ 18,457.00	\$ 2,380,685.00	\$ (2,388,735.29)
1999-2000	\$ 2,783.00	\$ 37,077.00	\$ (2,423,029.29)
2000-2001	\$ 118,283.00	\$ 153,707.00	\$ (2,458,453.29)
2001-2002	\$ 32,834.00	\$ 5,000.00	\$ (2,430,619.29)
2002-2003	\$ 2,836.00	\$ -	\$ (2,427,783.29)
2003-2004	\$ 199,950.00	\$ 34,706.00	\$ (2,262,539.29)
2004-2005	\$ 1,185,870.00	\$ 41,294.00	\$ (1,117,963.29)
2005-2006	\$ 176,085.00	\$ -	\$ (941,878.29)
2006-2007	\$ 42,472.00	\$ 806,040.00	\$ (1,705,446.29)
2007-2008	\$ 99,288.00	\$ 180,813.00	\$ (1,786,971.29)
2008-2009	\$ 50,520.00	\$ 12,442,742.00	\$ (14,179,193.29)
2009-2010	\$ 80,776.00	\$ 173,702.00	\$ (14,272,119.29)

2010-2011	\$	96,705.00	\$	-	\$	(14,175,414.29)
2011-2012	\$	229,445.00	\$	4,953,728.00	\$	(18,899,697.29)
2012-2013	\$	64,395.00	\$	3,575.00	\$	(18,838,877.29)
2013-2014	\$	34,650.00	\$	61,503.00	\$	(18,865,730.29)
2014-2015	\$	11,820.00	\$	-	\$	(18,853,910.29)
2015-2016	\$	13,336.00	\$	-	\$	(18,840,574.29)
2016-2017	\$	46,200.00	\$	109,889.00	\$	(18,904,263.29)
2017-2018	\$	32,550.00	\$	89,303.00	\$	(18,961,016.29)
2018-2019	\$	45,150.00	\$	-	\$	(18,915,866.29)
2019-2020	\$	43,050.00	\$	-	\$	(18,872,816.29)
2020-2021	\$	35,962.50	\$	-	\$	(18,836,853.79)
<b>Total</b>	<b>\$</b>	<b>2,929,019.21</b>	<b>\$</b>	<b>21,765,873.00</b>	<b>\$</b>	<b>(18,836,853.79)</b>
<i>Sum Check</i>	<i>\$</i>	<i>-</i>	<i>\$</i>	<i>-</i>	<i>\$</i>	<i>-</i>

\*A negative cumulative balance represents Agency capital expenditures in excess of Sewer Capacity Charges levied/collected.

DESERT WATER AGENCY  
**Capacity Charge Interest Calculation**  
Revenues, Expenditures & Interest

**Sewer Service**

Each applicant shall pay to the Agency a sewer capacity charge, then in effect, as established by resolution of the Board. Capacity charges are based on equivalent dwelling units (EDU) and/or fixture units (FU) as determined by the Agency (*DWA Ordinance 71, Section 6-1*)

Capacity Charge shall mean a charge levied on a premises for the purpose of providing treatment capacity in a waste water reclamation plant and for conveyance capacity in the sewer system. (*DWA Ordinance 71, Section 1-1.6*)

**Revenue** Capacity Charge Revenue received in a fiscal year in accordance with DWA Ordinance 71 Section 6-1

**Expenditures** Capital expenditures funded by Desert Water, put into service in a given fiscal year. These capital expenditures are recorded in proportion to the increased capacity they provide to DWA's sewer system.

**Interest** Accrued interest for the year end cumulative balance where revenues exceed expenditures. Interest is calculated utilizing LAIF Average Annual Yield.

Year	Beginning Balance	Revenue	Expenditures	Sub Total	Rate	Interest*	Cumulative Total**
Prior 1988-1989	\$ -	\$ 36,140.00	\$ 119,529.00	\$ (83,389.00)	0.000%	\$ -	\$ (83,389.00)
1988-1989	\$ (83,389.00)	\$ -	\$ 7,599.00	\$ (90,988.00)	8.669%	\$ -	\$ (90,988.00)
1989-1990	\$ (90,988.00)	\$ 77,512.00	\$ 7,599.00	\$ (21,075.00)	8.655%	\$ -	\$ (21,075.00)
1990-1991	\$ (21,075.00)	\$ 34,965.00	\$ 7,599.00	\$ 6,291.00	8.013%	\$ 504.10	\$ 6,795.10
1991-1992	\$ 6,795.10	\$ 2,970.00	\$ 11,447.00	\$ (1,681.90)	6.196%	\$ -	\$ (1,681.90)
1992-1993	\$ (1,681.90)	\$ 13,959.00	\$ 7,599.00	\$ 4,678.10	4.707%	\$ 220.20	\$ 4,898.30
1993-1994	\$ 4,898.30	\$ 6,039.00	\$ 8,309.00	\$ 2,628.30	4.387%	\$ 115.30	\$ 2,743.60
1994-1995	\$ 2,743.60	\$ 30,432.00	\$ 7,599.00	\$ 25,576.60	5.532%	\$ 1,414.90	\$ 26,991.50
1995-1996	\$ 26,991.50	\$ 10,290.00	\$ 7,599.00	\$ 29,682.50	5.706%	\$ 1,693.68	\$ 31,376.18
1996-1997	\$ 31,376.18	\$ 19,865.00	\$ 7,599.00	\$ 43,642.18	5.599%	\$ 2,443.53	\$ 46,085.71
1997-1998	\$ 46,085.71	\$ 27,038.00	\$ 99,631.00	\$ (26,507.29)	5.699%	\$ -	\$ (26,507.29)
1998-1999	\$ (26,507.29)	\$ 18,457.00	\$ 2,380,685.00	\$ (2,388,735.29)	5.344%	\$ -	\$ (2,388,735.29)
1999-2000	\$ (2,388,735.29)	\$ 2,783.00	\$ 37,077.00	\$ (2,423,029.29)	5.708%	\$ -	\$ (2,423,029.29)

2000-2001	\$	(2,423,029.29)	\$	118,283.00	\$	153,707.00	\$	(2,458,453.29)	6.104%	\$	-	\$	(2,458,453.29)
2001-2002	\$	(2,458,453.29)	\$	32,834.00	\$	5,000.00	\$	(2,430,619.29)	3.455%	\$	-	\$	(2,430,619.29)
2002-2003	\$	(2,430,619.29)	\$	2,836.00	\$	-	\$	(2,427,783.29)	2.152%	\$	-	\$	(2,427,783.29)
2003-2004	\$	(2,427,783.29)	\$	199,950.00	\$	34,706.00	\$	(2,262,539.29)	1.532%	\$	-	\$	(2,262,539.29)
2004-2005	\$	(2,262,539.29)	\$	1,185,870.00	\$	41,294.00	\$	(1,117,963.29)	2.256%	\$	-	\$	(1,117,963.29)
2005-2006	\$	(1,117,963.29)	\$	176,085.00	\$	-	\$	(941,878.29)	3.873%	\$	-	\$	(941,878.29)
2006-2007	\$	(941,878.29)	\$	42,472.00	\$	806,040.00	\$	(1,705,446.29)	5.121%	\$	-	\$	(1,705,446.29)
2007-2008	\$	(1,705,446.29)	\$	99,288.00	\$	180,813.00	\$	(1,786,971.29)	4.325%	\$	-	\$	(1,786,971.29)
2008-2009	\$	(1,786,971.29)	\$	50,520.00	\$	12,442,742.00	\$	(14,179,193.29)	2.224%	\$	-	\$	(14,179,193.29)
2009-2010	\$	(14,179,193.29)	\$	80,776.00	\$	173,702.00	\$	(14,272,119.29)	0.651%	\$	-	\$	(14,272,119.29)
2010-2011	\$	(14,272,119.29)	\$	96,705.00	\$	-	\$	(14,175,414.29)	0.495%	\$	-	\$	(14,175,414.29)
2011-2012	\$	(14,175,414.29)	\$	229,445.00	\$	4,953,728.00	\$	(18,899,697.29)	0.382%	\$	-	\$	(18,899,697.29)
2012-2013	\$	(18,899,697.29)	\$	64,395.00	\$	3,575.00	\$	(18,838,877.29)	0.307%	\$	-	\$	(18,838,877.29)
2013-2014	\$	(18,838,877.29)	\$	34,650.00	\$	61,503.00	\$	(18,865,730.29)	0.249%	\$	-	\$	(18,865,730.29)
2014-2015	\$	(18,865,730.29)	\$	11,820.00	\$	-	\$	(18,853,910.29)	0.269%	\$	-	\$	(18,853,910.29)
2015-2016	\$	(18,853,910.29)	\$	13,336.00	\$	-	\$	(18,840,574.29)	0.434%	\$	-	\$	(18,840,574.29)
2016-2017	\$	(18,840,574.29)	\$	46,200.00	\$	109,889.00	\$	(18,904,263.29)	0.754%	\$	-	\$	(18,904,263.29)
2017-2018	\$	(18,904,263.29)	\$	32,550.00	\$	89,303.00	\$	(18,961,016.29)	1.376%	\$	-	\$	(18,961,016.29)
2018-2019	\$	(18,961,016.29)	\$	45,150.00	\$	-	\$	(18,915,866.29)	2.266%	\$	-	\$	(18,915,866.29)
2019-2020	\$	(18,915,866.29)	\$	43,050.00	\$	-	\$	(18,872,816.29)	1.934%	\$	-	\$	(18,872,816.29)
2020-2021	\$	(18,872,816.29)	\$	35,962.50	\$	-	\$	(18,836,853.79)	0.500%	\$	-	\$	(18,836,853.79)
<b>Total</b>			<b>\$</b>	<b>2,922,627.50</b>	<b>\$</b>	<b>21,765,873.00</b>				<b>\$</b>	<b>6,391.71</b>	<b>\$</b>	<b>(18,836,853.79)</b>
<i>Sum Check</i>			\$	-	\$	-				\$	-		-

\*Interest is only calculated using the fiscal year end cumulative balance when cumulative revenues exceed cumulative expenditures.

\*\*A negative cumulative balance represents Agency capital expenditures in excess of Capacity Charges levied/collected.

DESERT WATER AGENCY  
**Capacity Charge Charge**  
Expenditures Detail

**Sewer Service**

2020-2021

Work Order #	Asset Account	Description	Expenditure
	None		
Total			\$ -

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: REQUEST ADOPTION OF RESOLUTION NO. 1272 FOR U.S.  
BUREAU OF RECLAMATION GRANT ELIGIBILITY**

Desert Water Agency's grass removal incentive has been an extremely popular program and a successful tool in achieving lasting water savings. The program has relied heavily on grant funding through the Department of Water Resources' Integrated Regional Water Management (IRWM) program in the past. Desert Water Agency has received roughly \$2 million for grass removal from DWR's IRWM program.

Staff has also worked with our partners at CPV Sentinel to help fund the grass removal and in 2020 used Federal funding for grass removal for the first time. Staff applied for and was awarded a U.S. Bureau of Reclamation (USBR) Small-scale Water Efficiency Program grant for \$75,000 in 2020. Staff is applying to the same program this year.

The maximum funding request in 2022 is \$100,000. The application, which is due April 28, requests the full \$100,000 for grass removal projects to be completed from October 2022 to the end of 2023. There is a \$100,000 match requirement for this grant. Staff plans to use IRWM Proposition 1 Round 2 program grant for the matching funds required. If DWA is not successful in earning IRWM grant funds, DWA will have to match \$100,000 out of its own budget.

DWA has requested letters of support from the City of Palm Springs, the City of Cathedral City, Coachella Valley Water District and Agua Caliente Band of Cahuilla Indians. USBR also requires a resolution from the applicant's governing body as part of the application process.

Resolution No. 1272 notes the Agency's dedication to water conservation and commits the Agency to providing the matching funds if USBR awards DWA the grant.

Fiscal impact:

While there is no fiscal impact to the application, successful award could encumber the Agency in the amount of \$100,000 for matching funds. If approved, staff will include the required \$100,000 matching requirement to the proposed 2022/2023 budget for approval. Finance Director Saenz has reviewed this report.

Recommendation:

Staff recommends adoption of Resolution No. 1272, authorizing staff to apply for the 2022 USBR Small-scale Water Efficiency Program opportunity.



## **RESOLUTION NO. 1272**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF DESERT WATER AGENCY AUTHORIZING AND APPROVING SUBMISSION FOR A U.S. BUREAU OF RECLAMATION SMALL-SCALE WATER EFFICIENCY PROJECTS GRANT**

**WHEREAS**, the Desert Water Agency was established by an Act of the California Legislature in 1961 as a public water management agency; and

**WHEREAS**, the Agency views water conservation investments as a critical strategy to meet future water needs; and

**WHEREAS**, working with members of our own community to achieve local water conservation gains is an ideal approach; and

**WHEREAS**, about eighty percent of water is used outdoors, making grass removal an effective tool; and

**WHEREAS**, Desert Water Agency intends to submit an application for one hundred thousand dollars in financial assistance from the United States Bureau of Reclamation through its small-scale water efficiency project grant in fiscal year 2022; and

**WHEREAS**, the funding requested is for the Desert Water Agency Grass Removal Incentive Program; and

**WHEREAS**, the U.S. Department of the Interior, Bureau of Reclamation, Policy and Administration requires Governing Body approval for submission of an application; and

**WHEREAS**, if successful, the Agency will use California Department of Water Resources grant funding or the Agency's own budgeted funds for the matching funds in the funding plan submitted with the application;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of Desert Water Agency hereby authorizes staff to apply for grant funding through the United States Bureau of Reclamation's Small-scale Water Efficiency Projects.

**ADOPTED** this 5<sup>th</sup> day of April, 2022.

---

Kristin Bloomer, President

**ATTEST:**

---

Joseph K. Stuart, Secretary-Treasurer

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: REQUEST 2021/2022 OPERATING FUND BUDGET  
AUGMENTATION FOR PALM SPRINGS NORTH RESERVOIR  
PHASE III FIRE HAZARD ABATEMENT PROJECT**

On February 22, 2021, the Agency received a municipal code violation notification from the Palm Springs Fire Inspector in regards to the PS North reservoir property (12 MG reservoir site). The Fire Inspector was responding to surrounding property owners that expressed concerns about fire hazards due to the overgrown vegetation located at the site. The notification stated that if the code violations were not addressed, the Agency would receive a citation.

Staff worked closely with Down to Earth Landscaping, the Agency's contracted landscapers, and developed a resolution plan that focused on all of the code violations. Down to Earth Landscaping proposed a three-phase Fire Hazard Abatement Project Plan (Plan) that strictly followed the 2019 CA Fire Code and the Palm Springs Fire Department Vegetation Management Guideline, as directed by the Fire Inspector. The Plan outlined how Down to Earth Landscaping would safely remove all dead underbrush and vegetation, and trim all trees, grass, and shrubs to the specifications of the fire code and Vegetation Management Guideline.

Phase I was completed in May 2021 and Phase II in January 2022. To date, approximately 4.5 acres of very dense, dead foliage has been cleared from the site.

Originally, Phase III was scheduled for fiscal year 2022/2023; however, Down to Earth Landscaping is requesting to commence work in April 2022 to take advantage of cooler weather and to have work completed before summer months and higher fire risks. Down to Earth Landscaping has agreed to offer the Agency a 1% discount if Board approves the April 2022 start.

Fiscal Impact:

Increase in 2021/2022 Operating Fund Source of Supply expense by \$75,000 to be funded by year-to-date water sales revenue in excess of anticipated revenues. Finance Director Saenz has reviewed this report.

Recommendation:

Staff is requesting Board authorization to augment the 2021/2022 Operating Fund Budget, increasing Source of Supply Maintenance expense in the amount of \$75,000, for Phase III Fire Hazard Abatement Project at Palm Springs North Reservoir property.

Attachments:

1. Notice of municipal code violation from Palm Springs Fire Inspector
2. Photo Phase I Area
3. Photo Phase II Area
4. Photo Phase III Area

Palm Springs Fire Department  
300 North El Cielo Rd.  
Palm Springs, CA 92262

RECEIVED

FEB 22 2021



Tuesday, 16 February, 2021

DESERT WATER AGENCY

Attn: Mark Krause  
Desert Water Agency  
P.O. Box 1710  
Palm Springs, CA 92263

Property Address:  
High Fire Area  
0057 Chino Canyon Rd.  
Palm Springs, CA 92262

Scanned ✓  
mark ✓  
Steve ✓  
Conn. ✓  
cc: Sylvia ✓

Re: Initial - Citizen Compliant on February 16 2021

An inspection of your facility revealed the violations listed below.

In accordance with Chapter 11.02 of the Palm Springs Municipal Code (PSMC), you are hereby notified that Municipal Code Violation(s), defined as a Fire Code Violation, has been determined to exist on the property. Violations below reference the 2019 California Fire Code (CFC).

For more information on VEGETATION MANAGEMENT IN VERY HIGH FIRE HAZARD SEVERITY ZONES please visit the link below: <https://www.palmspringsca.gov/home/showdocument?id=71393>

For all inspections an invoice will follow.

**Failure to comply with the orders contained in this notice will result in the issuance of an ADMINISTRATIVE CITATION and FINE.**

Inspector:

A handwritten signature in black ink, appearing to read "Arturo Argumedo", written over a horizontal line.

Fire Inspector Arturo Argumedo

[arturo.argumedo@palmspringsca.gov](mailto:arturo.argumedo@palmspringsca.gov)

760-218-4949

Property Representative:

A horizontal line for a signature, with no text written on it.

### Violation/Information Page(s)

#### Inspection Violations

**Are trees taller than 18 feet, are branches trimmed so that no foliage is within six feet of the ground, and is all dead material removed? For trees and shrubs less than 18 feet, remove lower branches to a third of their height, and remove all dead material.**

**1.4.2** For trees taller than 18 feet, trim lower branches so no foliage is within six feet of the ground, and remove all dead material. For trees and shrubs less than 18 feet, remove lower branches to 1/3 of their height, and remove all dead material.

**Inspector Notes: Property owner shall ensure that all vegetation is maintained in accordance to this code section.**

Violation found on  
02/16/2021

Will be rechecked on or after  
03/02/2021

Violation Not  
Repaired



**Are contractors using metal cutting blades for grass or brush clearance? Are they non-ferrous/non-sparking?**

**1.4.6** Use of metal cutting blades for grass or brush clearance shall be limited to those which are non-ferrous/non-sparking

**Inspector Notes: Property owner shall ensure that required procedures are followed when clearing brush/vegetation.**

Violation found on  
02/16/2021

Will be rechecked on or after  
03/02/2021

Violation Not  
Repaired

**Are contractors conducting brush clearance operations on red flag days, when fire weather conditions are at their peak?**

**1.4.7** Brush clearance cannot be done on red flag days, when fire weather conditions are at their peak.

**Inspector Notes: Property owner shall ensure that required procedures are followed while clearing brush/vegetation.**

Violation found on  
02/16/2021

Will be rechecked on or after  
03/02/2021

Violation Not  
Repaired







# PALM SPRINGS FIRE DEPARTMENT

## Appendix "S"

### VEGETATION MANAGEMENT IN VERY HIGH FIRE HAZARD SEVERITY ZONES



PALM SPRINGS FIRE DEPARTMENT  
300 NORTH EL CIELO ROAD  
PALM SPRINGS, CA 92262

#### FIRE PREVENTION BUREAU CONTACTS

FIRE CHIEF	J. KEVIN NALDER	(760) 323-8186	<a href="mailto:kevin.nalder@palmspringsca.gov">kevin.nalder@palmspringsca.gov</a>
DEPUTY FIRE MARSHAL	STEPHEN OTERO	(760) 323-8184	<a href="mailto:stephen.otero@palmspringsca.gov">stephen.otero@palmspringsca.gov</a>

# TABLE OF CONTENTS

1.1 INTRODUCTION..... 3

1.2 PURPOSE..... 3

1.3 PENALTY ..... 3

1.4 CLEARANCE REQUIREMENTS/FUEL MODIFICATION ..... 3-5



## 1.1 INTRODUCTION

Vegetation management has proven to be a major factor in reducing the chances of buildings igniting from wildfires and from wildland areas being ignited from burning buildings. When combined with special building construction features, the chances of ignition are further reduced. Fire and Building Department agencies adopt local and state codes that require vegetation management and special construction features. The Vegetation Management Guideline increase requirements for brush clearance and fire safety in the Very High Fire Hazard Severity Zones (VHFHSZ).

## 1.2 PURPOSE

This guideline establishes appropriate safety measures necessary to mitigate the occurrence of fires.

## 1.3 PENALTY

A first violation of this section shall be an infraction punishable by a fine not to exceed \$250. A second and all subsequent violations of this appendix shall be subject to prosecution as an infraction or prosecution as a misdemeanor punishable by a fine not to exceed \$1,000, by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment. In addition, to the aforementioned penalties, any violator convicted under this appendix, which resulted in a fire, may be liable for any civil cost recovery associated with the fire, as permitted by law.

## 1.4 CLEARANCE REQUIREMENTS

Owners of property located in the Very High Fire Hazard Severity Zone (VHFHSZ) shall maintain their property in accordance with the 2019 California Fire Code and Palm Springs Fire Department Vegetation Management Guideline. Year-round compliance shall be maintained as described below on all native brush, weeds, grass, trees, and hazardous vegetation within 200 feet of any structure/buildings, whether those structures are on the owner's property or adjoining properties, and within 10 feet of any combustible fence or roadway/driveway used for vehicular travel.

1. Areas within 200 feet of structures and/or 10 feet of roadside surfaces or combustible fence: Grass shall be cut to three inches in height. Native brush shall be reduced in quantity to three inches in height. This does not apply to individual native shrubs spaced a minimum of 18 feet apart, provided such shrubs are trimmed up from the ground to 1/3 of their height with all dead material being removed (see diagram below).
2. For trees taller than 18 feet, trim lower branches so no foliage is within six feet of the ground, and remove all dead material. For trees and shrubs less than 18 feet,

remove lower branches to 1/3 of their height, and remove all dead material (see diagram below).

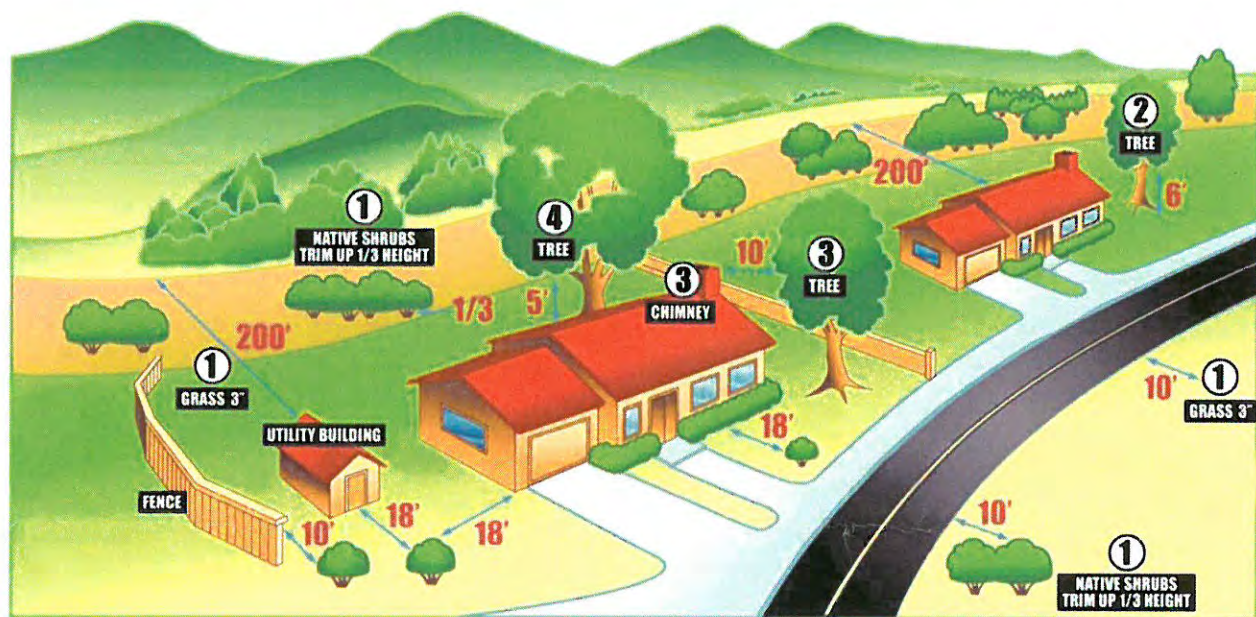
3. Trees shall be trimmed up so the foliage is no closer than 10 feet from the outlet of a chimney (see diagram below).
4. All roof surfaces shall be maintained free of substantial accumulation of leaves, needles, twigs and any other combustible matter. Maintain five feet of vertical clearance between roof surfaces and portions of overhanging trees (see diagram below).
5. All cut vegetation and debris shall be removed in a legal manner. Cut vegetation may be machine processed (i.e.,chipped) and spread back onto the property at a depth not to exceed three inches within 30 feet of structures and six inches beyond 30 feet of structures. In addition, spread material shall not be placed within 10 feet of any usable roadside.
6. Use of metal cutting blades for grass or brush clearance shall be limited to those which are non-ferrous/non-sparking.
7. Brush clearance cannot be done on red flag days, when fire weather conditions are at their peak.
8. Individuals engaged in brush clearance operations shall not engage in any other activities during their actual clearance of grass or brush.
9. An approved 2-A two (2) gallon water fire extinguisher, or a pressurized garden hose with attached nozzle shall be within 10 feet of any grass or brush clearance operation, to quickly extinguish a small fire before it burns out of control.
10. Where a gasoline container is present at the site of the grass or brush clearance operation, a minimum 4A 60BC dry chemical fire extinguisher shall be within 10 feet of the brush clearance operation.
11. A cell phone capable of dialing 9-1-1 shall be charged and readily accessible to the grass or brush clearance operation.

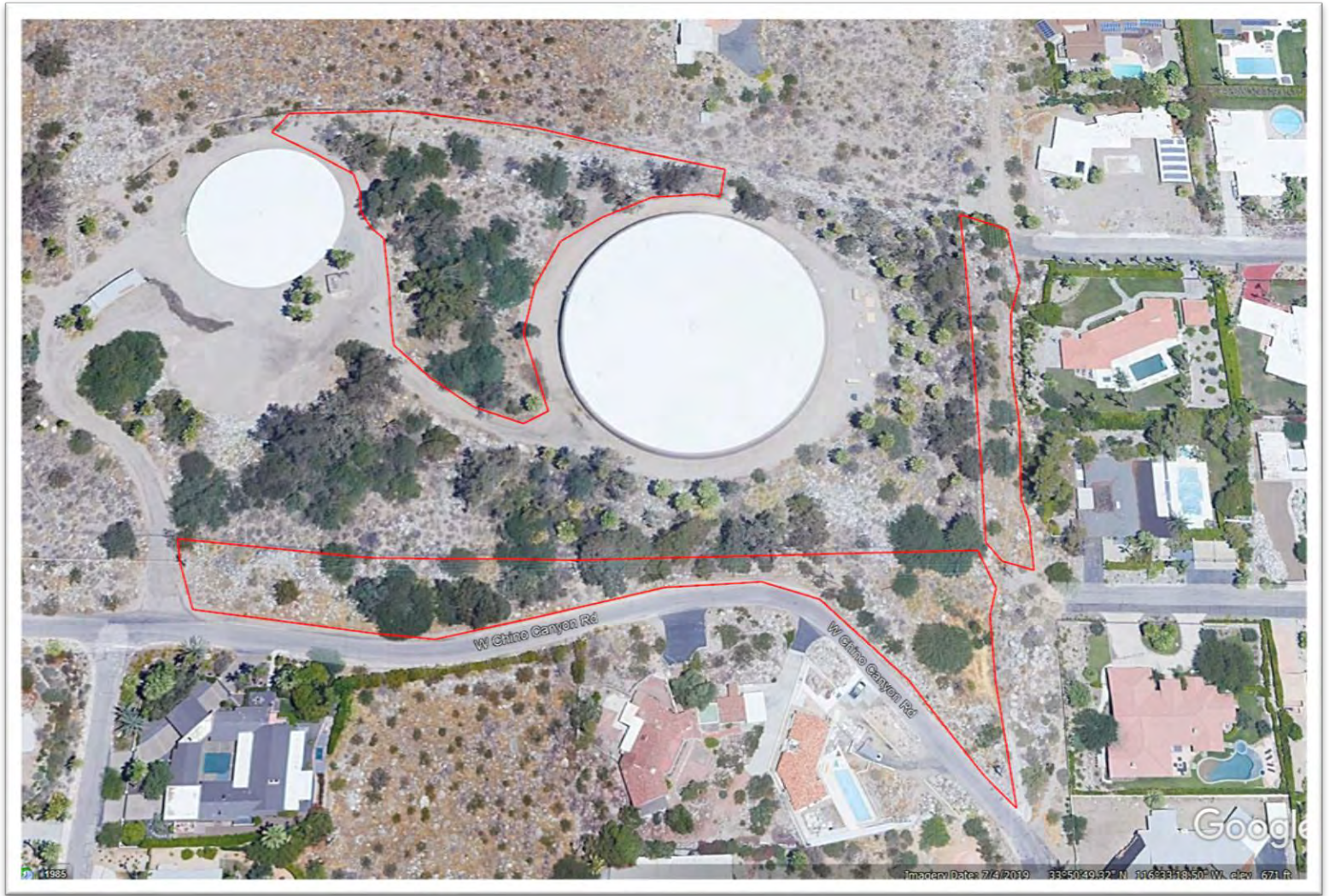


The above general requirements also apply to landscape vegetation.

## VEGETATION MANAGEMENT IS A YEAR-ROUND RESPONSIBILITY

Clear Early, Clear Often.





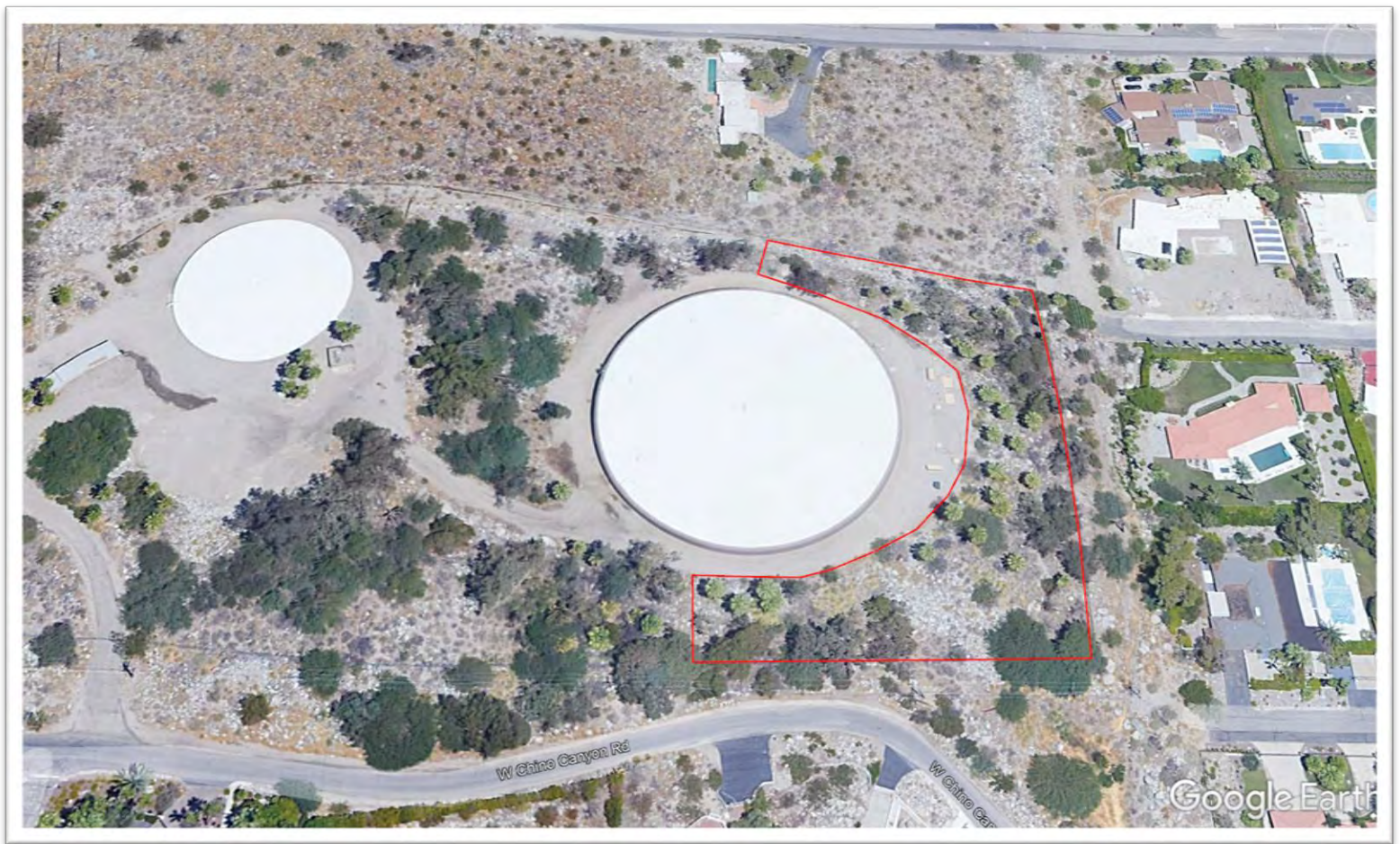
**Palm Springs North Phase I**





**Palm Springs North Phase II**





**Palm Springs North Phase III**

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: REQUEST ADOPTION OF THE LEGISLATIVE COMMITTEE'S  
BILL POSITION RECOMMENDATION**

The legislative packet provides a description of legislation and proposed positions. The Legislative Committee has reviewed the packet and supports the proposed positions.

Mr. Reeb is in attendance at today's meeting and will provide a brief overview of the recommendations.

Staff requests adoption of the Legislative Committee's recommended position as the Agency's position with regard to each bill presented.

## 2021-22 Regular Session, Second Year - Thursday, March 24, 2022

### [AB 1001](#)

**(Garcia, Cristina D)** Environment: mitigation measures for air quality impacts: environmental justice.

**Current Text:** Amended: 3/22/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amend:** 3/22/2022

**Status:** 3/22/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/1/2022-S. RLS.

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air quality of a disadvantaged community, to include measures for avoiding, minimizing, or otherwise mitigating for the adverse effects on that community. The bill would require mitigation measures to include measures conducted at the project site that avoid or minimize to less than significant the adverse effects on the air quality of a disadvantaged community or measures conducted in the affected disadvantaged community that directly mitigate those effects.

**Notes:** Existing law generally requires a project proponent to avoid or mitigate a potential significant effect on the environment.

As amended March 22, 2022, this bill would require mitigation measures identified in an environmental impact report or mitigated negative declaration to mitigate the air quality adverse impacts on a disadvantaged community. Mitigation may include measures for avoiding, minimizing, or otherwise mitigating for the adverse effects on that community. The bill would require mitigation measures to include measures conducted at the project site that avoid or minimize to less than significant the adverse effects on the air quality of a disadvantaged community or measures conducted in the affected disadvantaged community that directly mitigate those effects.

The California Environmental Protection Agency identifies disadvantaged communities based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following: (1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation, and (2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment. If the mitigation measures include compensating for adverse effects on the air or water quality of a disadvantaged community, the compensating measures shall mitigate those effects directly in the affected disadvantaged communities.

Existing law defines "environmental justice" to mean the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. "Environmental justice" includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people, (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities, (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process, and (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

This bill would require all public agencies, in implementing CEQA, to give consideration to the principles of environmental justice by ensuring the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins.

This bill would require a project proponent to ensure the "fair treatment and meaningful involvement" of people, as



specified, but provides little or no direction regarding either assurance. Would this bill require a project proponent to undertake greater outreach to the public whenever a disadvantaged community or population subset might be affected by the air or water quality impacts of a proposed project?

A recent article by CalMatters describes frustration among environmental justice advocates regarding the pace of air quality improvements achieved under legislation by Assembly Member Garcia that was signed into law four years ago. AB 617 "is supposed to clear the air for low-income communities of color that bear the brunt of California's air pollution. The law established the Community Air Protection Program, which tasks residents and local officials with shaping regulations and steering state money to a handful of hotspots."

According to the California Chamber of Commerce and a coalition of other opponents, the bill expands CEQA to further exacerbate known problems with the statute by limiting local land use discretion and imposing burdensome and unworkable new legal obligations on lead agencies. Opponents argue: "Environmental justice is an important issue but seeking to further address it by expanding CEQA is unnecessary and brings with it a host of unintended consequences. In attempting to address environmental justice concerns through CEQA as the bill proposes, AB 1001 winds up substantially aggravating one of the state's most intractable problems: California's housing crisis inextricably linked to its inability to produce housing quickly and cost effectively. The historical environmental injustices that have transpired in California should continue to be remedied in more suitable areas of California law – but CEQA is not one of those areas."

Current Position: Not Yet Considered

Recommended Position: Watch

## **AB 1632**

**(Weber, Akilah D) Restroom access: medical conditions.**

**Current Text:** Amended: 3/22/2022 [html](#) [pdf](#)

**Introduced:** 1/11/2022

**Last Amend:** 3/22/2022

**Status:** 3/23/2022-Re-referred to Com. on B. & P.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 1/20/2022-A. B.&P.

**Calendar:** 3/29/2022 9:30 a.m. - 1021 O Street, Room 1100 ASSEMBLY BUSINESS AND PROFESSIONS, BERMAN, Chair

**Summary:** Would, if certain conditions are met, require a place of business open to the general public for the sale of goods or services that has a toilet facility for its employees to allow any individual who is lawfully on the premises of that place of business to use that toilet facility during normal business hours, even if the place of business does not normally make the employee toilet facility available to the general public. A willful or grossly negligent violation of this requirement would be a civil penalty, not exceeding \$100 per violation.

**Notes:** Current law sets forth various requirements for providing restroom access in the workplace, place of public accommodation, or elsewhere, under specified circumstances, including, among others, provisions relating to employees, disabled travelers, baby diaper changing stations, and all-gender toilet facilities.

This bill would require a place of business open to the general public for the sale of goods or services that has a toilet facility for its employees to allow any individual who is lawfully on the premises of that place of business to use that toilet facility during normal business hours, even if the place of business does not normally make the employee toilet facility available to the general public, if all of the following conditions are met:

- (1) The individual requesting use of the employee toilet facility uses an ostomy device or suffers from Crohn's disease, ulcerative colitis, other inflammatory bowel disease, irritable bowel syndrome, or another medical condition that requires immediate access to a toilet facility;
- (2) Three or more employees of the place of business are working onsite at the time that the individual requests use of the employee toilet facility;
- (3) The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the requesting individual or would create an obvious security risk to the place of business;
- (4) Use of the employee toilet facility would not create an obvious health or safety risk to the requesting individual; and
- (5) A public restroom is not immediately accessible to the requesting individual.

The place of business may require the individual to present reasonable evidence of his or her eligible medical condition.

A signed statement issued to the individual by a licensed physician, nurse practitioner, or physician assistant in a form developed by the Department of Public Health will be considered reasonable evidence for this purpose.

The bill expressly provides that a place of business is not required to make any physical changes to an employee toilet facility.

The bill would make a willful or grossly negligent violation of this requirement subject to a civil penalty, not exceeding \$100 per violation.

Current Position: Not Yet Considered

Recommended Position: Watch

#### [AB 1883](#)

##### **(Quirk-Silva D) Public restrooms.**

**Current Text:** Introduced: 2/8/2022 [html](#) [pdf](#)

**Introduced:** 2/8/2022

**Status:** 2/18/2022-Referred to Com. on L. GOV.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/18/2022-A. L. GOV.

**Summary:** Current law requires every public agency, as defined, that conducts an establishment serving the public or open to the public and that maintains restroom facilities for the public, to make every water closet available without cost or charge, as provided. Current law also requires publicly and privately owned facilities where the public congregates to be equipped with sufficient temporary or permanent restrooms to meet the needs of the public at peak hours. This bill would require each local government, as defined, to complete an inventory of public restrooms owned and maintained by the local government, either directly or by contract, that are available to the general population in its jurisdiction.

**Notes:** This bill would require each local government to complete an inventory of accessible, permanent public restrooms, including single-occupancy restrooms, owned and maintained, either directly or by contract, by the local government that are available to the general population in its jurisdiction. The bill would require local governments to provide the inventory to the State Department of Public Health (CDPH) no later than July 1, 2023.

The bill would require CDPH to compile the information provided by local governments and to develop and maintain a user-friendly database of the information that is searchable by ZIP Code on its public internet website not later than March 1, 2024.

For purposes of the bill provisions, “local government” is defined to mean a city, including a charter city, a county, a city and county, and a special district. The bill defines a “special district” to mean a library district, a public museum within a library district, or a park district. A “park district” is defined as any district authorized to provide park, recreational, or open-space services, or a combination of those services, except a school district.

Given these definitions, as currently written, the bill does not apply to the Agency.

Current Position: Not Yet Considered

Recommended Position: Watch

#### [AB 1944](#)

##### **(Lee D) Local government: open and public meetings.**

**Current Text:** Introduced: 2/10/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Status:** 2/18/2022-Referred to Com. on L. GOV.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/18/2022-A. L. GOV.

**Summary:** Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

**Notes:** The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction.

This legislation would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing. This legislation would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.

According to the Senate Floor Analysis regarding AB 339 (Lee) which the Governor vetoed, "When the COVID-19 pandemic required the public, including local elected officials, to stay at home to avoid spreading the virus, local agencies recognized that the Brown Act's teleconferencing provisions did not provide the flexibility they felt necessary to continue conducting their business without risking further spread of the virus. Soon after the start of the pandemic, the Governor's executive order provided local agencies the flexibility they wanted to continue their business, while still providing opportunities for the public to participate via teleconference services. While local agencies have until the end of September 2021 to use this flexibility, the calls to amend the Brown Act came immediately. Local agencies found the flexibility teleconferencing provides useful, especially for members who had to travel to long distances to attend meetings. Members of the public who previously were unable to attend meetings could now call in and provide comments, bringing new voices into local agency meetings. However, at this point limited data and information have been collected to determine if, and how, the Brown Act should be amended to provide more flexibility for local agencies and the public."

AB 361 (Chapter 165, Statutes of 2021), until January 1, 2024, authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees. AB 361 requires legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. AB 361 prohibits the legislative body from requiring public comments to be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

This legislation would resolve concerns by local agency governing board members that should they participate in a meeting held by teleconference at their residence, they would not be required to post an agenda for the meeting on their front door and allow members of the public to attend the meeting in their residence.

Current Position: Not Yet Considered

Recommended Position: Favor

## **AB 1993**

**(Wicks D) Employment: COVID-19 vaccination requirements.**

**Current Text:** Introduced: 2/10/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Status:** 3/17/2022-Referred to Coms. on L. & E. and JUD.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/17/2022-A. L. & E.

**Summary:** Would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person

has been vaccinated against COVID-19. This bill would establish an exception from this vaccination requirement for a person who is ineligible to receive a COVID-19 vaccine due to a medical condition or disability or because of a sincerely held religious belief, as specified, and would require compliance with various other state and federal laws. The bill would require proof-of-vaccination status to be obtained in a manner that complies with federal and state privacy laws and not be retained by the employer, unless the person authorizes the employer to retain proof.

**Notes:** According to the author, this legislation represents a first-in-the-nation bill that would mandate all businesses in the state of California to require their employees and independent contractors to receive the COVID-19 vaccine. The legislation would require workplaces and employers of all sizes to verify that their workers – both employees and independent contractors – are fully immunized against the COVID-19 virus. The author introduced the legislation in response to the recent U.S. Supreme Court decision blocking President Biden’s nationwide vaccine mandate for large employers, leaving vaccine rules and implementation up to individual states.

AB 1993 would require new hires of a business to have at least one dose of a vaccination by their first day on the job, and the second within 45 days. The bill includes no option for a testing alternative unless an employee qualifies for a medical or religious exemption. Guidance for employers on what constitutes a medical condition, disability, religious belief, and valid vaccination status would be determined by the California Division of Occupational Safety and Health (CalOSHA) and the California Department of Public Health (CDPH). If signed into law, businesses that don’t comply with the bill would be subject to fines and penalties.

According to the CDC, reported COVID-19 illnesses have ranged from mild (with no reported symptoms in some cases) to severe to the point of requiring hospitalization, intensive care, and/or a ventilator. COVID-19 illnesses can also lead to death. While people of all ages can be infected, the risk for complications increases with age. People living in a nursing home or long-term care facility, and people of all ages with underlying health conditions (such as diabetes, heart disease, lung disease, and obesity) also are at high risk for serious illness. COVID-19 also has led to serious illness and even death in younger and middle-aged adults who are otherwise healthy. While most children have mild or no symptoms, some have gotten severely ill. As with adults, even if children have no symptoms, they can spread the virus to others.

Riverside County is currently in the low community level for COVID-19 with COVID in-patient bed utilization of 7%, COVID hospital admissions of 6.1 per 100,000 population, and 114.19 COVID cases per 100,000 population. As of March 5, according to the California COVID-19 Vaccine Tracker, 81.8% of Californians have received at least one vaccine dose [66.9% for Riverside County], 70.6% are fully vaccinated (received at least two doses) [60.0% in Riverside County], and 50% of the fully vaccinated population have received a booster dose. According to the Centers for Disease Control, data from South Africa and the United Kingdom demonstrate that vaccine effectiveness against infection for two doses of an mRNA vaccine is approximately 35%. A COVID-19 vaccine booster dose restores vaccine effectiveness against infection to 75%. COVID-19 vaccination decreases the risk of severe disease, hospitalization, and death from COVID-19. CDC strongly encourages COVID-19 vaccination for everyone 5 and older and boosters for everyone 16 and older. CDC advise for influenza vaccination is similar to that for COVID-19. Currently, California does not mandate either COVID-19 or influenza vaccination.

The percentage of people who need to be immune in order to achieve herd immunity varies with each disease. For example, herd immunity against measles requires about 95% of a population to be vaccinated. The remaining 5% will be protected by the fact that measles will not spread among those who are vaccinated. For polio, the threshold is about 80%. The proportion of the population that must be vaccinated against COVID-19 to begin inducing herd immunity is not known.

Children in California are required to receive certain immunizations in order to attend public and private elementary and secondary schools, child care centers, family day care homes, nursery schools, day nurseries, and developmental centers (pre-kindergarten facilities). Schools, and pre-kindergarten facilities are required to enforce immunization requirements, maintain immunization records of all children enrolled, and submit reports. California does not mandate vaccinations for adults; however, under emergency powers, Governor Newsom mandated COVID-19 vaccinations for health workers, teachers, adult care workers and direct care workers

Because knowledge about the COVID-19 virus is evolving rapidly, everyone should expect information and recommendations to change frequently.

This legislation contains a provision that the requirements shall remain operative until the federal Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices determines that COVID-19 vaccinations are no longer necessary for the health and safety of individuals, and as of that date is repealed. The CDC encourages persons from age 5 and older to obtain the COVID-19 vaccination, but has not determined that such vaccinations are "necessary."

As for the practical application of this legislation, should it become law, an employer like the Agency would be required to enforce the vaccination mandate for its employees and independent contractors. In effect, the determining

qualification for employment or contracting with the Agency would be COVID-19 vaccination status. It is unclear whether such a mandate would have an overall net beneficial impact or a negative impact on the Agency in terms of its ability to continue to fulfill its legal and regulatory requirements for hydroelectric power generation, safe drinking water or wastewater collection and treatment services. Guidance to employers on what constitutes a medical condition or disability, or a sincerely held religious belief, for purposes of this legislation would not be provided until after the law takes effect.

The issue is whether effects of the COVID-19 virus in January 2023 and thereafter will threaten the ability of a workforce of any given industry or sector or individual employer to fulfill its duties and responsibilities. Aside from the health care industry--nursing homes and hospitals in particular--anecdotal evidence suggests that few public or private employers were severely impacted to the degree that a state vaccination mandate as contemplated under this legislation is necessary.

Current Position: Not Yet Considered

Recommended Position: Oppose

#### **AB 2041**

**(Garcia, Eduardo D) California Safe Drinking Water Act: primary drinking water standards: compliance.**

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 3/23/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/24/2022-A. E.S. & T.M.

**Summary:** Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

**Notes:** Existing law requires the State Water Resources Control Board to adopt primary drinking water standards for contaminants in drinking water that are based on the following criteria: (1) The public health goal for the contaminant published by the Office of Environmental Health Hazard Assessment; (2) The national primary drinking water standard for the contaminant, if any, adopted by the United States Environmental Protection Agency; and (3) The technological and economic feasibility of compliance with the proposed primary drinking water standard. For the purposes of determining economic feasibility, the state board must consider the costs of compliance to public water systems, customers, and other affected parties with the proposed primary drinking water standard, including the cost per customer and aggregate cost of compliance, using best available technology. The state board standards cannot be less stringent than the national primary drinking water standards adopted by the United States Environmental Protection Agency. A primary drinking water standard adopted by the state board shall be set at a level that is as close as feasible to the corresponding public health goal placing primary emphasis on the protection of public health, and that, to the extent technologically and economically feasible.

Existing law requires the state board to adopt a finding of the best available technology for each contaminant for which a primary drinking water standard has been adopted at the time the standard is adopted. The finding of the state board shall take into consideration the costs and benefits of best available treatment technology that has been proven effective under full-scale field applications.

The purpose of this legislation is to require the state board to develop a financial plan to assist a public water system that cannot afford to comply with a new drinking water standard to assist the system in procuring and installing the necessary measures to comply with the primary drinking water standard. The Agency is unlikely to be identified as a public water system that is unable to procure and install best available treatment technology to comply with a new drinking water standard.

Current Position: Not Yet Considered

Recommended Position: Watch

#### **AB 2081**

**(Garcia, Eduardo D) Municipal water districts: water service: Indian lands.**

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 3/23/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (March 23). Re-referred to Com. on APPR.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/23/2022-A. APPR.

**Summary:** The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025.

**Notes:** Existing law was enacted in 2017 through legislation authored by Assembly Members Eduardo Garcia and Marie Waldron. Existing law authorizes a municipal water district, upon request of an Indian tribe that has satisfied conditions in existing law, to apply to LAFCO to extend water service to Indian lands that are outside the district at substantially the same terms applicable to the customers of the district as if the lands had been fully annexed within the district, and any other special districts required for the provision of water service, until January 1, 2023. Existing law requires LAFCO to approve the application and authorizes LAFCO to impose terms and conditions with regard to the extension of service in accordance with existing law, as long as the terms and conditions do not impair the provision of water service to Indian lands and similar to those imposed on all agency service recipients without discrimination. Existing law requires a district to provide the water extension agreement to the LAFCO and prohibits LAFCO from approving an application on or after January 1, 2023, but allows a previously approved extension of service to continue beyond that date if the district continues to comply with the conditions imposed by LAFCO.

This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025. The bill would not affect the Agency in its present form, but the Agency should nevertheless monitor the legislation given its subject matter.

Current Position: Not Yet Considered

Recommended Position: Watch

## **AB 2108**

**(Rivas, Robert D) Water policy: environmental justice: disadvantaged and tribal community representation.**

**Current Text:** Amended: 3/15/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Last Amend:** 3/15/2022

**Status:** 3/23/2022-From committee: Do pass and re-refer to Com. on W.,P., & W. (Ayes 6. Noes 1.) (March 22).

Re-referred to Com. on W.,P., & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/23/2022-A. W.,P. & W.

**Summary:** Current law establishes the State Water Resources Control Board (state board) in the California Environmental Protection Agency. The state board consists of 5 members appointed by the Governor, including one member who is not required to have specialized experience. Current law requires one of those members, excluding the member who is not required to have specialized experience, to additionally be qualified in the field of water supply and water quality relating to irrigated agriculture. This bill would require that one of the persons appointed by the Governor to the state board be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities. The bill would also require that at least one person appointed to each regional board have specialized experience to represent disadvantaged or tribal communities.

**Notes:** Existing law specifies that the State Water Resources Control Board shall consist of five members appointed by the Governor, as follows: (1) One shall be an attorney admitted to practice law in this state who is qualified in the fields of water supply and water rights; (2) One shall be a registered civil engineer who is qualified in the fields of water supply and water rights; (3) One shall be a registered professional engineer who is experienced in sanitary engineering and who is qualified in the field of water quality; (4) One shall be qualified in the field of water quality; and one member



shall not be required to have specialized experience. Existing law requires that one of the first four members described above, in addition to having the specified qualifications, shall be qualified in the field of water supply and water quality relating to irrigated agriculture.

This legislation would require that one of the first four members described above, in addition to having the specified qualifications, shall be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities and have a proven history of advocacy regarding disadvantaged or tribal communities.

It is interesting to note the following finding and declaration that the author has chosen to include in this legislation:

"The state is committed to the protection of public health and beneficial uses of waterbodies in all communities, particularly in Black, Indigenous, and people of color communities disproportionately burdened by environmental pollution through cleanup of contaminated soil, soil vapor, and groundwater; control of wastes discharged to land and surface water; restoration of impaired surface waters and degraded aquifers; and promotion of multibenefit water quality projects to increase access to parks, open spaces, greenways, and other green infrastructure."

The Human Right to Water state policy provides that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The state board is required to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the human right to water.

More recently, the state board adopted Resolution No. 2021-0550 "CONDEMNING RACISM, XENOPHOBIA, BIGOTRY, AND RACIAL INJUSTICE AND STRENGTHENING COMMITMENT TO RACIAL EQUITY, DIVERSITY, INCLUSION, ACCESS, AND ANTI-RACISM." The resolution notes that "Over the last decade, the Water Boards have increasingly emphasized actions to address environmental injustices, including: (1) creating the Safe and Affordable Funding for Equity and Resilience (SAFER) Program, a comprehensive approach to implementing the state's commitment to the Human Right to Water by ensuring the estimated 1 million Californians being served contaminated water have solutions for safe, affordable drinking water; (2) improving engagement with California Native American Tribes and recognizing and protecting tribal beneficial uses; (3) developing a comprehensive response to climate change, including addressing disproportionate impacts on vulnerable communities; and (4) administering funding for projects that remediate the harm—or threat of harm—to human health, safety, and the environment caused by existing or threatened surface water and groundwater contamination. Much of this funding is set aside or targeted for projects in disadvantaged and severely disadvantaged communities. The Water Boards recognize the need to further address environmental injustice and racial inequity."

The state board and regional boards are a member of the Government Alliance on Race and Equity (GARE) and have adopted its definition of racial equity: racial equity occurs when race can no longer be used to predict life outcomes, and outcomes for all groups are improved. Because race intersects with many, if not all, other marginalized identities, prioritizing and addressing racial inequities improves outcomes for other marginalized communities. Finally, since 2018, the Water Boards' staff have been actively engaged in CalEPA's racial equity team, which is implementing CalEPA's "Plan to Achieve Racial Equity" to: (1) improve access to data and information on racial equity; (2) improve communication with communities and partners; (3) improve language access; (4) advance racial equity trainings for the CalEPA workforce; and (5) improve workforce hiring, retention, and promotion practices to advance racial equity within the environmental protection role that each board, department, and office shares with CalEPA.

Given the above, it is unclear why one state board member should be required to be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities since the state board and regional water quality control boards and their respective staffs are already committed to the pursuit of environmental justice through all drinking water and water quality programs under their purview. Persons with qualifications based on work on environmental justice or tribal communities would appear to be more limited in number compared to the four members that have specific qualifications specified under existing law. Even the irrigated agriculture category is sufficiently broad to capture attorneys, civil engineers, professional engineers and water quality professionals.

The remaining provisions of this legislation would require the state board and each regional board to (1) include an analysis of environmental justice impacts or racial equity concerns when issuing statewide, regional, or otherwise significant waste discharge requirements or waivers, or national pollutant discharge elimination system permits; and (2) engage in equitable, culturally relevant community outreach, provide evidence of how community concerns were addressed, identify potential disproportionate impacts in collaboration with the potentially impacted community, and take measures through environmental review and permitting processes, within the scope of its authority, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed. It is unlikely that these requirements would have any effect on the Agency.

Current Position: Not Yet Considered

Recommended Position: Oppose

## **AB 2113**

**(Rivas, Robert D) State Water Pollution Cleanup and Abatement Account: annual proceed transfers.**

**Current Text:** Amended: 3/15/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Last Amend:** 3/15/2022

**Status:** 3/23/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (March 22). Re-referred to Com. on APPR.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/23/2022-A. APPR.

**Summary:** Would create within the Waste Discharge Permit Fund the Waterway Recovery Account, the Citizen Monitoring Account, the Community Capacity Building Account, and the Stormwater Innovation Account, and, subject to future legislation, would annually transfer from the annual proceeds of the State Water Pollution Cleanup and Abatement Account, subject to a future legislative act, the following amounts: 30% to the Waterway Recovery Account; 5% to the Citizen Monitoring Account, but in no instance less than \$250,000; 10% to the Community Capacity Building Account, but in no instance less than \$500,000; and 5% to the Stormwater Innovation Account. The bill would require moneys in the Waterway Recovery Account to be distributed by the State Water Resources Control Board, upon appropriation by the Legislature, to each regional board on a pro rata basis to expend on specified purposes, including, among others, restoration projects that improve water quality.

**Notes:** This bill contains provisions from AB 377 (2021) by the same author that was held in Assembly Appropriations Committee. As introduced, AB 377 would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. The bill, among other provisions, would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters.

AB 377 also proposed to transfer money from the State Water Pollution Cleanup and Abatement Account to a new account to fund an impaired waterways enforcement program. The Cleanup and Abatement Account (CAA) was created by Water Code Sections 13440-13443 to provide grants for the cleanup or abatement of a condition of pollution when there are no viable responsible parties available to undertake the work. The CAA is supported by court judgments and administrative civil liabilities assessed by the State Water Board and the regional boards. The boards collectively determine priorities for annual expenditures from CAA. In 2017, for example, the priority for funding addressed potential water quality impacts resulting from wildfire. The Agency opposed AB 377 for many reasons; regarding the latter provision, the Agency was concerned that the transfer of funds would reduce state investment in water quality improvement projects that have a higher priority than the thousands of projects that would be required to bring impaired water segments into attainment a water quality standard.

AB 2113 would not only transfer 50% of CAA to the Waterway Recovery Account, but would transfer an additional 15% of CAA to the Citizen Monitoring Account, to fund a state board program to increase water quality monitoring; to the Community Capacity Building Account, to create and fund a community capacity program to increase environmental justice community participation in state board outreach and regulatory processes; and to the Stormwater Innovation Account, for activities relating to stormwater best management practices. While all of these purposes are laudable, they should rely on existing funds used to address priority cleanup actions.

Current Position: Not Yet Considered

Recommended Position: Not Favor

## **AB 2142**

**(Gabriel D) Income taxes: exclusion: turf replacement water conservation program.**

**Current Text:** Introduced: 2/15/2022 [html](#) [pdf](#)

**Introduced:** 2/15/2022

**Status:** 3/22/2022-In committee: Hearing for testimony only.

**Is Urgency:** Y

**Is Fiscal:** Y

**Location:** 2/24/2022-A. REV. & TAX

**Summary:** The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Current law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified. This bill would, for



taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program.

**Notes:** Existing law provides various credits, deductions, exclusions, and exemptions for particular taxpayer groups. In the late 1960s, U.S. Treasury officials began arguing that these features of the tax law should be referred to as "expenditures" since they are generally enacted to accomplish some governmental purpose and there is a determinable cost associated with each (in the form of foregone revenues).

Existing state law allows taxpayers to exclude from gross income various financial incentives received as part of a conservation or energy efficiency program, meaning that these incentives are not considered income for state income tax purposes. For example, a taxpayer can exclude from gross income the amount the taxpayer receives as financial rebates or vouchers issued by the California Energy Commission or the California Public Utilities Commission for the purchase of thermal systems, solar systems or fuel cell generating systems. Prior to January 1, 2019, a taxpayer could also similarly exclude from their income the financial incentives received from a local water agency to remove a property's turf. However, that program expired because AB 2283 (Holden), which would have extended the sunset, was held on the Assembly Appropriation's Committee's Suspense File. A similar fate occurred in the 2019-20 Regular Session with AB 315 (Holden).

As the California Department of Finance notes in its annual Tax Expenditure Report, there are several key differences between tax expenditures and direct expenditures.

According to the Assembly Revenue and Taxation Committee:

"...tax expenditures are reviewed less frequently than direct expenditures. This can offer taxpayers greater economic certainty, but it can also result in tax expenditures remaining a part of the tax code without demonstrating any public benefit. Second, there is generally no control over the amount of revenue losses associated with any given tax expenditure. Finally, it should also be noted that, once enacted, it takes a two-thirds vote to rescind an existing tax expenditure absent a sunset date. This effectively results in a "one-way ratchet" whereby tax expenditures can be conferred by majority vote, but cannot be rescinded, irrespective of their efficacy, without a supermajority vote."

Given the pending implementation of the urban water use objective, which includes residential outdoor irrigation as a component, urban retail water suppliers in many areas of the state could benefit with additional incentives (or the removal of a disincentive like taxation) that come with turf removal rebate programs.

Current Position: Not Yet Considered

Recommended Position: Favor

#### **AB 2157**

**(Rubio, Blanca D) Urban water use objectives: indoor residential water use.**

**Current Text:** Introduced: 2/15/2022 [html](#) [pdf](#)

**Introduced:** 2/15/2022

**Status:** 2/15/2022-From printer. May be heard in committee March 18.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 2/15/2022-A. PRINT

**Summary:** Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and in collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use, beginning January 1, 2025, establishes the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would make a nonsubstantive change to the provision requiring the department and the board to collaborate with, and seek input from, stakeholders with regard to the studies, investigations, and report.

**Notes:** This legislation will require substantive amendments to be eligible for referral to an Assembly policy committee. The Agency should monitor the legislation given its subject matter--residential water use.

Current Position: Not Yet Considered

Recommended Position: Watch

**AB 2173**

**(Petrie-Norris D) Public contracts: payment.**

**Current Text:** Introduced: 2/15/2022 [html](#) [pdf](#)

**Introduced:** 2/15/2022

**Status:** 2/24/2022-Referred to Com. on A. & A.R.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 2/24/2022-A. A. & A.R.

**Calendar:** 4/6/2022 9:30 a.m. - State Capitol, Room 437 ASSEMBLY ACCOUNTABILITY AND ADMINISTRATIVE REVIEW, PETRIE-NORRIS, Chair

**Summary:** Current law, until January 1, 2023, authorizes the retention proceeds withheld from any payment by an awarding entity, as described, from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any subcontractor, to exceed 5% on specific projects where the director of the applicable department, as specified, has made, or the governing body of the public entity or designated official of the public entity has approved, a finding prior to the bid that the project is substantially complex and requires a higher retention and the department or public entity includes both this finding and the actual retention amount in the bid documents. This bill would make these provisions operative indefinitely.

**Notes:** SB 293 (Padilla), Chapter 700, Statutes of 2011, capped the maximum amount of money that public agencies can withhold from a contractor prior to completion of a public works project at 5% of the total contract. Prior to that time, local agencies could withhold 10% of the total contract. Water Agencies and other political subdivisions of the state and their state associations opposed SB 293. The initial sunset provision applicable to the lower retention amount was extended in 2017 by AB 92 (Bonta). No opposition was registered against AB 92.

This legislation would repeal the sunset provision scheduled to take effect on January 1, 2023, and therefore the 5% retention limit would remain in effect without being subject to a sunset (repeal) date.

Current Position: Not Yet Considered

Recommended Position: Watch

**AB 2387**

**(Garcia, Eduardo D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

**Current Text:** Amended: 3/21/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Last Amend:** 3/21/2022

**Status:** 3/22/2022-Re-referred to Com. on W.,P., & W.

**Is Urgency:** Y

**Is Fiscal:** Y

**Location:** 3/3/2022-A. W.,P. & W.

**Calendar:** 4/5/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

**Summary:** Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,430,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

**Notes:** This legislation is based on AB 1500 (2021) by the same author that would have placed a state general obligation bond on the November 8, 2022 state general election ballot to enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. The total amount of the proposal was \$7.08 billion. AB 1500, and the Senate's countermeasure, SB 45, were held in late spring 2021 after it became clear that Governor Newsom preferred to commit significant funding for implementation of his Water Resilience Portfolio actions and rely on a projected historical state budget surplus to make investments in programs and projects that were included in the two legislative bond proposals. The 2021 State Budget

appropriated \$5.2 billion over three fiscal years for water resources projects and over \$1.5 billion for wildfire suppression and forest management.

The Governor's Proposed FY2022-23 State Budget includes an additional \$750 million General Fund one-time appropriation for drought resilience programs; \$500 million would be scheduled to be spent and the remainder would be available to the Administration to spend if necessary as determined by the severity of the current drought.

Given the 2021 State Budget appropriations, the proposed FY2022-23 state budget and planned expenditures from Proposition 1 and Proposition 68, it is unclear whether there is a need to authorize an additional \$7.08 billion in state general obligation bonds for resources programs. This legislation would authorize the proceeds of bonds issued and sold to be allocated according to the following schedule: (1) One billion one hundred million dollars (\$1,100,000,000) for wildfire prevention and climate risk reduction, (2) One billion one hundred sixty million dollars (\$1,160,000,000) for the protection of coastal lands, bays, and oceans from climate risks, (3) Two billion seventy-five million dollars (\$2,075,000,000) for the protection of California's water supplies from multiyear droughts, reducing flood risk from extreme events, and providing safe drinking water, (4) Nine hundred forty million dollars (\$940,000,000) for the protection of California's wildlife, biodiversity, and fisheries from climate risks, (5) Three hundred twenty million dollars (\$320,000,000) for protecting farms, ranches, and working lands from the impacts of climate change, (6) Seven hundred twenty-five million dollars (\$725,000,000) for addressing extreme heat, and (7) One billion one hundred ten million dollars (\$1,110,000,000) for regional climate resilience projects that address multiple risks.

Current Position: Not Yet Considered

Recommended Position: Watch

## **AB 2419**

**(Bryan D) Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 3/3/2022-Referred to Coms. on NAT. RES. and E.S. & T.M.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/3/2022-A. NAT. RES.

**Summary:** Current law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice composed of various representatives, as specified, to assist the California Environmental Protection Agency in developing an agency-wide environmental justice strategy. The federal Infrastructure Investment and Jobs Act provides additional federal funds to rebuild the nation's infrastructures. This bill would require a minimum of 40% of funds received by the state under the federal act to be allocated to projects that provide direct benefits to disadvantaged communities and a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities. The bill would establish the Justice40 Oversight Committee in the Office of Planning and Research to perform various actions related to the expenditure of those federal funds.

**Notes:** This legislation would set aside at least 50% of funds made available by the Federal Infrastructure Investment and Jobs Act (Public Law 117-58). The latter will provide \$3.725 billion to California for clean water and safe drinking water projects.

On the same day that President Biden signed the Infrastructure Investment and Jobs Act (IIJA), he also signed Executive Order 14052, which was published on November 18, 2021, stating that implementation of the IIJA should prioritize "investing public dollars equitably, including through the [federal] Justice40 Initiative, which is a Government-wide effort toward a goal that 40 percent of overall benefits from Federal investments in climate change and clean energy flow to disadvantaged communities." As the text of this legislation notes, on September 1, 2021, Governor Newsom joined a group of 10 governors to submit a letter to Congressional leaders requesting that "any infrastructure package ensure 40 percent of the benefits of climate and clean infrastructure investments are directed to disadvantaged communities and invests in rural communities and communities impacted by the market-based transition to clean energy."

For purposes of the expenditure of money from the Greenhouse Gas Reduction Fund (GGRF), the California Environmental Protection Agency is required under existing law to identify disadvantaged communities for investment opportunities using GGRF monies. These communities are identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following: (1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation; and (2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment. This legislation uses the latter designated disadvantaged communities to direct the expenditure of IIJA

monies.

The 2021 State Budget appropriates \$650 million for the Clean Water State Revolving Fund and \$650 million for the Drinking Water SRF. In addition, through the enactment of SB 200 (Morning), the state authorized the appropriation of \$1.3 billion in GGRF monies for safe drinking water programs and projects for disadvantaged communities. The General Fund serves as a backstop to the GGRF for those purposes. The State Water Board's Safe and Affordable Funding for Equity and Resilience is the program developed to expend the \$1.3 billion. Using short- and long-term strategies, SAFER is designed to ensure Californians who lack safe, adequate, and affordable drinking water receive it as quickly as possible, and that the water systems serving them establish sustainable solutions. In doing so, SAFER minimizes the disproportionate environmental burdens experienced by some communities and advances justice for people of all incomes, races, and cultures. Finally, Water Code Section 106.3 establishes that it is a state policy that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas.

The 2019 Annual Compliance Report prepared by the State Water Board shows that 95% of public water systems, serving more than 98% of Californians, complied with maximum contaminant levels (MCLs) and treatment techniques (TT) contained in federal rules established under the SDWA. State Water Board records show that 369 public water systems (PWS), out of a total of 7,403 active public water systems, had one or more violations of an MCL or TT in 2019. Of these, over 91% are the smaller public water systems - including noncommunity water systems and community water systems having less than 500 service connections.

The 2021-22 SAFER Fund Expenditure Plan includes the results of the 2021 Needs Assessment. Among the findings: (1) 326 water systems with 3,300 connections or less (343 total) were on the December 21, 2020 version of the Human Right to Water (HR2W) list, i.e., a list of systems that "consistently fail" to meet primary drinking water standards; (2) About 620 PWSs (25% of those assessed) were determined to be at-risk of failing to sustainably provide a sufficient amount of safe and affordable drinking water; (3) About 80,000 (32%) of the assessed domestic wells and 610 (49%) of the state smalls with available data were located in aquifers with high risk of groundwater contamination; (4) The estimated total cost of implementing the interim and long-term solutions, for the projected number of water systems and domestic wells that need assistance within the next five years, is approximately \$10.25 billion. This projected cost includes estimated grant-eligible costs of \$3.25 billion, such as capital, planning, technical assistance (TA) costs, etc. The total cost estimate also includes the long-term local cost share needs of \$7 billion; and (5) An additional estimated \$2.1 billion in grant funding and \$2.6 billion in loan funding (financing) is needed to address failing and At-Risk systems and domestic wells over the next five years, after using all currently available State Water Board funding sources.

It is clear that disadvantaged communities require significant federal and state financial assistance to address a range of quality of life improvements, many directly related to infrastructure investment. That said, state agencies like the State Water Board should retain the ability to determine the priority for issuing grants and loans on an annual basis. The provisions of this legislation that establish a Justice40 Oversight Committee in the Office of Planning and Research to develop recommendations to address infrastructure deficiencies in disadvantaged communities may be appropriate.

Current Position: Not Yet Considered

Recommended Position: Pending Further Review

## **AB 2421**

**(Rubio, Blanca D) Water: unlicensed cannabis cultivation.**

**Current Text:** Amended: 3/14/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Last Amend:** 3/14/2022

**Status:** 3/15/2022-Re-referred to Com. on W.,P., & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/3/2022-A. W.,P. & W.

**Calendar:** 4/5/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

**Summary:** Current law makes it unlawful to deposit, permit to pass, or place where it can pass, specified pollutants into the waters of this state, including any substance or material deleterious to fish, plant life, mammals, or bird life. A violation of this provision is a crime under the Fish and Game Code. Current law also subjects a violation of that provision to a civil penalty of no more than \$25,000 for each violation and an additional civil penalty of no more than \$10 for each gallon or pound of material discharged, and requires the civil action to be brought by the Attorney General upon complaint by the Department of Fish and Wildlife or by the district attorney or city attorney in the name of the people of the State of California. Current law provides that a specified affirmative defense to a violation of the criminal provision does not apply to an action for civil penalties or injunctive relief pursuant to that civil provision. This bill

would provide that the specified affirmative defense to a violation of the criminal provision also does not apply in any other civil action that alleges a violation resulting from unlicensed cannabis cultivation.

**Notes:** Unlicensed cannabis cultivation continues to plague many areas of the state and could pose a challenge to the Agency's local surface water supplies affecting both quantity and quality of the waters in local watersheds.

The State Water Resources Control Board has adopted The Cannabis Cultivation Policy that establishes principles and guidelines (requirements) for the diversion and use of water, land disturbances, and the activities related to cannabis cultivation to protect water quantity and quality. The requirements help to minimize the effects of cannabis cultivation on fisheries, wildlife, and water quality, maintain healthy riparian corridors, and protect springs, wetlands, and aquatic habitat. Unfortunately, illegal cannabis grow sites do not comply with State Board requirements. According to the State Board, the following activities and environmental impacts are associated with cannabis cultivation:

1. Water Supply Issues: Illegal diversions and diverting a stream that harms beneficial uses and/or senior water rights holders.
2. Erosion and Sediment: Poorly maintained and constructed roads and excavation/development of cultivation areas are a major source of sediment pollution from soil erosion. Significant rain events can cause mass sedimentation and large-scale erosion. Sediment increases negative impacts to endangered fish species (salmonids) that cannot tolerate high water levels of suspended solids. Sedimentation fills in fish spawning and aquatic organism habitat.
3. Wetland and Riparian Impacts: Draining a wetland, placing fill or excavating water-logged soils from a wetland; removing vegetation from the riparian corridor of a stream; and removing the tree canopy that provides shade to maintain the stream's temperature.
4. Soil Additives: Potting soil and mulch, amendments, fertilizers, and pesticides are stored improperly (outdoors and directly on the ground) or improperly applied, mobilized by runoff and discharged into surface waters.
5. Housekeeping, Trash, and Human Domestic Waste: Large scale cannabis cultivation operations typically generate household garbage, fuel and chemical containers, and other hazardous waste often left at abandoned sites. Human waste that is not properly collected and/or treated can contaminate nearby water supplies with bacteria and other pathogens.
6. Unpermitted Timber Conversion: Cannabis cultivators often do their own clear cutting to develop an open space for their grow sites without obtaining the appropriate permits or considering the environmental impacts. This results in deforestation and increased erosion due to loss of vegetative cover.

Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability and injunctive relief imposed in the superior court in actions brought by the Attorney General upon request of the State Water Resources Control Board. Existing law requires funds recovered pursuant to that provision to be deposited in the Water Rights Fund, which is available upon appropriation by the Legislature for specified purposes.

This bill would authorize, for a violation resulting from unlicensed cannabis cultivation, the civil action to be brought by a county counsel or city attorney in the name of the people of the State of California. The bill would delete the requirement that the Attorney General only bring the civil action upon request of the board. The bill would require funds recovered pursuant to that provision to, upon appropriation by the Legislature, first be used to reimburse the Attorney General, city attorney, or county counsel for costs of bringing the action, including reasonable attorney's fees.

Current Position: Not Yet Considered

Recommended Position: Favor

## [AB 2449](#)

**(Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 3/3/2022-Referred to Com. on L. GOV.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 3/3/2022-A. L. GOV.

**Summary:** Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for

individuals with disabilities, consistent with federal law.

**Notes:** This legislation is one of several bills introduced this year seeking to relax some of the requirements local agencies currently must meet when conducting their meetings via teleconference. Under current law, the Ralph M. Brown Act generally requires meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The Act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The Act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction.

The Act allows for meetings to occur via teleconferencing subject to following requirements:

1. Agendas must be posted at all teleconference locations;
2. Each teleconference location must be identified in the notice and agenda
3. Each teleconferencing location must be accessible to the public
4. At least a quorum of members of the legislative body must participate from locations within the boundaries of the agency's jurisdiction.
5. Agenda must provide members of the public with an opportunity to address the legislative body directly at each teleconference location.

In March 2020, Governor Newsom issued Executive Order No. N-29-20, suspending the Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements were met, members of the public were able to observe and address the legislative body at the meeting, and that the legislative body provided a procedure for receiving and quickly resolving requests for reasonable accommodation for individuals with disabilities. This order has since expired.

AB 361 (Chapter 165; Statutes of 2021) authorizes public agencies to continue to meet via teleconference without complying with the quorum, meeting notice, and agenda requirements imposed by the Brown Act during a state-declared emergency until January 1, 2024. The bill requires that if a state or local emergency remains active or state or local officials imposes recommended social distancing measures, the local agency makes these findings by majority vote every 30 days in order to continue using the AB 361 teleconferencing rules.

AB 2449 would authorize a local agency to use teleconferencing without complying with the requirements outlined under the Brown's Act, outside of a declared emergency and beyond the AB 361 sunset date, if the following requirements are met:

1. At least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda, which location must be open to the public and within the state agency's boundaries;
2. The legislative body gives notice of the meeting and post agendas as otherwise required;
3. Members of the legislative body attending the meeting by teleconference must participate only through both audio and visual technology;
4. Members of the public must have access to the meeting and an opportunity to address the legislative body directly; [this is similar to the requirement under the Brown Act, but language stated that the access must be provided at each teleconferencing location has been struck]
5. The legislative body must conduct the teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body;
6. In the event of a disruption beyond the local agency's control that prevents the public agency from broadcasting the meeting or prevents the public from offering comment using the call-in option or internet-based service option, no further action on items appearing on the meeting agenda shall be taken by the local agency's legislative body until public access to the meeting via the call-in option or internet-based service option is restored;
7. The legislative body does not require public comment to be submitted in advance of the meeting, and the public is given the opportunity to provide comment in real time;
8. A third-party internet website or online platform, outside of the local agency's control, may require individuals using that third-party website or online platform to register to log in to a teleconference to participate.
9. The legislative body has and implements a procedure for receiving and swiftly resolving requires for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 and resolving any debt in favor of accessibility.

This bill is similar to AB 1944 (Lee). Both bills amend the same section of the Brown Act and intend to allow members of a local legislative body to waive Brown Act requirements of publishing their private address and making their private address open to members of the public. AB 2449 and AB 1944 will need to eventually be reconciled if both bills move through the legislature.



Current Position: Not Yet Taken

Recommended Position: Support

**AB 2536**

**(Grayson D) Development fees: connection fees and capacity charges: studies.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 3/10/2022-Referred to Com. on L. GOV.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 3/10/2022-A. L. GOV.

**Summary:** Current law requires a local agency that conducts an impact fee nexus study to follow certain standards and practices, as specified. Current law also requires a local agency to hold at least one open and public meeting prior to levying a new fee or service charge, as specified. This bill would, on and after January 1, 2023, require a local agency that imposes fees for water connections or sewer connections, or imposes capacity charges, as provided, and that conducts a study to support the estimate of the reasonable cost of providing the service to follow certain standards and practices, as defined and specified.

**Notes:** Facility Capacity Charges (FCCs) are fees collected at the time new development occurs within a publicly owned water or wastewater system to recover the appropriate growth related costs for facilities built to serve future water users. The basic economic philosophy behind capacity fees is that the costs of providing water and wastewater service should be paid for by those that benefit from the service. To achieve this, new connectors pay for a share of expanded and existing facilities based on the proportion of the facility that will serve new growth, providing equity with existing customers.

This legislation would require a study to include information that supports the local agency's adoption of an FCC as required in subdivision (a) of Section 66001. The latter provides that in any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following: (1) Identify the purpose of the fee; (2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged; (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

Referencing Section 66001 is inappropriate for two reasons. First, the FCCs imposed by the Agency are not imposed as a condition of approval of a development project. Second, FCCs are fees collected at the time new development occurs within a publicly owned water or wastewater system to recover the appropriate growth related costs for facilities built to serve future water users. FCCs are not tied to any single facility or to the construction of a project necessary to provide service to the person on whom the fee is imposed. In other words, the facilities necessary to provide the service have already been constructed and paid for by a combination of cash (pay as you go), debt issuance, and FCCs imposed and paid for by other development projects.

Connection fees are based on the estimated reasonable cost of connecting the development project; e.g., a new single family residence, to the water or wastewater system. "Fee" is defined in paragraph (5) of subdivision (b) of Section 66013 to mean a fee for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection.

Again, the problem with including a connection fee under this legislation is that the imposition of a connection fee is unrelated to the existing level of service for any particular public facility and is unrelated to a proposed new level of service.

Current Position: Not Yet Considered

Recommended Position: Not Favor

**AB 2639**

**(Quirk D) Water quality control plans and water rights permits.**

**Current Text:** Amended: 3/22/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amend:** 3/22/2022

**Status:** 3/23/2022-Re-referred to Com. on W.,P., & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/10/2022-A. W.,P. & W.

**Calendar:** 4/5/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

**Summary:** Current law establishes the State Water Resources Control Board and the 9 California regional water quality control boards as the principal state agencies with authority over matters relating to water quality. Current law requires the state board to formulate and adopt state policy for water quality control. Current law authorizes the state board to adopt water quality control plans for waters that require water quality standards pursuant to the Federal Water Pollution Control Act, and provides that those plans supersede any regional water quality control plans for the same waters to the extent of any conflict. This bill would require the state board, on or before December 31, 2023, to adopt a final update of the 1995 Water Quality Control Plan for the Bay-Delta, as specified, and to implement the amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary adopted by the state board pursuant to Resolution No. 2018-0059 on December 12, 2018.

**Notes:** This legislation would establish a deadline for the State Water Resources Control Board to adopt a final update to the Bay-Delta Water Quality Control Plan. And, the legislation would prohibit the state board from approving any new water right permits or extensions of time for any existing permits resulting in new or increased diversions to surface water storage from the Sacramento River/San Joaquin River watershed until the state board has taken that action.

The Office of the Legislative Analyst (LAO) issued a report in January that encourages the Legislature to assist the State Board in terms of adding personnel and appropriation more money to move the water quality control plan update process along more quickly. The LAO wrote:

"Updating the water quality objectives for the Bay-Delta watershed is long overdue and should be a high priority for the state to complete, particularly given rapid population declines in native fish species that depend on the Bay-Delta ecosystem."

Governor Newsom's Proposed Budget for FY2022-23 would redirect \$1.4 million in ongoing General Fund that is currently being used for contract consultant services to instead establish and support five new permanent positions at State Board to work on updating the plan.

The 2006 Bay-Delta Plan designates beneficial uses of water within the Bay-Delta, water quality objectives for the reasonable protection of those beneficial uses, and a program of implementation for achieving the water quality objectives. Phase 1 of the Bay-Delta plan update--the San Joaquin River and South Delta Water Quality (SJR and SDWQ) Bay-Delta plan amendments--would establish the following updates to the 2006 Bay-Delta Plan: (1) New flow objectives on the Lower San Joaquin River (LSJR) and its three eastside tributaries for the protection of fish and wildlife beneficial uses; (2) Revised water quality objectives for the protection of agricultural beneficial uses in the southern Delta; (3) A program of implementation to achieve these objectives; and (4) Monitoring and special studies necessary to fill information needs and determine the effectiveness of, and compliance with, the new objectives.

Phase 1 recommendations included a significant increase in unimpaired river flows in three San Joaquin River tributaries, (Stanislaus, Tuolumne, and Merced) which generated much controversy among the municipal and agricultural water users that rely on those tributaries for water supply. The California Natural Resources Agency and water users in the Bay-Delta watershed have been working for years to establish voluntary agreements (VAs) related to the State Water Board's efforts to update and implement the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The intent of the water users is to rely more heavily on river habitat and ecosystem restoration projects that would benefit fisheries recovery without relying so heavily on an increase in unimpaired flows (generally flows from March to June). Last fall, the Newsom Administration called off discussions with water users in the San Joaquin River tributaries and the State Board concluded Phase 1.

Phase II addresses requirements for flows and cold water habitat in the Sacramento River, its tributaries and tributaries to the Delta (the Mokelumne, Cosumnes and Calaveras rivers); Delta outflows; and water project operations in the interior Delta. Phase 2 has been initiated for the Sacramento River watershed and water users remain hopeful that VAs will be negotiated to reduce State Board reliance on increasing unimpaired flows.

Fishery organizations argue that the VA's outlined by the Brown Administration in December 2018, and the additional partial project descriptions presented to state regulators on March 1, 2019, purport to be a package of flows, habitat and other measures that will protect the estuary without the need for new regulations. Unfortunately, the fishery groups contend, these VA's will not protect and restore the Delta. Our organizations strongly oppose these VA outlines because



they: (1) Double-count habitat restoration projects that are already required or planned using existing funds, and that would occur without such an agreement; (2) Fail to provide sufficient flow increases to protect and restore the Bay-Delta estuary, its native fish and wildlife, and the thousands of jobs that depend on it; (3) Fail to include any restrictions on Delta pumping and other operations of the Central Valley Project (CVP) and State Water Project (SWP); such restrictions are necessary to prevent the water projects from diverting any additional flow provided from upstream farms and cities and to prevent the Trump Administration from gutting Endangered Species Act (ESA) protections for the Bay-Delta; (4) Fail to include carryover storage requirements in upstream reservoirs to ensure water supplies for future droughts and adequate water temperatures for salmon; (5) Fail to use the transparent approach of flow standards based on a percentage of unimpaired flows, and instead uses the failed approach of State Water Board Decision 1641; (6) Fail to ensure that Bay-Delta standards will be enforced and will respond to new scientific information; and (7) Fail to include investments in water supply reliability and economic development projects that will help cities and farms adapt to a future with less water diverted from the Bay-Delta.

Possible implementation pathways for the Bay-Delta plan update include regulation, adjudicative water right proceeding, and water quality certifications – in progress. The State Board has not made a final determination on implementation pathway, but notes that all pathways provide options for voluntary agreements through adaptive implementation. The State Board's timeline for adopting the Bay-Delta plan update is unknown. The LAO recommends that the Legislature explore whether additional steps (more personnel, increased annual budget) are necessary to expedite the State Board's time line for achieving improved outcomes in the Delta. Flow objectives are only one component of helping to expedite progress.

State Water Contractors have not formulated a position on this legislation and have engaged in conversations with Newsom Administration representatives and the author. The Agency may wish to defer to State Water Contractors at this time pending more specific direction on their part.

Current Position: Not Yet Considered

Recommended Position: Watch

#### **AB 2647**

**(Levine D) Local government: open meetings.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 3/10/2022-Referred to Coms. on L. GOV. and JUD.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 3/10/2022-A. L. GOV.

**Summary:** The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

**Notes:** Under current law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay.

Current law dictates that when a writing that is subject to a public records act and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency is distributed less than 72 hours prior to that meeting, that the writing must be made available for public inspection at a public office or location that the agency designates for that purpose, and that the address of this office or location be listed on the agendas for all meetings of the legislative body of that agency, at the time the writing is distributed to all, or a majority of all, of the members of the body.

This bill authorizes a local agency to instead make the public documents available on the local agency's internet website so long as the position and manner of the posted document makes it clear that the writing relates to an agenda item for an upcoming meeting, and the local agency list its internet website on the agendas for all meetings of the legislative body of that agency.

This bill would provide additional flexibility to local agencies when posting agendas and meeting materials to do so in an expeditious and cost effectively manner.

Current Position: Not Yet Posted

Recommended Position: Favor

### [AB 2673](#)

**(Irwin D) California Environmental Quality Act: trustee agencies.**

**Current Text:** Amended: 3/17/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amend:** 3/17/2022

**Status:** 3/21/2022-Re-referred to Com. on NAT. RES.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/10/2022-A. NAT. RES.

**Summary:** Before determining whether a negative declaration or an EIR is required for a project, the California Environmental Quality Act (CEQA) requires the lead agency to consult with all responsible agencies and trustee agencies. CEQA defines a trustee agency as a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for people of the State of California. The current guidelines for the implementation of CEQA define "trustee agency" to include the Department of Fish and Wildlife, the State Lands Commission, the Department of Parks and Recreation, and the Regents of the University of California, as specified. This bill would expressly include those 4 state entities set forth in the guidelines as trustee agencies in regard to specified natural resources and properties within their respective jurisdictions.

**Notes:** CEQA guidelines (14 CCR 15386) give four examples of trustee agencies: (1) Department of Fish and Wildlife, for fish, wildlife, native plants, reserves, and other areas; (2) State Lands Commission, for state owned lands such as navigable waters and state school lands; (3) State Parks, for units within the State Park System; and (4) The University of California, for the Natural Reserve System (UC NRS). The California Attorney General's office has held that other public agencies may also hold the distinction as "trustee agencies" under CEQA, such as the Coastal Commission and the state conservancies. However, 14 CCR 15386 refers to antiquated names for Fish and Wildlife (as the "Department of Fish and Game") and UC's NRS system (as the UC "Natural Land and Water Reserve System").

According to the author, this legislation will "codify and correctly name statewide trustee agencies. It is important to the University to be identified and recognized correctly, given the significant research, teaching, and public service efforts being undertaken on biodiversity preservation, wildfire prevention, and identifying nature based solutions for climate resilience."

Current Position: Not Yet Considered

Recommended Position: Watch

### [AB 2811](#)

**(Bennett D) California Building Standards Commission: recycled water: nonpotable water systems.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 3/17/2022-Referred to Com. on E.S. & T.M.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/17/2022-A. E.S. & T.M.

**Calendar:** 4/5/2022 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

**Summary:** Would require, commencing January 1, 2024, all newly constructed nonresidential buildings be constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands, as defined, if that building is located within an existing or planned recycled water service area, as specified.

**Notes:** AB 2811 is sponsored by the California State Pipe Trades. The bill would require, commencing January 1, 2024, that all newly constructed non-residential buildings be built with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands if that building is located within either (1) a recycled water service area that

provides recycled water for nonpotable water use in nonresidential buildings, or (2) a planned service area for the provision of recycled water for nonpotable water use in nonresidential buildings for which a specific implementation timeline of 10 or fewer years has been identified by the recycled water provider.

The bill would also require, commencing January 1, 2024, all newly constructed nonresidential buildings with a total gross floor area of 100,000 square feet or more to (1) be constructed with dual plumbing to allow the use of nonpotable water sources for all applicable nonpotable water demands, and (2) provide for the collection, onsite treatment and reuse of available onsite rainwater, graywater, and foundation drainage.

The bill authorizes the State Water Board to waive, modify, or amend by order this requirement on a project-by-project basis if the board finds that strict compliance would have a significant adverse impact on public health, downstream water rights, water quality, operation of sewer collection or treatment system, or plant life, fish, or wildlife.

The bill exempts from this new standard the following buildings:

1. A building with an intended purpose that would produce less than 1,500 gallons of graywater per day.
2. A building located within a local jurisdiction that does not have a program for onsite treated nonpotable water systems and for which the State Water Board has not established an applicable program for onsite treated nonpotable water system.
3. A building constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands if the building is located within a recycled water service area that provides recycled water for nonpotable water use in buildings or within a planned service area for the provision of recycled water for nonpotable water use in buildings for which a specific implementation timeline has been identified by the recycled water provider.

The bill defines “all applicable nonpotable water demands” to include toilet and urinal flushing, floor trap priming, cooling towers, and air conditioning devices.

Additionally, this bill follows up on SB 966 (2018), which required the State Board to adopt risk-based water quality standards to help local jurisdictions develop an onsite water reuse program and prohibited the State Board from putting together a statewide and required approach. AB 2811 removes these requirements and instead would require the State Board, on or before January 1, 2025, to establish a program for large onsite treated non-potable water systems for local jurisdictions that do not have a local program. The bill defines a “large onsite treated nonpotable water system” as a system serving a building or buildings with a total gross floor area of 50,000 square feet or more.

This bill promotes a one-size-fits-all approach to water reuse by promoting onsite reuse, over a more centralized approach for potable reuse. In 2019, the WaterReuse Association released Principles Related to Alternative Sources of Water Supply and Onsite Non-Potable Water Systems to guide advocacy relative to onsite water reuse. Those policy principles underscore the importance of giving local agencies control over how onsite water reuse is applied, stating:

Every community or region has unique water resource management challenges and decisions related to the adoption and/or implementation of projects that incorporate alternative water supply sources and practices should remain at the local level.

DWA is a special district that owns and operates recycled water production and distribution systems that were made possible through the investment of revenues derived from customer rates. Establishing a mandatory building standard requiring onsite water reuse for new nonresidential buildings where a community sewer system is in place would reduce wastewater flows into the system and reduce the amount of recycled water that is produced. This could have the effect of reducing the revenues relied on to pay for the recycled water infrastructure, and potentially strand a percentage of recycled water produced would also require the water system to substitute potable water to make up for the reduction in recycled water, which is contrary to state law and policy.

Current Position: Not Yet Considered

Recommended Position: Oppose

## **AB 2857**

**(Bauer-Kahan D) Groundwater.**

**Current Text:** Introduced: 2/18/2022 [\\_html](#) [\\_pdf](#)

**Introduced:** 2/18/2022

**Status:** 2/19/2022-From printer. May be heard in committee March 21.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 2/18/2022-A. PRINT

**Summary:** Current law relating to groundwater management declares the intent of the Legislature to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions, and makes related legislative findings and declarations. This bill would make nonsubstantive changes to those legislative findings and declarations.

**Notes:** This legislation will require substantive amendments to be eligible for referral to an Assembly policy committee. The Agency should monitor the legislation given its subject matter--groundwater.

Current Position: Not Yet Considered

Recommended Position: Watch

#### **AB 2876**

#### **(Bigelow R) Sustainable Groundwater Management Act.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 2/19/2022-From printer. May be heard in committee March 21.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 2/18/2022-A. PRINT

**Summary:** The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act requires all relevant state agencies to consider the policies of the act, and any adopted groundwater sustainability plans, when revising or adopting policies, regulations, or criteria, or when issuing orders or determinations, where pertinent. This bill would make nonsubstantive changes to the latter provision.

**Notes:** This legislation will require substantive amendments to be eligible for referral to an Assembly policy committee. The Agency should monitor the legislation given its subject matter--SGMA.

Current Position: Not Yet Considered

Recommended Position: Watch

#### **AB 2877**

#### **(Garcia, Eduardo D) Safe and Affordable Drinking Water Fund: annual reserve: tribes.**

**Current Text:** Amended: 3/17/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amend:** 3/17/2022

**Status:** 3/21/2022-Re-referred to Com. on E.S. & T.M.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/17/2022-A. E.S. & T.M.

**Calendar:** 4/5/2022 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

**Summary:** Current law continuously appropriates to the State Water Resources Control Board moneys deposited in the Safe and Affordable Drinking Water Fund for the development, implementation, and sustainability of long-term drinking water solutions, among other things. Current law requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients. Current law includes within the list of "eligible recipients," public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, specified nonfederally recognized Native American tribes, administrators, groundwater sustainability agencies, community water systems, and technical assistance providers. This bill would require 10% of the total moneys in the fund to annually be reserved for eligible recipients that are federally recognized California Native American tribes or specified nonfederally recognized Native American tribes and would require the state board to expend those moneys, upon appropriation by the Legislature, for grants, loans, contracts, or services to assist those eligible recipients.

**Notes:** This bill would require 10% of the total moneys in the Safe and Affordable Drinking Water Fund to annually be

reserved for eligible recipients that are federally recognized California Native American tribes or specified nonfederally recognized Native American tribes and would require the state board to expend those moneys, upon appropriation by the Legislature, for grants, loans, contracts, or services to assist those eligible recipients.

Existing law provides that all moneys deposited in the fund [currently \$130 million annually from the Greenhouse Gas Reduction Fund or General Fund] are continuously appropriated to the board to fund all of the following: (1) Operation and maintenance costs to help deliver an adequate supply of safe drinking water in both the near and long terms; (2) Consolidating water systems, or extending drinking water services to other public water systems, domestic wells, and state small water systems; (3) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution; (4) The provision of services under Section 116686 for purposes of helping the water systems become self-sufficient in the long term; (5) The development, implementation, and sustainability of long-term drinking water solutions; (6) Board costs associated with the implementation and administration of programs pursuant to this chapter. Eligible recipients of funding are public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, nonfederally recognized Native American tribes on the contact list maintained by the Native American Heritage Commission, administrators, groundwater sustainability agencies, community water systems, and technical assistance providers.

It is unclear why the Legislature would appropriate money from the Fund for the purpose of tribal projects given that monies from the Fund are continuously appropriated. Further, it is unclear if there is evidence that tribal projects are not being funded by the State Board. Nevertheless, the change to existing law proposed by this bill is unlikely to affect the Agency.

Current Position: Not Yet Considered

Recommended Position: Watch

#### **SB 880**

**(Laird D) Water diversion: monitoring and reporting: University of California Cooperative Extension.**

**Current Text:** Introduced: 1/26/2022 [html](#) [pdf](#)

**Introduced:** 1/26/2022

**Status:** 3/8/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 9. Noes 0.) (March 8). Re-referred to Com. on APPR.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/8/2022-S. APPR.

**Summary:** Current law, until January 1, 2023, requires any diverter, who has completed an instructional course regarding the devices or measurement method administered by the University of California Cooperative Extension, including passage of a proficiency test before the completion of the course, to be considered a qualified individual when installing and maintaining devices or implementing methods of measurement that were taught in the course for the diverter's diversion. Current law also requires the University of California Cooperative Extension and the board to develop the curriculum of the course and the proficiency test. This bill would indefinitely extend the above-described provisions.

**Notes:** Current law requires all water rights holders with water rights of 10 acre-feet or more per year to install water measuring devices for the purposes of annually reporting their diversion and use of water. Current law, requires that all water measurement devices for water rights of 100 acre-feet or more per year be installed by a qualified individual, defined as a professional engineer or certain licensed contractor. The cost of hiring a qualified individual – particularly to conduct work in remote locations – is estimated to be upwards of \$15,000 per diversion.

AB 589 (Statutes of 2017) allowed water rights holders to become qualified individuals for purposes of installing and maintaining their own water measurement devices by completing a water measurement instructional course developed by the University of California Cooperative Extension (UCCE) in collaboration with the State Water Board and subsequently passing a proficiency exam. This option allowed water right holders to reduce costs of compliance while ensuring the accuracy and value of data submitted to the State Water Board. The bill included a sunset clause effective January 1, 2023.

This bill removes the sunset provision of AB 589, making its provisions indefinitely. Should the statute be repealed, water rights holders will no longer have a cost-effective means of compliance, potentially jeopardizing the State Water Board's water use planning and drought response efforts. This bill is sponsored by the California Cattlemen's Association.

Current Position: Not Yet Considered



**SB 1157**

**(Hertzberg D) Urban water use objectives: indoor residential water use.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 3/2/2022-Referred to Com. on N.R. & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/2/2022-S. N.R. & W.

**Calendar:** 4/5/2022 9 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, STERN, Chair

**Summary:** Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use.

**Notes:** Existing law establishes a standard for indoor water use of 55 gallons per capita per day (gpcd) until January 1, 2025. Beginning January 1, 2025 and until January 1, 2030, the indoor water use standard shall be the greater of 52.5 gpcd or a standard recommended by the Department of Water Resources (DWR). Beginning January 1, 2030, the indoor use standard shall be the greater of 50 gpcd or a standard recommended by DWR. Existing law requires DWR, in coordination with the State Water Resources Control Board (State Board), to conduct studies and investigations on indoor residential water use and permits DWR and the State Water Board to jointly recommend to the Legislature a different standard for indoor water use that more appropriately reflects best practices for indoor residential water use. A report with results of the studies and investigations must be submitted to the Legislature by January 1, 2021 and must contain information to support a recommendation for an indoor residential water use standard, if such a recommendation is made. The report must also analyze the benefits and impacts of how a changing standard for indoor residential water use will impact water and wastewater management.

This legislation would lowers the indoor residential water use standard from 55 gpcd to 48 gpcd beginning January 1, 2023, from 52.5 gpcd to 44 gpcd beginning January 1, 2025, and from 50 gpcd to 40 gpcd beginning January 1, 2030.

The California Municipal Utilities Association (CMUA), the Association of California Water Agencies (ACWA), and more than 30 water agencies opposed similar legislation last year (AB 1434, Friedman). The associations and agencies argued that AB 1434 reversed agreements that were made during the negotiations over AB 1668 and SB 606 ("Making Water Conservation a Way of Life" legislation). A letter submitted by ACWA, CMUA, and others argues the agreement over AB 1668 and language in statute requires a thorough public engagement process to inform the final report and that this process not occur. Opponents argued that reductions in indoor water use standards should not take effect until the effects on community sewer collection and treatment systems and recycled water production and use were better understood.

DWR and the State Board submitted their report to the Legislature in November 2021 recommending that urban water suppliers achieve an indoor water use efficiency standard of 55 gallons per capita per day by 2023, declining to 47 gallons per day by 2025, and 42 gallons by 2030 and beyond. The report notes that the current statewide median indoor residential water use is 48 gallons per capita per day, and that a quarter of California households already use less than 42 gallons per capita per day. This typical 'one size fits all' basis for establishing any standard makes compliance a nonfactor in densely populated urban coastal enclaves, but could significant affect the compliance costs for public water systems and community sewer systems in other areas of the state.

The state standard does not apply to individual customers and would not, for example, limit people from taking showers, doing laundry, and washing dishes on the same day. That said, the residential indoor use component is one of four components that make up the urban water use objective. The other three are outdoor residential use; commercial, industrial and institutional outdoor use; and system water loss. Achieving the urban water use objective will rely on savings across all four components in most areas of the state.

Current Position: Not Yet Considered

Recommended Position: Oppose

**SB 1197**

**(Caballero D) Water Innovation and Drought Resiliency Act of 2022.**

**Current Text:** Amended: 3/16/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Last Amend:** 3/16/2022

**Status:** 3/16/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/2/2022-S. N.R. & W.

**Summary:** Current law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit. Current law creates the Office of Planning and Research to serve the Governor as staff for long-range planning and research and as a comprehensive state planning agency. This bill, the Water Innovation and Drought Resiliency Act of 2022, would create the Initiative to Advance Water Innovation and Drought Resiliency at the office for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, as part of the initiative, to take specified measures on or before December 31, 2024, to advance innovation in the water sector and ensure a drought-resilient economy.

**Notes:** This legislation directs the Office of Planning and Research (OPR) to be the lead agency responsible for the furtherance of new technologies and other innovative approaches in the water sector. The legislation would require OPR to review existing regulations and make recommendations for changes, and include new technologies on its Internet website.

According to the Association of California Water Agencies:

One of the framing principles for the Governor's Water Resilience Portfolio (Portfolio) was embracing innovation and new technologies. This principle is reflected throughout the Portfolio on various specific issues. The Portfolio also specifically sets the goal of fostering innovation and technology adoption across all water sectors and calls for the following specific actions to carry out that goal: (1) Promote broadband to enable farmers and irrigation districts to use the latest water management technologies; (2) Consider amending laws and regulations that restrict programs to certain technologies; (3) Establish a state-managed "water innovators" clearinghouse where new approaches and technologies can be shared online; and, (4) Establish an award for early, ambitious, or successful adoption of innovation."

Recommended Position: Favor

**SB 1205**

**(Allen D) Water rights: appropriation.**

**Current Text:** Amended: 3/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Last Amend:** 3/17/2022

**Status:** 3/17/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/2/2022-S. N.R. & W.

**Summary:** Would require the State Water Resources Control Board to develop and adopt regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water right permits and licenses, including consideration of the effects of climate change, as specified, upon watershed hydrology as part of the preparation of water availability analyses. The bill would require the board to consult with the Department of Water Resources, the Department of Fish and Wildlife, and qualified hydrologists and climate change scientists in preparing the regulations.

**Notes:** This legislation would require the State Water Resources Control Board to develop and adopt regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water right permits and licenses, including consideration of the effects of climate change upon watershed hydrology as part of the preparation of water availability analyses.



The legislation was introduced in response to the February 3, 2022, release of a document developed under the auspices of the Planning and Conservation League. The document was written by a group of law professors and others--all from California institutions. The document, titled "Updating California Water Laws to Address Drought and Climate Change," presents 11 recommendations to the Legislature. Many of the recommendations have generated alarm in the water user community. This legislation would enact Recommendation 10. in the document which calls for the Legislature to "mandate and fully fund the State Board's prompt development and adoption of regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water rights permits and licenses."

Requiring the development and adoption of improved methods and practices to determine water availability is a net positive for water users and the environment, particularly in consideration of the current effects of climate change on California's water resources and water management infrastructure. DWR, University of California, Scripps and others are conducting research and improving models to better estimate snow water content and implement Forecast Informed Reservoir Operation and Aerial Remote Sensing of Snow. DWR and the State Board are implementing SB 19 (Dodd) to improve stream gauge placement and accuracy. The State Board has the authority and ability today to administer water rights permits and licenses during drought—even ordering curtailment of pre-1914 water rights.

That said, climate scientists do not know the effects of climate change on watershed hydrology. At best, pursuant to the Third National Climate Assessment, scientists predict that California will not experience a significant increase or decrease in precipitation. It is clear, however, that rising temperatures will generally lead to less snowpack, drier soil conditions and increased evapotranspiration. Water availability analyses are appropriate for real-time determinations but have little relevance to the long-range effects of climate change. Water rights permits are 40-year permits; therefore, the application of this legislation to the issuance of water rights permits will be challenging. As for the administration of water rights, it is clear that better real-time information, improved snow sensing, precipitation forecasting (including developing a better understanding of atmospheric rivers) and Forecast Informed Reservoir Operation, among other approaches will be needed to more accurately determine water availability in any given water year.

DWR, University of California, Scripps and others are conducting research and improving models to better estimate snow water content and implement Forecast Informed Reservoir Operation and Aerial Remote Sensing of Snow. DWR and the State Board are implementing SB 19 (Dodd) to improve stream gauge placement and accuracy. The State Board has the authority and ability today to administer water rights permits and licenses during drought—even ordering curtailment of pre-1914 water rights. The bottom line is that no one knows the effects of climate change on watershed hydrology. At best, pursuant to the Third National Climate Assessment, scientists predict that California will not experience a significant increase or decrease in precipitation. It is clear, however, that rising temperatures will generally lead to less snowpack, drier soil conditions and increased evapotranspiration. Water availability analyses are appropriate for real-time determinations but have little relevance to the long-range effects of climate change. Water rights permits are 40-year permits and licenses beyond. SB 1205 would require the State Board to develop and adopt regulations; yet, this may be less a regulatory issue and more a scientific research and development issue.

This legislation could be improved with greater specificity in regard to its provisions. And, the reference to the effects of climate change on watershed hydrology should be deleted from the legislation.

Current Position: Not Yet Considered

Recommended Legislation: Not Favor Unless Amended

## **SB 1219**

**(Hurtado D) Water: State Water Resources Control Board dissolution: Blue Ribbon Commission.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 3/9/2022-March 22 hearing postponed by committee.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/2/2022-S. N.R. & W.

**Calendar:** 4/5/2022 9 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, STERN, Chair

**Summary:** Current law establishes the State Water Resources Control Board within the California Environmental Protection Agency with specified duties relating to, among other things, administering water rights, the Porter-Cologne Water Quality Control Act, and the California Safe Drinking Water Act. Current law establishes the Department of Water Resources within the Natural Resources Agency and prescribes the jurisdiction and various general administrative authorities and duties of the department regarding, among other things, matters pertaining to water resources and dams in the state. This bill would dissolve the board as of January 1, 2025.

**Notes:** The author is frustrated with the effects of the drought, endangered species protections in the Delta, water quality objectives in the Delta, and in particular, the challenges that confront agricultural water suppliers and farmers in the San Joaquin Valley. There is no easy answer and certainly no quick fix for the lack of surface water supply provided by the Central Valley Project and State Water Project on which farmers in the San Joaquin Valley rely.

This legislation would dissolve the State Water Resources Control Board as of January 1, 2025. The legislation would designate the department as the successor to the board and would vest the department with all of the powers, duties, purposes, responsibilities, and jurisdiction vested in the board under existing law, including, but not limited to, those laws under which permits or licenses to appropriate water are issued, denied, or revoked, under which the functions of water pollution and quality control are exercised, and under which drinking water is regulated.

The legislation would require the Secretary of the Natural Resources Agency and the Secretary for Environmental Protection to convene a Blue Ribbon Commission to develop and submit, on or before December 31, 2024, to the Governor and to the Legislature a strategic vision, proposed statutes, and recommendations for a modern 21st century set of water agencies for the state, as provided. The commission would consist of specified heads of state agencies, 2 members appointed by the Senate Committee on Rules, and 2 appointed by the Speaker of the Assembly. The bill would authorize the Governor or the commission to appoint a citizen commission, advisory committee, task force, or any other group that the Governor or the commission deems necessary or desirable to assist in carrying out these provisions. The bill would require all relevant state agencies, at the request of the commission, to make available staff and resources to assist in the preparation of the strategic vision and proposed statutes.

Dissolving the State Water Board might provide some water users with instant gratification, but it would not solve the water resources challenges facing much of the state.

Current Position: Not Yet Considered

Recommended Position: Watch

#### **SB 1345**

**(Ochoa Bogh R) Excavations: subsurface installations.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 3/23/2022-Set for hearing March 31.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/21/2022-S. GOV. & F.

**Calendar:** 3/31/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

**Summary:** The Dig Safe Act of 2016 requires an excavator to comply with specified notification and delineation requirements before starting an excavation. Current law provides for the enforcement of the act by the California Underground Facilities Safe Excavation Board. Current law defines the terms "legal excavation start date and time," "working day," and "subsurface installation" for purposes of the act. This bill would revise the definition of "legal excavation start date and time" to, among other things, exclude weekends and holidays. The bill would revise the definition of "subsurface installation" to include nonpressurized sewerlines, nonpressurized storm drains, and other nonpressurized drain lines. The bill would revise the definition of "working day" by the deleting provision limiting the hours from 7:00 a.m. to 5:00 p.m.

**Notes:** This legislation would make several changes to existing law--Dig Safe Act of 2016.

Existing law defines "legal excavation start date and time" to mean two working days, not including the date of notification, from the date of notification. This legislation would amend the definition to mean two working days, not including the date of or weekends or holidays, from the date of notification or once the excavator has received a response from all known operators.

Existing law defines "subsurface installation" to mean any underground pipeline, conduit, duct, wire, or other structure, except nonpressurized sewerlines, nonpressurized storm drains, or other nonpressurized drain lines. This legislation would delete reference to nonpressurized sewerlines, nonpressurized storm drains, or other nonpressurized drain lines, thereby including all subsurface installations whether they are active, inactive, or a high-priority subsurface installation.

Existing law requires an excavator discovering or causing damage to a subsurface installation, including all breaks,

leaks, nicks, dents, gouges, grooves, or other damage to immediately notify the subsurface installation operator. This legislation would require the excavator to notify the operator within one hour.

This legislation would require an excavator discovering or causing excavation-related damage to a subsurface installation that may endanger life or cause serious bodily harm or damage to property, including escape of any flammable, toxic, or corrosive gas or liquid, shall do the following: (1) The excavator shall immediately call 911 emergency services; (2) After calling 911 emergency services, the excavator shall immediately notify the subsurface installation operator and comply with any guidance provided to secure the scene. The excavator may contact the regional notification center to obtain the contact information of the subsurface installation operator. If the operator is unknown and the damage or discovery of damage occurs outside the working hours of the regional notification center, the excavator may follow the instructions provided by the regional notification center through its internet website or the telephone line recorded message; and (3) Within two hours of discovering or causing damage to any subsurface installation, the excavator shall notify the California Underground Facilities Safe Excavation Board of the damage through the web portal on the regional notification center internet website or the board's internet website. This legislation would amend existing law relating to an excavator discovering or causing any damage to a subsurface installation, including all breaks, leaks, nicks, dents, gouges, grooves, corrosion, or other damage to subsurface installation lines, conduits, coatings, or cathodic protection, that may not immediately endanger life or cause serious bodily harm or damage to property to notify the operator within one hour. Existing law requires immediate notification.

A broken sewer collection subsurface installation can cause raw sewage to spill onto city streets and into streams. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and borroughs (inhaled molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramping and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Further, raw sewage that enters rivers, lakes, or streams has a deleterious effect on water quality and could mean the body of water cannot be used for drinking water, fishing, or recreation.

The current draft Statewide waste discharge requirements for General Order for Sanitary Sewer Systems defines a spill as a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system overflow, operational failure, and/or infrastructure failure. According to the State Water Board, many spills are preventable through proactive attention on sanitary sewer system management using the best practices and technologies available to address major causes of spills, including contractor-caused or other third party-caused damages. Any discharge from a sanitary sewer system that has the potential to discharge to waters of the State is prohibited unless it is promptly cleaned up and reported as required in the General Order. Any discharge from a sanitary sewer system, discharged directly or indirectly through a drainage conveyance system or other route, to waters of the State is prohibited. Any discharge from a sanitary sewer system that creates a nuisance or condition of pollution as defined in Water Code section 13050(m) is prohibited.

The General Order requires the districts to respond to spills from its system in a timely manner that minimizes water quality impacts and nuisance by (1) Immediately stopping the spill and preventing/minimizing a discharge to waters of the State; (2) Intercepting sewage flows to prevent/minimize spill volume discharged into waters of the State; (3) Thoroughly recovering, cleaning up and disposing of sewage and wash down water; and (4) Disinfecting publicly accessible areas while preventing toxic discharges to waters of the State.

Given the public health, water quality, and General Order requirements, this legislation should be amended to require notification requirements related to excavation-related damage to a subsurface installation that may endanger life or cause serious bodily harm or damage to property to include damage to a subsurface sewer installation.

Current Position: Not Yet Considered

Recommended Position: Support If Amended

**Total Measures: 30**

**Total Tracking Forms: 30**

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**APRIL 5, 2022**

**RE: EXECUTIVE ORDER N-7-22 ON DROUGHT EMERGENCY**

On March 29, Governor Newsom issued an Executive Order ([N-7-22](#)) on the drought emergency. The Governor called on the State Water Board (SWRCB) to consider adopting emergency regulations by May 25 that has key provisions that:

- Require all agencies to enter Level 2 of their Water Shortage Contingency Plans (WSCP), and
- Define and ban irrigation of “non-functional turf” for commercial, industrial and institutional properties except as required to ensure the health of trees and other perennial non-turf plantings.

Because WSCP alignment was part of the Coachella Valley Urban Water Management Plan (CV-UWMP), staff is working closely with neighboring agencies to plan implementation when the SWRCB takes action. Staff expects to recommend WSCP Level 2 adoption to the Board by the end of May.

Desert Water Agency’s WSCP Level 2 includes six provisions. The WSCP notes that the Board has the flexibility to implement some or all of the items as needed, depending on actual conditions. Since these plans were aligned with other CV-UWMP participants any changes made could undermine the benefits of regional consistency.

2.1 Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.

2.2 Restaurants and other eating establishments shall not provide drinking water to patrons, except upon request.

2.3 The Agency will actively discourage overseeding.

2.4 Agency shall expand public information campaign.

2.5 Agency shall increase water waste patrols.

2.6 Agency shall reduce hydrant and dead-end line flushing.

In response to the Executive Order staff has reached out to the City of Palm Springs, City of Cathedral City, and neighboring water agencies. Staff is laying the groundwork to:

- increase outreach regionally through CV Water Counts
- execute a DWA drought ad campaign
- notify and inform DWA customers via bill messaging, website, social, ONE PS
- work with Palm Springs Hospitality Association on industry outreach
- increase staff time responding to and managing water waste
- process additional incentive applications
- work with HOAs to discuss implications for fall overseeding
- identify and execute any other Board priorities related to drought

Attachment:

June 2021 Desert Water Agency Water Shortage Contingency Plan

# Water Shortage Contingency Plan



**Desert Water Agency**

**June 2021**

## Table of Contents

Introduction.....	1
1.0 Water Supply Reliability Analysis.....	1
2.0 Annual Water Supply and Demand Assessment Procedures .....	2
2.1 Decision Making Process.....	2
2.2 Data and Methodologies .....	3
2.2.1 Evaluation Criteria.....	3
2.2.2 Water Supply.....	3
2.2.3 Unconstrained Customer Demand.....	3
2.2.4 Planned Water Use for Current Year Considering Dry Subsequent Year .....	3
2.2.5 Infrastructure Considerations .....	3
2.2.6 Other Factors .....	3
3.0 Six Standard Water Shortage Levels.....	3
4.0 Shortage Response Actions.....	4
4.1 Supply Augmentation .....	4
4.2 Demand Reduction Actions and Mandatory Use Restrictions .....	5
4.3 Operational Changes .....	8
4.4 Additional Mandatory Restrictions.....	8
4.5 Emergency Response Plan.....	8
4.6 Seismic Risk Assessment and Mitigation Plan .....	8
5.0 Communication Protocols .....	9
6.0 Compliance and Enforcement.....	11
6.1 Penalties.....	11
6.2 Appeals and Exemption Process .....	11
7.0 Legal Authorities .....	11
8.0 Financial Consequences of WSCP .....	13
9.0 Monitoring and Reporting.....	13
10.0 WSCP Refinement Procedures.....	13
11.0 Special Water Feature Distinction.....	14
12.0 Plan Adoption, Submittal, and Availability.....	14

Appendix A. Legal Authority

Appendix B. Resolution of Adoption



## Introduction

This document represents the Water Shortage Contingency Plan (WSCP) adopted by the Desert Water Agency (DWA). The document follows the structure recommended in guidance documents prepared by the California Department of Water Resources (DWR).

DWA is one of six agencies in the Coachella Valley participating in the development of a 2020 Regional Urban Water Management Plan (RUWMP). Each agency is adopting the RUWMP to meet its reporting requirements under the Urban Water Management Planning Act. Each agency is also adopting its own WSCP. The agencies have sought to align their shortage levels and shortage response actions to the extent possible, with the intent of reducing confusion for neighboring customers during a shortage. However, each agency will adopt its own WSCP with slight variations (e.g. penalty processes and amounts) for flexibility in the event that future changes are necessary.

As individual agencies make updates or enhancements to their WSCP, each will be able to make modifications and re-adopt an amended WSCP without triggering a requirement for the other participating agencies to take similar steps. The update process is described in later sections of this WSCP.

### 1.0 Water Supply Reliability Analysis

This section provides a summary of the supply reliability analysis presented in the RUWMP and highlights key issues that could create a shortage condition.

The supplies of the agencies in the Coachella Valley generally have a high degree of reliability. The RUWMP participating agencies meet most of their urban demands with groundwater produced from the Indio (also known as Whitewater River) and Mission Creek Subbasins of the Coachella Valley Groundwater Basin. The groundwater basin is large enough to provide storage that allows continued production during dry periods. Because production exceeds the recharge provided by precipitation and return flows, the agencies use imported water to recharge the groundwater basin. These sources of imported water for recharge include:

- Colorado River water that Coachella Valley Water District (CVWD) receives through the Coachella Canal.
- State Water Project (SWP) water that CVWD and DWA have rights to receive. Because the SWP infrastructure does not extend into the Coachella Valley, CVWD and DWA have an exchange agreement with the Metropolitan Water District of Southern California (MWD). The agreement allows MWD to deliver water from its Colorado River Aqueduct (CRA) to the Coachella Valley to recharge the local aquifer. In return, MWD receives SWP water through the SWP infrastructure based on the annual allocations to CVWD and DWA.

Drought conditions are not expected to affect CVWD's Colorado River water supply due to the District's high priority allocation. Colorado River water is not a direct source of urban water supply; it is used for groundwater replenishment and non-potable uses. If a reduction in Colorado River water supply occurred, CVWD would initially reduce deliveries to groundwater replenishment projects. Subsequent reductions in delivery would be applied to users following the priorities in CVWD's Canal Water Shortage Contingency Plan. These priorities are defined in CVWD's Canal Water Shortage Contingency Plan, which is Chapter 3.10, Article XII of CVWD's administrative code.

Drought conditions in the Sierra Nevada would have an effect on the SWP water allocation; thus reducing the SWP Exchange water received by CVWD and DWA. This water is used for replenishment of the groundwater basin and is not a direct source of urban water supply. Consequently, water use restrictions due to drought involving the SWP water supply would likely be implemented only as a result of a prolonged drought.

During dry periods when less imported water is available, groundwater production will exceed the amount of recharge, and the volume in storage will be reduced. However, these reductions can be reversed in years when additional imported water is available. The Coachella Valley Groundwater Basin is a large basin which provides a buffer during dry periods, thus allowing the agencies to develop long-term plans and programs to manage regional water supplies.

The reliability analysis for DWA is presented in Section 7 of DWA's chapter of the RUWMP. Although that analysis demonstrates that the region's urban water supply is reliable, there are potential issues that could create a shortage condition. These include:

- An extended drought more severe than historic events, possibly impacted by climate change.
- A natural disaster or a malevolent act that leads to prolonged disruption of imported water delivery from the Colorado River or the SWP.
- A natural disaster or malevolent act that affects DWA's distribution system.
- Reductions in imported water supply due to environmental restrictions related to endangered species or habitat protection.
- Identification of a currently unregulated contaminant that has widespread effects on the region's groundwater supply.
- Regulatory mandates to reduce water use.

Water shortage contingency planning provides a way to plan for these risks and anticipate actions that can be implemented to manage the impacts. This plan describes how DWA intends to respond to such shortage events. We have aligned our responses to those of other RUWMP participating agencies to the extent possible.

## 2.0 Annual Water Supply and Demand Assessment Procedures

DWA will be required to prepare an Annual Water Supply and Demand Assessment (Annual Assessment) and submit it to DWR each year, beginning July 1, 2022. The Annual Assessment is intended to meet requirements of Water Code Section 10632.1 and present an assessment of the likelihood of a water shortage occurring during the next 12 months. This section of the WSCP outlines the procedures that DWA will use to prepare the Annual Assessment. The procedures defined in this section will allow DWA to follow a consistent annual procedure for making the determination of whether to activate the WSCP.

### 2.1 Decision Making Process

DWR requires a defined decision-making process for performing the Annual Assessment. The process and anticipated timeline are presented in Table 1.

**Table 1. Annual Assessment Decision-Making Process**

<b>Anticipated Timeline of Each Year</b>	<b>Activities</b>
February	DWA staff will review available data related to anticipated supplies and demands.
March	The six agencies participating in the Coachella Valley RUWMP will review the data and determine whether a consistent region-wide determination on water supply reliability can be made. If needed, individual agencies may elect to activate their WSCP at different shortage levels than other participating agencies.
April	DWA staff will make a determination whether to recommend implementation of shortage response actions.
May	If shortage response actions are to be implemented, DWA management will present the recommendation to the governing board for consideration.  If the governing board decides to implement the WSCP, it will provide public notice of a hearing to consider changes in the implementation of the shortage response actions.
June	DWA staff will prepare the Annual Assessment and submit it to DWR by July 1 <sup>st</sup> .

## **2.2 Data and Methodologies**

This section describes the data and methodologies that will be used to evaluate water system reliability for the coming year, while considering that the year to follow could be dry.

### **2.2.1 Evaluation Criteria**

DWA will rely on locally applicable criteria for each Annual Assessment. This includes findings of the annual reports prepared for the Indio Subbasin and the Mission Creek Subbasin for compliance with the Sustainable Groundwater Management Act. The annual Engineer's Report on Water Supply and Replenishment Assessment will also be incorporated along with both applicable reports and data.

### **2.2.2 Water Supply**

DWA's anticipated supplies will be quantified for the near-term future, and descriptive text will be used to note any anticipated reductions in supply.

### **2.2.3 Unconstrained Customer Demand**

DWA will prepare an estimate of unconstrained demand (as the term is used in Water Code Section 10632(a)(2)(B)(i)). The estimated demand will be calculated using the demand projection approach described in Section 4 of each agency's chapter of the RUWMP, in combination with updated data for connections, climate, changes in land use, and recent water usage history.

### **2.2.4 Planned Water Use for Current Year Considering Dry Subsequent Year**

DWA will describe the anticipated use of water supplies for the coming year, with the anticipation that the following year will be dry. The supplies will be characterized in a manner consistent with the RUWMP, in combination with updated data for climate and recent observations.

### **2.2.5 Infrastructure Considerations**

DWA will describe any potential infrastructure constraints on the ability to deliver adequate supplies to meet expected customer demands in the coming year. DWA will verify that its system of wells, pipelines, pump stations, storage tanks and related infrastructure have adequate capacity to deliver the anticipated demands. DWA will describe any anticipated capital projects that are intended to address constraints in production, treatment, or distribution.

### **2.2.6 Other Factors**

DWA will describe any specific locally applicable factors that could influence or disrupt supplies. DWA will also describe unique local considerations that are considered as part of the Annual Assessment.

## **3.0 Six Standard Water Shortage Levels**

The RUWMP participating agencies have elected to use the six standard shortage levels included in guidance documents prepared by DWR. The six standard water shortage levels correspond to progressively increasing estimated shortage conditions (up to 10-, 20-, 30-, 40-, 50- percent, and greater than 50-percent shortage compared to the normal reliability condition). These levels are identified in Table 2.

**Table 2. Water Shortage Contingency Plan Levels**

Shortage Level	Percent Shortage Range	Description	Shortage Response Actions
1	Less than 10%	Normal water supplies	Mandatory prohibitions defined by the state, ongoing rebate programs
2	Up to 20%	Slightly limited water supplies	Outdoor water use restrictions on time of day, increased water waste patrols
3	Up to 30%	Moderately limited water supplies	Outdoor water use restrictions on days per week, restrictions on filling swimming pools
4	Up to 40%	Limited water supplies	Limits on new landscaping, expanded public information campaign
5	Up to 50%	Significantly limited water supplies	Limits on watering of parks or school grounds
6	Greater than 50%	Severe shortage or catastrophic incident	No potable water use for outdoor purposes

Each level in Table 2 represents an anticipated reduction in the supplies that would normally be available to DWA. These supply reductions could be the result of a variety of potential causes including natural forces, system component failure or interruption, regulatory actions, contamination, or any combination of factors. DWA may need to activate shortage levels across its entire service area or within certain areas that are impacted by an event.

The levels involve voluntary and mandatory conservation measures and restrictions, depending on the causes, severity, and anticipated duration of the water supply shortage. The locally appropriate shortage response actions that would be taken at each level to address the resulting gap between supplies and demands are described in the following section.

## 4.0 Shortage Response Actions

This section describes the shortage response actions that would be taken by DWA at each shortage level. These actions have been grouped into categories including:

- Supply Augmentation Actions
- Demand Reduction Actions and Mandatory Use Restrictions
- Operational Changes

### 4.1 Supply Augmentation

For long-range planning, DWA continues to evaluate opportunities for transfers, exchanges, and other purchases of imported water to increase supply reliability. CVWD and DWA collaborate to replenish the groundwater aquifer with imported water, creating a stored supply that can be used for emergencies or longer-term shortages. CVWD and DWA are also making investments in increasing supply reliability from the SWP through the Delta Conveyance Facility and in securing new supplies like Sites Reservoir. Additionally, the RUWMP participating agencies continue to implement water conservation measures and increase use of recycled water usage to reduce groundwater demand. These programs are described in Chapter 3 of the RUWMP.

In its WSCP, DWA has the option of identifying short-term supply augmentation actions that would be taken during a shortage. These actions are intended to be separate from the long-range planning efforts to sustainably manage the groundwater basin. The short-term supply augmentation measures that could be implemented are presented in Table 3.

**Table 3. Supply Augmentation Actions**

<b>Shortage Level</b>	<b>Supply Augmentation Methods and Other Actions by Water Supplier</b>	<b>Expected Relative Impact</b>	<b>Additional Explanation or Reference</b>
1 - 6	Exchanges	Medium	Emergency connections with neighboring agencies could be activated or constructed to help exchange water with adjoining systems.
5	New recycled water	Medium	In areas where recycled water supply is available, customers could be mandated to use recycled water and cease use of potable water.
6	Other actions	Medium	Additional non-potable water sources such as new shallow groundwater wells or expanded use of non-potable water sources.

#### 4.2 Demand Reduction Actions and Mandatory Use Restrictions

The RUWMP participating agencies have aligned their demand reduction actions to the greatest extent possible, while allowing each agency flexibility needed to address unique characteristics. The agencies conducted public workshops to gather input on actions that could be taken during a water shortage. The input from stakeholders was used to select and prioritize actions that reflected the values of the community. Key elements of the input included:

- The importance of recognizing the conservation efforts that many customers have already made and not imposing requirements for all customers to meet the same percentage reduction in water use.
- The importance of involving Homeowner Associations (HOAs) to help implement and communicate response actions to individuals.
- A balanced program should include incentives (such as expanded rebates for turfgrass removal) as well as penalties (such as drought rates).
- A range of approaches is needed to communicate with customers and end users, including social media, web sites, bill inserts, presentations, and virtual tours, ideally in multiple languages.

The demand reduction actions that could be implemented at each shortage level are shown in Table 4. During a shortage, DWA may implement some or all of the actions as needed, depending on actual conditions.

**Table 4. Demand Reduction Actions**

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement
1	1.1	Water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or parking structures is prohibited.	Low	Yes
	1.2	Using any water in a fountain or other decorative water feature is prohibited, unless the water recirculates.	Low	Yes
	1.3	Applying water to driveways, sidewalks, concrete or asphalt is prohibited unless to address immediate health and safety needs. Reasonable pressure washer or water broom use is permitted.	Low	Yes
	1.4	Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches is prohibited.	Low	Yes
	1.5	Using a hose to wash a vehicle, windows, or solar panels is prohibited unless an automatic shut-off nozzle or pressure washer is used.	Low	Yes
	1.6	Broken sprinklers shall be repaired within five business days of notification by agency, and leaks shall be repaired as soon as practical.	Low	Yes
	1.7	Hotels will provide guests the option of choosing not to have towels and linens laundered daily.	Low	Yes
	1.8	Draining and refilling of private swimming pools is discouraged, unless necessary for health and safety or repairs.	Low	No
	1.9	The Agency will discourage overseeding.	Low	No
	1.10	The Agency will provide rebates for landscape efficiency.	High	No
	1.11	The Agency will provide rebates for indoor water use efficiency.	Medium	No
	1.12	The Agency shall offer water use surveys/audits.	Medium	No
2	2.1	Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.	Medium	Yes
	2.2	Restaurants and other eating establishments shall not provide drinking water to patrons, except upon request.	Low	Yes
	2.3	The Agency will actively discourage overseeding.	Medium	No
	2.4	Agency shall expand public information campaign.	Medium	No
	2.5	Agency shall increase water waste patrols.	Medium	Yes
	2.6	Agency shall reduce hydrant and dead-end line flushing.	Low	No
3	3.1	Outdoor water use is allowed only three days a week for spray irrigation (Monday, Wednesday, and Friday).	High	Yes
	3.2	Drip or subterranean irrigation is allowed seven days per week, during non-daylight hours.	Medium	Yes
	3.3	Commercial nurseries are to use water only on alternate days during non-daylight hours for outside operations.	Low	Yes

# Water Shortage Contingency Plan

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement
	3.4	Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features are not to be filled or replenished.	Low	Yes
	3.5	No filling of swimming pools or landscaping ponds unless necessary for health and safety or leak repair.	Low	Yes
	3.6	Commercial car washes must use recycled water or recirculating water systems.	Medium	Yes
	3.7	Spray irrigation of medians and parkways is prohibited.	Medium	Yes
	3.8	The Agency will encourage counties, cities, Homeowners Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turfgrass areas.	Low	No
	3.9	The Agency will strengthen customer billing messages with use comparisons.	Medium	No
	3.10	The Agency will implement water use audits targeted to key customers to ensure compliance with directives.	Medium	No
	3.11	The Agency will expand rebate programs.	Medium	No
4	4.1	Turfgrass landscapes may not be watered except where subterranean or non-potable water systems are used.	High	Yes
	4.2	No new turf landscaping shall be installed.	N/A	Yes
	4.3	The Agency shall consider implementing its drought rate surcharge.	High	Yes
	4.4	The Agency will expand public information campaign.	Medium	No
5	5.1	Watering turfgrass is prohibited.	High	Yes
	5.2	The use of misting systems is prohibited.	Medium	Yes
	5.3	Turfgrass at parks and school grounds may water with recycled water or not at all.	Medium	Yes
	5.4	Golf course greens and tees may be watered no more than two times per week during non-daylight hours with recycled water, or not at all.	Medium	Yes
	5.5	Trees, desert plants and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.	High	Yes
	5.6	Outdoor water use for grading or development is prohibited.	High	Yes
	5.7	The Agency will impose moratorium or net zero demand on new connections.	N/A	Yes
	5.8	The Agency will not issue new construction meters, and water service through construction meters will not be available.	N/A	Yes
6	6.1	The Agency will implement mandatory rationing.	High	Yes
	6.2	Outdoor water use is prohibited.	High	Yes
	6.3	Restaurants must use disposable cups, plates, and utensils.	High	Yes
	6.4	Commercial nurseries shall discontinue all use of potable water for watering and irrigation.	Low	Yes
	6.5	Watering of livestock is permitted as necessary.	N/A	No



### 4.3 Operational Changes

DWA has identified potential operational changes that could be made to help address a short-term gap between demands and available supplies. These include improved monitoring and analysis of customer water usage, reductions in flushing of hydrants and dead-end lines, and use of emergency connections with neighboring water agencies. Some of the potential actions are included in Table 4. DWA may also expedite planned system improvement projects that include reduction in water loss (e.g., replacement of water mains that are experiencing higher rates of leaks and breaks).

### 4.4 Additional Mandatory Restrictions

DWA has identified a series of restrictions that could be implemented at different shortage levels. These restrictions are included in the demand reduction actions in Table 4.

### 4.5 Emergency Response Plan

The Water Code requires that an agency's WSCP address catastrophic water shortages and plans to address them. This information can be addressed in the agency's Emergency Response Plan (ERP). DWA's ERP contains sensitive information related to potential vulnerabilities or impacts of natural disasters or malevolent acts. Therefore, these documents are not typically made publicly available. DWA's plan outlines specific disaster-related procedures to guide staff in responding efficiently to catastrophic interruptions of water supply.

DWA collaborates on planning efforts, including emergency response, through the Coachella Valley Regional Water Management Group (CVRWMG). In addition, CVWD, DWA, IWA, and MSWD are members of the California Water/Wastewater Agency Response Network (CalWARN), which supports and promotes emergency preparedness. More information about CalWARN is available at their web site at [www.calwarn.org](http://www.calwarn.org).

The region's imported water supplies from the Colorado River and the SWP could be disrupted by an earthquake. Because the agencies use local groundwater to meet urban demands, the agencies could continue to meet short term urban demands with groundwater production. The agencies have installed backup generators at key water production facilities to allow continued operation during a power outage.

DWR has plans in place to make emergency repairs to the SWP, and MWD has plans in place to make emergency repairs to the CRA. CVWD has plans to make emergency repairs to the Coachella Canal. CVWD staff receives regular Incident Command System (ICS) training through the Federal Emergency Management Agency (FEMA), and drills are conducted routinely. CVWD remotely monitors the status of most key facilities at CVWD headquarters, which enables it to detect areas affected by disasters. RUWMP participating agencies also participate in ICS training and regularly monitor key water facilities remotely.

If imported water supplies were disrupted for an extended period, it would reduce the water supply available for replenishment of the groundwater basin. DWA would implement levels of this WSCP as needed if pumping needed to be decreased while imported water supplies were interrupted.

### 4.6 Seismic Risk Assessment and Mitigation Plan

Water Code Section 10632.5 requires the RUWMP participating agencies to assess seismic risk to water supplies as part of their WSCP. The code also requires a mitigation plan for managing seismic risks. In lieu of conducting their own seismic risk assessment, which can be a lengthy process, suppliers can comply with the Water Code requirement by submitting the relevant local hazard mitigation plan or multi-hazard mitigation plan.

The Riverside County Local Hazard Mitigation Plan (LHMP) was updated in 2018. The Riverside County LHMP is available on the Riverside County web site at <https://rivcoemd.org/LHMP>. The Riverside County

LHMP includes an assessment of the region's vulnerability to a broad range of hazards, including earthquakes. It also describes mitigation strategies and actions to reduce the impacts of a seismic event. The RUWMP participating agencies continue to include seismic risk assessment in their planning process for system improvements.

### **5.0 Communication Protocols**

Timely and effective communication is a key element of WSCP implementation. DWA will need to inform customers, the general public, and other government entities of WSCP actions taken during a water shortage (either one determined by the Annual Assessment, an emergency, catastrophic, or other event). An overview of planned communication approaches is provided in Table 5. These protocols have been aligned between the RUWMP participating agencies where possible, but some are tailored to the needs of DWA's service area. DWA will adjust its communication strategy as needed to address issues that are impacting the entire service area or limited areas.

Table 5. Communication Plan Outline

At all times	Level 1  Up to 10% Voluntary Conservation	Level 2  Up to 20% Mandatory Conservation	Levels 3 and 4  Up to 30% or 40% Mandatory Conservation	Levels 5 and 6  Up to 50% or Over 50% Mandatory Conservation
Standard outreach efforts in effect (media relations, social media, website)	Update message platform to reflect conditions, DWA’s response, and needed actions from public	Update campaign and messages to generate immediate actions/behaviors by public, include information on enforcement actions	Update campaign and messages to raise awareness for more severe water-saving actions/behaviors by public, highlight need for reduced outdoor water use	Update campaign and messages to reflect extreme or emergency condition and likely need to focus water use on health/safety needs
Promote ongoing Water Use Efficiency (WUE) programs and tools and partnerships designed to achieve long-term water management goals	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce emergency status to key stakeholders and general public (e.g., News release, social media, etc.)
Standard coordination with MWD and regional partners	Include increased conservation messages on website and in standard outreach efforts; provide regular condition updates to stakeholders/media	Supplement Level 1 activities with additional tactics as needed; provide regular condition updates to stakeholders/media	Supplement Level 2 outreach with additional tactics as needed; provide regular updates to stakeholders/media on conditions	Supplement Level 3-4 outreach with additional tactics as needed; provide regular condition updates to stakeholders/media on conditions
Board reports on public communication and water-use efficiency outreach activities at least annually	Enhance promotion of ongoing WUE programs/tools; deploy targeted advertising	Conduct issue briefings with elected officials, other key civic and business leaders	Conduct specialized outreach to HOAs and local organizations	Suspend promotion of long-term WUE programs/tools to focus on imminent needs
	Initiate regular Board reports on campaign efforts	Increase promotion of ongoing WUE programs/tools	Promote available water assistance resources for vulnerable populations; specialized outreach to impacted industries	Continue enhanced coordination with neighbor agencies and local/state/federal policy makers as needed (e.g. daily or weekly briefings or email updates, etc.)

## 6.0 Compliance and Enforcement

This section describes how DWA will ensure compliance with and enforce provisions of the WSCP. The RUWMP participating agencies have worked together to align their policies where possible, but each agency implements its compliance and enforcement actions within its service area.

### 6.1 Penalties

The penalties that could be imposed for non-compliance are summarized in Table 6.

**Table 6. Enforcement Actions**

Water Shortage Level	First Violation	Second Violation (within 12 months)	Third Violation (within 12 months)	Subsequent Violations	Additional Information
All	<p>Single-family residence: \$50 civil penalty</p> <p>All others: \$100 civil penalty</p> <p>First penalties may be removed through participation in an incentive program at staff discretion.</p>	<p>Single-family residence: \$100 civil penalty</p> <p>All others: \$200 civil penalty</p>	<p>Single-family residence: \$250 civil penalty</p> <p>All others: \$500 civil penalty</p>	<p>Single-family residence: \$250 civil penalty</p> <p>All others: \$500 civil penalty</p>	<p>DWA staff is authorized to discontinue water service for water waste violations.</p> <p>DWA could pursue criminal charges for violation.</p> <p>Severe or persistent violations may be considered a misdemeanor. Conviction of a violation of could result in imprisonment in the County jail for up to 30 days, a fine of up to \$1000, or both such fine and imprisonment.</p>

### 6.2 Appeals and Exemption Process

This section describes the appeals and exemption processes. Where feasible, specific exemptions can be identified and defined. Where not feasible, the process to appeal or obtain an exemption should be detailed.

Any water user violating the regulations and restrictions on water use may receive a written notice for the violation. The water user shall have seven days from receipt of the notice to submit a written request for a hearing. If no hearing is requested, or at the hearing it is determined that the water user has committed a violation, a civil penalty may be levied.

The government codes and ordinances that are used to implement these policies and processes are discussed in Section 7.

## 7.0 Legal Authorities

This section describes the legal authorities that DWA relies upon to implement the shortage response actions and the associated enforcement actions.

DWA's Ordinance No. 65 establishes its Water Conservation Plan and was adopted March 1, 2016.

## Water Shortage Contingency Plan

DWA is in the process of updating the ordinance to reflect the contents of this WSCP.

A copy of the legal authority is included in Appendix A.

In accordance with Water Code Chapter 3 (commencing with Section 350) of Division 1 general provisions regarding water shortage emergencies, DWA shall declare a water shortage emergency in the event of a catastrophic interruption in supply.

DWA shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency under California Government Code, California Emergency Services Act (Article 2, Section 8558). Including a list of and contacts for all cities or counties for which the RUWMP participating agencies provide service in the WSCP, along with developed coordination protocols, can facilitate compliance with this section of the Water Code in the event of a local emergency as defined in subpart (c) of Government Code Section 8558.

These cities and counties are summarized in Table 7.

**Table 7. City and County Coordination on Proclamation of Emergencies**

City or County	Contact	CVWD	CWA	DWA	IWA	MDMWC	MSWD
Imperial County	Office of Emergency Services	X					
Riverside County	Emergency Management Department	X	X	X	X	X	X
City of La Quinta	Emergency Management Division	X			X	X	
City of Indio	Emergency Services Coordinator	X	X		X		
City of Coachella	Emergency Services Coordinator	X	X		X		
City of Palm Desert	Emergency Services Coordinator	X					
City of Cathedral City	Emergency Manager	X		X			
City of Indian Wells	Emergency Services Coordinator	X					
City of Rancho Mirage	Emergency Services Coordinator	X					
City of Palm Springs	Emergency Management Coordinator			X			X
City of Desert Hot Springs	Emergency Services Coordinator			X			X

## 8.0 Financial Consequences of WSCP

This section describes the anticipated financial consequences to DWA of implementing the WSCP. The description includes potential reductions in revenue due to lower water sales and increased expenses associated with implementing the shortage response actions.

Potential financial impacts of implementing the WSCP could include:

- Reduced revenue from reduced water use
- Increased staff costs for tracking, reporting, patrolling, and enforcing restrictions
- Economic impacts associated with water-dependent businesses in the service area

Potential mitigation measures include:

- Triggering of drought rate structures or surcharges
- Using financial reserves
- Reducing operation and maintenance expenses (expenses related to source of supply and pumping will fall due to reduced water production)
- Deferring capital improvement projects
- Reducing future projected operation and maintenance expenses
- Increasing fixed readiness-to-serve charge
- Increasing commodity charge and water adjustment rates to cover revenue shortfalls
- Seeking alternative source of funding, such as state or federal grants or loans
- Other financial management mechanisms

DWA will monitor financial conditions during a water shortage and take appropriate actions as needed. DWA maintains financial reserves that can be used to continue operations during a period of reduced water sales. DWA has the ability to increase water rates or implement a surcharge to increase revenues from water sales.

## 9.0 Monitoring and Reporting

This section describes how DWA will monitor and report on implementation of the WSCP. DWA will gather data on key water use metrics and use the data to evaluate the effectiveness of response actions in achieving their intended water use reduction purposes. DWA will also gather data on customer compliance to evaluate the effectiveness of enforcement actions. DWA will gather and report data at frequencies adequate to meet reporting requirements established by the State Water Resources Control Board and other government agencies. The specific reporting requirements are expected to continue to change over the next five years.

DWA will monitor water use by customers using billing systems and operational control systems to monitor production and consumption. Each customer is metered, and billing records will be compiled and used to observe trends in water consumption. Each groundwater well and water connection point is also metered, and production records will be used to observe trends in water production. Levels in reservoirs can be monitored using the operational control systems to help identify potential high usage or leaks. DWA staff may also perform field visits and record observations to monitor water use and identify potential issues for follow-up.

The consumption records will be aggregated by customer class to evaluate response actions and identify potential additional measures.

## 10.0 WSCP Refinement Procedures

DWA will monitor the implementation of this plan to evaluate its effectiveness as an adaptive management tool. The monitoring and reporting program described in Section 9 will provide information



on the effectiveness of the shortage response actions during any shortage levels that may be invoked. If DWA determines that the shortage response actions are not effective in producing the desired results, DWA will initiate a process to refine the WSCP. DWA will consider the addition of new shortage response actions, or changing the levels when shortage response actions are implemented. Suggestions for refinements will be collected from DWA staff, customers, industry experts, and the general public. The RUWMP participating agencies will share data and suggestions for refinement to identify opportunities to increase the effectiveness of the WSCP while maintaining alignment with other agencies in the region when possible.

### **11.0 Special Water Feature Distinction**

The RUWMP participating agencies have distinguished swimming pools and spas as recreational water features, while non-pool and non-spa water features are considered decorative water features. This distinction is used in the shortage response actions because decorative water features have the potential to use recycled water, while most pools and spas (recreational water features) use potable water for health and safety considerations. However, this distinction does not apply to the hot mineral spring pools and spas throughout the Desert Hot Springs area; while they are recreational, they also do not rely on potable water.

### **12.0 Plan Adoption, Submittal, and Availability**

DWA adopted this WSCP with the 2020 RUWMP. The RUWMP and WSCP were made available for public review during May and June of 2021. A public hearing was held on June 15, 2021 to allow public input on the draft RUWMP and the WSCP.

DWA's governing board adopted the RUWMP and the WSCP at a meeting on June 15, 2021. The resolution of adoption is included as Appendix B.

This WSCP was submitted to DWR through the WUEData portal before the deadline of July 1, 2021. This WSCP was made available to the public on DWA's web site. Notice was provided to cities and counties in the service area that the WSCP was available on DWA's web site.

If DWA identifies the need to amend this WSCP, it will follow the same procedures for notification to cities, counties and the public as used for the RUWMP and for initial adoption of the WSCP. The draft amended WSCP will be made available for public review, and DWA's governing board will hold a public hearing to receive comments on the draft amended WSCP. Once DWA's governing board adopts the amended WSCP, the amended plan will be submitted to DWR and the California State Library, and it will be made available to the public and the cities and counties in the service area through placement on DWA's web site.

## **Appendix A. Legal Authority**

## **ORDINANCE NO. 72**

### **AN ORDINANCE OF DESERT WATER AGENCY ESTABLISHING A WATER SHORTAGE CONTINGENCY PLAN INCLUDING REGULATIONS RESTRICTING THE USE OF WATER DURING THREATENED OR EXISTING WATER SHORTAGE CONDITIONS**

WHEREAS, Desert Water Agency (hereinafter “Agency”) is a public agency organized under the Desert Water Agency Law, California Water Code Appendix Section 100-1 et seq., to provide water service among other purposes to water users within the boundaries of the Agency; and

WHEREAS, the Agency is authorized by Water Code Appendix Section 100-15 (13) to restrict the use of Agency water during an emergency caused by a drought, or other threatened or existing water shortage, and during such periods to prohibit the waste or the use of Agency water for any purpose other than household uses or such other restricted uses as may be determined by the Agency to be necessary; and

WHEREAS, the Agency is further authorized by Water Code Sections 375-377 to adopt water conservation programs; and

WHEREAS, after the historic 2012-2016 drought, the California Legislature enacted several laws in 2018 to advance long-term water use efficiency as a way to demonstrate conservation as a way of life; and

WHEREAS, urban water suppliers are required to prepare, adopt and submit to the California Department of Water Resources a Water Shortage Contingency Plan and conduct a Drought Risk Assessment every five years; and

WHEREAS, the Agency wishes to adopt a Water Shortage Contingency Plan that meets requirements set forth in the regulations adopted by the Department of Water Resources and State Water Resources Control Board in implementation of long-term water-use efficiency, and which will provide a framework for managing supplies in shortage conditions; and

WHEREAS, the Agency finds and determines that the adoption of the Water Shortage Contingency Plan set forth herein is necessary to (1) comply with State mandates, (2) protect the health, safety and welfare of the inhabitants of the Agency, (3) assure the maximum beneficial use of the water supplies within the Agency, and (4) ensure that there will be sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Desert Water Agency as follows:

#### Section 1: DEFINITIONS.

- 1.1 “Agency” means Desert Water Agency.
- 1.2 “Board” means the Board of Directors of Desert Water Agency.
- 1.3 “General Manager” means the General Manager of Desert Water Agency.
- 1.4 “Measurable rainfall” means rainfall of 1/10 inch or more during any 24-hour period.
- 1.5 “Waste” means any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.
- 1.6 “Water user” means any person, firm, partnership, association, corporation or political entity using water obtained from the water system of Desert Water Agency.
- 1.7 “Water” means water supplied by Desert Water Agency.

Section 2: NOTICED PUBLIC HEARING PRIOR TO MANDATORY CONSERVATION, LEVELS 2 THROUGH 6.

Except when an emergency is caused by the breakage or failure of Agency infrastructure or by a malevolent act, a noticed public hearing shall be conducted prior to the adoption of Level 2, 3, 4, 5 or 6 of the Water Shortage Contingency Plan as set forth in Sections 3.2, 3.3, 3.4 and 3.5 below. Notice of the time and place of hearing shall be published at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published and circulated in the County of Riverside.

Section 3: WATER CONSERVATION PLAN LEVELS.

3.1 Level No. 1: Normal Conditions

Level 1 shall apply whenever normal conditions are in effect. Normal conditions shall be in effect when the Agency is able to meet all the water demands of its customers in the immediate future, and when the State Water Resources Control Board or other regulatory body has not imposed restrictions on the use of water within the Agency. During normal conditions, all water users must continue to use water wisely. The waste or unreasonable use of water is prohibited.

(1) Water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or parking structures is prohibited.

(2) Using any water in a fountain or other decorative water feature is prohibited, unless the water recirculates.

(3) Applying water to driveways, sidewalks, concrete or asphalt is prohibited unless to address immediate health and safety needs. Reasonable pressure washer or water broom use is permitted.

(4) Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches is prohibited.

(5) Using a hose to wash a vehicle, windows, or solar panels is prohibited unless an automatic shut-off nozzle or pressure washer is used.

(6) Broken sprinklers shall be repaired within five business days of notification by the Agency, and leaks shall be repaired as soon as practical.

(7) Hotels will provide guests the option of choosing not to have towels and linens laundered daily.

(8) Draining and refilling of private swimming pools is discouraged, unless necessary for health and safety or repairs.

(9) The Agency will discourage overseeding.

(10) The Agency will provide rebates for landscape efficiency.

(11) The Agency will provide rebates on indoor water use efficiency.

(12) The Agency will offer water use surveys/audits.

3.2 Level 2: Alert

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event of a threatened or existing water supply shortage that could prevent the Agency from meeting the water demands of its water users, the Board shall conduct a public hearing to consider declaring a Level 2 Alert, during which water users shall have the opportunity to present their

protests and respective needs to the Board. Upon such declaration the following restrictions shall take effect immediately, in addition to those specified in Section 3.1:

- (1) Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an Agency-approved conservation alternative plan.
- (2) Restaurants and other eating establishments shall not provide drinking water to patrons, except upon request.
- (3) The Agency will discourage overseeding.
- (4) The Agency will expand its public information campaign.
- (5) The Agency will increase water waste patrols.
- (6) The Agency will reduce hydrant and dead-end line flushing.

### 3.3 Level 3: Warning

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition in fact will prevent the Agency from meeting the demands of its water users, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 3 Warning condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1 and 3.2:

- (1) Outdoor water use is allowed only three days a week for spray irrigation (Monday, Wednesday and Friday).
- (2) Drip or subterranean irrigation is allowed seven days a week, during non-daylight hours.
- (3) Commercial nurseries are to use water only on alternate days during non-daylight hours for outside operations.
- (4) Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features are not to be filled or replenished.
- (5) No filling of swimming pools or landscaping ponds unless necessary for health and safety or leak repair.
- (6) Commercial car washes must use recycled water or a recirculating water systems.
- (7) Spray irrigation of medians and parkways is prohibited.
- (8) The Agency will encourage counties, cities, Homeowners Associations (HOAs) and other entities to suspend code enforcement and fines for brown turfgrass areas.
- (9) The Agency will strengthen customer billing messages with the use of comparisons.
- (10) The Agency will implement water use audits targeted to key customers to ensure compliance with directives.
- (11) The Agency will expand rebate programs.

### 3.4 Level 4: Critical

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition requires a significant reduction in water use, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 4 Emergency condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1, 3.2 and 3.3:

- (1) Turfgrass landscapes may not be watered except with subterranean irrigation or recycled water.
- (2) No new turfgrass landscaping shall be installed.

- (3) The Agency shall consider implementing its drought rate surcharge.
- (4) The agency will expand its public information campaign.

### 3.5 Level No. 5: Urgent

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition requires a significant reduction in water use, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 5 Emergency condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1, 3.2, 3.3 and 3.4:

- (1) Watering turfgrass is prohibited.
- (2) The use of misting systems is prohibited.
- (3) Turfgrass at parks and school grounds may water with recycled water or not at all.
- (4) Golf course greens and tees may be watered no more than two times per week during non-daylight hours with recycled water or not at all.
- (5) Trees, desert plants and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.
- (6) Outdoor water use for grading or development is prohibited.
- (7) The Agency will impose a moratorium or net zero demand on new connections.
- (8) The Agency will not issue new construction meters, and service through construction meters will not be available.

### 3.6 Level No. 6 – Emergency Rationing

When the State Water Resources Control Board or other regulatory body has imposed restrictions on the use of water within the Agency that warrant the restrictions set forth herein, or in the event that a water shortage condition requires a significant reduction in water use, following a public hearing as set forth in Section 3.2, during which water users shall have the opportunity to present protests and their respective needs to the Board, the Board may declare that a Level 6 Emergency condition exists. Upon such declaration, the following water conservation measures shall apply in addition to those set forth in Sections 3.1, 3.2, 3.3, 3.4 and 3.5:

- (1) The Agency will implement mandatory rationing.
- (2) Outdoor water use is prohibited.
- (3) Restaurants must use disposable cups, plates, and utensils.
- (4) Commercial nurseries shall discontinue all watering and irrigation.
- (5) Watering of livestock is permitted as necessary.

In addition, as set forth in Water Code Sections 350 et seq., the Board may consider adoption of a resolution or ordinance that allocates water deliveries among the Agency's water users, and that imposes penalties for consumption in excess of the allocated amounts. The resolution or ordinance may also, or instead, impose a limit on new water service connections. Violation of the provisions of such resolution or ordinance shall be deemed a violation of this Ordinance, and shall be subject to the enforcement provisions set forth herein.

## Section 4: MODIFICATION OF WATER CONSERVATION MEASURES.

The specific requirements of each mandatory conservation Level identified in this Ordinance shall be effective upon adoption by the Board following a public hearing; provided that the Board may modify or amend such requirements at the time of adoption upon a showing of the need for such modification or amendment.

## Section 5: IMPLEMENTATION AND TERMINATION OF MANDATORY COMPLIANCE LEVELS.

The General Manager of the Agency shall monitor the supply and demand for water on a regular basis to determine the level of conservation required by the implementation or termination of the Water Shortage Contingency Plan Levels set forth in this Ordinance, and shall notify the Board of the necessity for the implementation or termination

of each Level. Each declaration of the Board implementing a Water Shortage Contingency Plan Level shall be published at least once in a newspaper of general circulation, and shall remain in effect until the Board otherwise declares, as provided herein.

Section 6: EXCEPTIONS.

The General Manager of the Agency is hereby authorized to allow exceptions from the application of any provision of this Ordinance, due to exceptional circumstances, if the General Manager determines that the application of a provision would either: (a) cause an unnecessary and undue hardship to the water user or to the public; or (b) jeopardize the health, sanitation, fire protection or safety of the water user or of the public. Such exceptions may be granted only upon application therefor. Upon granting any such exception, the General Manager may impose any conditions the General Manager determines to be appropriate in the circumstance.

Section 7: CRIMINAL PROCEEDINGS FOR VIOLATION.

The Board hereby determines that, pursuant to Water Code Section 377, it shall be a misdemeanor for any water user to use or apply water contrary to or in violation of any mandatory restriction or requirement established by this Ordinance and, upon conviction thereof, that water user shall be punished by imprisonment in the County jail for not more than 30 days or by a fine of not more than \$1,000, or by both such fine and imprisonment.

Section 8: CIVIL PENALTIES AND ENFORCEMENT.

In addition to criminal penalties, violators of the mandatory provisions of this Ordinance shall be subject to civil penalties and enforcement action by the Agency staff, as follows:

8.1 First Violation.

For a first violation, the Agency staff may serve a written complaint to impose civil penalties to the water user or account holder who is violating the provisions of this Ordinance or violating the water use restrictions imposed by the State Water Resources Control Board. Upon receipt of the complaint for civil penalty, the water user or account holder shall have seven days to request, in writing, a hearing. If no hearing is requested or at the hearing it is determined that the water user or account holder has committed a violation, a civil penalty of \$50 for a first violation at a single family residence and \$100 for a first violation at a multi-family residential, commercial or institutional establishment may be levied.

8.2 Second Violation.

For a second violation of this Ordinance or water use restrictions imposed by the State Water Resources Control Board within any 12-month period, the Agency staff may serve a written complaint to impose civil penalties on the water user or account holder with written notice thereof, and the water user or account holder shall have the same period of time set forth in Section 8.1 to request a hearing. For a second violation within any 12-month period the civil penalty shall be \$100 at a single family residence and \$200 at a multi-family residential, commercial or institutional establishment.

8.3 Third Violation.

For a third violation of this Ordinance and for each subsequent violation within any 12-month period, the water user or account holder shall be subject to civil penalties and shall have the same opportunity to request a hearing in the manner set forth in Section 8.1. For a third and each subsequent violation within any 12-month period, the civil penalty shall be \$250 at a single family residence and \$500 at a multi-family residential, commercial or institutional establishment.

8.4 Collection of Civil Penalties.

Civil penalties may be billed to the violating water user by separate invoice, or may be added to the water user's invoice for water service as a separately itemized charge as determined by Agency staff. Civil penalties that are not paid may become a lien on the affected property in a manner provided by law to secure payment for water service. In addition, the Agency staff shall be authorized to discontinue water service for any violation of this Ordinance and for failure to pay a civil penalty within the period of time provided by the Agency staff for payment of invoices for water service. In the



event that service is terminated, such service shall remain terminated for a period of at least 48 hours, unless such period is extended by action of the Board of Directors. A charge shall be imposed for reconnection and restoration of service in the amount normally charged by the Agency for restoration of service. Such restoration of service shall not be made until the General Manager has determined that the water user has provided adequate assurances that future violations of this Ordinance by such water user will not occur.

8.5 Service of Complaint.

The complaint for civil penalties may be served personally, by mail or by affixing a copy of the complaint to the front entry of the property. The complaint shall contain, in addition to the facts of the violation, a statement of the possible civil penalties for the violation and a statement informing the water user of his or her right to a hearing.

8.6 Hearing and Appeal.

Within seven days of receipt of a complaint for civil penalties, the water user may request a hearing to present evidence that a violation did not occur. Within seven days after receipt of a written request for a hearing, the Executive Committee of the Board will schedule a hearing for the water user to present evidence that a violation did not occur. The hearing shall take place no sooner than 30 days after the complaint has been issued to the violator, unless requested at an earlier date by the violator. The decision of the Executive Committee following the hearing shall be final.

Section 9: CUMULATIVE REMEDIES.

The remedies for violations set forth in this Ordinance shall be cumulative to any other remedies available to the Agency according to law.

Section 10: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such determination shall not affect the validity of the remaining provisions of this Ordinance.

Section 11: PUBLICATION.

The Secretary of the Board of Directors of the Agency shall attest to the adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation which is printed, published and circulated in the Agency within ten days after its adoption.

Section 12: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and shall supersede the provisions of Ordinance No. 65.

ADOPTED this 15th day of June, 2021.

  
Kristin Bloomer, President

ATTEST:

  
Joseph K. Stuart, Secretary-Treasurer

## **Appendix B. Resolution of Adoption**

## **RESOLUTION NO. 1260**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF DESERT WATER AGENCY ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN**

**WHEREAS**, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water Management Planning Act) during the 1983-1984 Regular Session, as subsequently amended, which mandates that every supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, prepare an Urban Water Management Plan; and

**WHEREAS**, the Urban Water Management Planning Act requires each urban water supplier to update its Urban Water Management Plan at least once every five years on or before December 31, in years ending five and zero; and

**WHEREAS**, legislation referred to as the Water Conservation Act of 2009 or “SBX7-7” (Water Code, Part 2.55, Section 10608 et seq.), enacted by the California Legislature during the 2009 Extraordinary Session, extended the time by which urban retail water suppliers must adopt their 2015 Urban Water Management Plans until July 1, 2016, and, among other things, established requirements for urban retail water suppliers to prepare interim and urban water use targets for achieving increased water use efficiency by the years 2015 and 2020, in accordance with the goal of SBX7-7 to reduce statewide per capita water use 20 percent by the year 2020; and

**WHEREAS**, the Desert Water agency (Agency) is an urban retail water supplier for purposes of the Urban Water Management Planning Act and SBX7-7; and

**WHEREAS**, in accordance with the Urban Water Management Planning Act and SBX7-7, the Agency adopted its current Urban Water Management Plan (Plan) in 2016 and must update the Plan no later than July 1, 2021; and

**WHEREAS**, in accordance with applicable law, including Water Code Sections 10608.26 and 10642, and Government Code Section 6066, a properly noticed public hearing regarding said updated the Plan was conducted by the Board of Directors on June 15, 2021, and the proposed updated Plan was posted on the Agency’s website two (2) weeks before the hearing; and

**WHEREAS**, pursuant to said public hearing on the Agency’s proposed updated Plan, the Agency, among other things, encouraged the active involvement of diverse social, cultural, and economic elements of the population within the Agency’s service area with regard to the preparation of the Plan, allowed community input regarding the Agency’s implementation plan for complying with SBX7-7, considered the economic impacts of the Agency’s implementation plan for complying with SBX7-7, and adopted Method 1 under Water Code Section 10608.20(b) for determining its water use targets; and

**WHEREAS**, the California Department of Water Resources issued a Guidebook to Assist Urban Water Suppliers to Prepare an Urban Water Management Plan (the “DWR Guidebook”) and Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use (the “DWR Methodologies”) to provide guidance to urban retail water suppliers for purposes of preparing Urban Water Management Plans, and the Agency utilized the DWR Guidebook and the DWR Methodologies in preparing its updated Plan; and

**WHEREAS**, in accordance with Water Code Section 10620(e), the Agency has prepared its updated Plan with its own staff, with the assistance of consulting professionals, and in cooperation with other governmental agencies, and has utilized industry standards and the expertise of industry professionals in preparing its updated Plan; and

**WHEREAS**, the Agency’s Board of Directors has reviewed and considered the purposes and requirements of the Urban Water Management Planning Act and SBX7-7, the contents of the updated Plan, and the documentation contained in the administrative record in support of the updated Plan, and has determined that the factual analyses and conclusions set forth in the updated Plan are supported by substantial evidence.

**WHEREAS**, DWA’s 2020 Urban Water Management Plan, attached hereto as Exhibit A, is hereby adopted as amended by changes agreed upon by participating CV UWMP Agencies as a result of input received (if any) at public hearings and ordered filed with the Secretary of DWA.

**NOW, THEREFORE**, be it resolved by the Board of Directors of Desert Water Agency as follows:

1. The Agency hereby adopts Target Method 1 under Water Code Section 10608.20(b) for determining its water use targets, and the updated Urban Water Management Plan is hereby adopted and ordered filed with the Secretary of the Board.
2. The General Manager is hereby authorized and directed to include a copy of this Resolution in the Agency’s updated Urban Water Management Plan and, in accordance with Water Code Section 10644(a), to file the updated Urban Water Management Plan with the California Department of Water Resources, the California State Library, and any city or county within which the Agency provides water supplies within thirty (30) days after this date.
3. The General Manager is hereby authorized and directed, in accordance with Water Code Section 10645, to make the updated Urban Water Management Plan available for public review not later than thirty (30) days after filing a copy thereof with the California Department of Water Resources.
4. The General Manager is hereby authorized and directed, in accordance with Water Code Section 10635(b), to provide that portion of the updated Urban Water Management Plan prepared pursuant to Water Code Section 10635(a) to any city or county within which the Agency provides water supplies not later than sixty (60) days after filing a copy thereof with the California Department of Water Resources.

5. The General Manager is hereby authorized and directed to implement the components of the updated Urban Water Management Plan in accordance with the Urban Water Management Planning Act and SBX7-7 including, but not limited to, the Agency's Water Conservation Programs and its water shortage contingency analysis.

6. The General Manager is hereby authorized and directed to recommend to the Board of Directors additional steps necessary or appropriate to effectively carry out the implementation of the updated Urban Water Management Plan.

**ADOPTED** this 15th day of June 2021.

  
\_\_\_\_\_  
Kristin Bloomer, President

**ATTEST:**

  
\_\_\_\_\_  
Joseph K. Stuart, Secretary-Treasurer

## DESERT WATER



I, Sylvia Baca, Assistant Secretary of the Board of Directors of Desert Water Agency, hereby certify that the following is a true and correct copy of a motion adopted by the Board of Directors of Desert Water Agency at a Regular Meeting of the Board conducted on June 15, 2021:

Director Oygar moved to adopt the 2020 Urban Water Management Plan and Water Contingency Plan, Resolution No. 1260 and Ordinance No. 72. After a second by Secretary-Treasurer Stuart, the motion carried by the following roll call vote:

AYES: Ortega, Oygar, Stuart, Cioffi, Bloomer

NOES: None

ABSENT: None

ABSTAIN: None

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) SS.  
CITY OF PALM SPRINGS )

I, Sylvia Baca, Assistant Secretary of the Board of Directors of Desert Water Agency do hereby certify that the foregoing is a true, full and correct copy of the minute entry on record in this office.

IN WITNESS THEREOF, dated this 28th day of June, 2021.

Sylvia Baca  
Assistant Secretary of the Board

## GENERAL MANAGER'S REPORT

### April 5, 2022

#### PE Service Leak at 1941 Paseo Racqueta

On March 10 at approximately 2:15 p.m., Construction staff responded to a report of water in the gas lines on Paseo Racqueta inside of Sunrise Racquet Club HOA. When staff arrived, they found that the water in the gas line was coming from a 1-inch PE service line leak directly under a 2-inch gas line. The gas company purged their gas lines of water and our staff was able to repair by putting a clamp on the leaking PE service line. Staff confirmed with the gas company that six gas meters were affected.





### **Damaged Backflow at 1430 Tiffany Circle**

On March 19 at approximately 3:30 p.m., Construction staff responded to a hit backflow at 1430 Tiffany Circle. The management company has identified the owner of the vehicle that hit the backflow and are they are dealing with the issue. The management company gave the Agency authorization to make the repairs. The repairs have been made and the backflow is back in service. A police report was not filed and the water loss was metered.



## **Sites Reservoir to Pursue Loan Through the Water Infrastructure Finance and Innovation Act**

*Sacramento, CA.* – The United States Environmental Protection Agency (US EPA) formally invited the Sites Project Authority to apply for a \$2.2 billion low-interest loan through the Water Infrastructure Finance and Innovation Act (WIFIA), which would bring the project significantly closer to construction and completion.

A loan through the WIFIA program could dramatically reduce the costs to participants, making it more affordable for cities, farms, and resource managers to have access to more water in dry years. Sites Reservoir is significant for California and the nation, and a substantial loan through the WIFIA program will help us realize the many environmental and water supply benefits of this project. Sites Reservoir is a beneficiary pays project, which means that the loan will be repaid by project participants.

“The significance of this opportunity cannot be overstated,” said Fritz Durst, chairman of the Sites Project Authority. “We thank our federal partners and the Biden Administration for supporting Sites Reservoir in such a meaningful way.”

Established by the Water Infrastructure Finance and Innovation Act of 2014, the WIFIA program is a federal loan and guarantee program administered by the US EPA. WIFIA's aim is to accelerate investment in the nation's water infrastructure by providing long-term, low-cost federal loans for regionally and nationally significant projects. The Sites Project Authority submitted a letter of intent to apply in July 2021.

WIFIA funding helps finance drought resiliency projects as well as clean water and safe drinking water infrastructure projects across the United States. After a robust statutorily required review process, the WIFIA Selection Committee selected Sites Reservoir to apply for a loan.

“For Sites Reservoir to be built – bringing substantial and critical environmental benefits to California – it has to be affordable for our participants. This loan can get us there,” added Durst.

Sites Reservoir is an off-stream water storage facility that will create resiliency against the impacts of climate change. The reservoir does not dam a major river system and would not block fish migration or spawning. Sites Reservoir captures and stores stormwater flows from the Sacramento River —after all other water rights and regulatory requirements are met—for release primarily in dry and critical years for environmental use and for California communities, farms, and businesses when it is so desperately needed. One of Sites Reservoir's greatest strengths is in its broad statewide representation including cities, counties, water, and irrigation districts throughout the Sacramento Valley, San Joaquin Valley, Bay Area, and Southern California.

### **Whitewater Recharge Facility Bureau of Land Management (BLM) Right of Way Grant Update**

The Final Environmental Impact Statement (EIS) is currently at the BLM Headquarters in Washington D.C. BLM staff are working with the Department of Interior to schedule a briefing with the Assistant Secretary. The briefing has been rescheduled several times. BLM Headquarters is trying to schedule for Thursday, March 31 but it hasn't been confirmed. If approval happens on March 31, the Final EIS 508 compliant document won't be ready until April 8, at which time the document will be published on April 15. This starts a 30-day review period. The BLM's decision would happen in mid to late May and the Record of Decision (ROD) would be published then.

### **State Reduces State Water Project (SWP) Allocation**

The Department of Water Resources (DWR) announced it will reduce the SWP allocation to 5% of request supplies for 2022. DWR previously set the allocation at 15%, but a historically dry January and February, with no significant storm forecast for March, requires a reduction in the allocation to conserve available water supply.

In addition to the 5% allocation, DWR will also provide an unmet critical health and safety needs of the 29 water agencies that contract to receive SWP supplies.

### **SWRCB Releases New Guidance on Revised Federal Lead & Copper Rule**

In mid-March, the State Water Board (SWRCB) released a fact sheet with clarification and guidance on how California agencies should plan to comply with the revised Federal Lead & Copper Rule.

By October 16, 2024 all water systems must create and submit an inventory of all water service lines, including those on the customer side of the meter, to SWRCB. This builds on the previous requirement for the Agency to inventory and submit Agency-owned service lines by July of 2020.

The Agency can use paper records to confirm materials but expects that physical verification will be necessary for some properties built before 1986. The Agency serves 13,011 properties built prior to 1986 when bans on lead in plumbing went into effect.

### **DWA Hosts California Natural Resources Secretary Wade Crowfoot**

On March 15, DWA hosted a press conference at the Agency funded desert landscape at Firebird Condos in Palm Springs. Director Paul Ortega welcomed guests and introduced Secretary Crowfoot. Mayor Pro-Tem Grace Garner spoke and President Kristin Bloomer gave remarks and invited the media for one-on-one interviews.

The event yielded coverage on KESQ and NBC Palm Springs. It was also featured in ACWA News.



### **Desert Water Agency and Partners Get \$918,984 Drought Relief Grant**

On March 21, the Department of Water Resources announced \$180M in awards for Urban and Multibenefit Drought Relief Projects. This award included \$918,984 to the CV Water Counts Regional Conservation program. These funds are specified for disadvantaged communities.

The funds for this project will be split within the region and will go to disadvantaged populations. Staff will develop a program tailored to low-income residents to help offset the expense of replacing grass with water efficient options.

Staff anticipates that this funding will be available to customers starting in late summer.

## **Whitewater Hydroelectric Plant PLC Upgrade**

In 2018, staff started the process of modernizing the operation of the Whitewater Hydroelectric Plant (Hydro Plant). The goal of the modernization was to enable the Hydro Plant to be operated/started remotely and enable it to restart itself after minor electrical disturbances (power flickers, line slap, etc).

During the 2018 upgrade, the analog relays and exciter were replaced with digital relays and a digital generator exciter were installed. The next step in the modernization process was to then upgrade to a modern Programmable Logic Controller (PLC) with a software interface.

After several discussions with multiple consultants, staff selected Piedmont Hydro Technologies, LLC located in Stoneville, North Carolina to perform the PLC upgrade. Piedmont specializes in hardware and software upgrades to modernize small hydroelectric plants and has worked on multiple hydro plants similar to the Whitewater Hydro Plant. In February 2021 the Agency contracted with Piedmont to perform the upgrade for \$166,800.

Piedmont performed the upgrade installation work in February 2022, to coincide with the end of the Metropolitan Water District annual Colorado River Aqueduct shutdown and on March 14, 2022 Piedmont coordinated with CVWD and MWD to test the newly installed PLC system by diverting water to the plant over a two day period.

The installation and testing were successful, and the hydro plant is now capable of being operated/started remotely and is able to restart itself after a minor electrical disturbance, which happens quite frequently due to windy conditions that disrupt SCE power lines. The PLC software also sends out a daily status report of the key parameter (see Figure 1).

The next step is to optimize the PLC settings to eliminate or reduce unexpected shutdowns. This fine-tuning cannot happen until the plant is operational (MWD water deliveries) and data can be analyzed during any electrical disturbances.

Reminder: The May 3, 2022 Board meeting will be cancelled due to a conflict with the ACWA conference in Sacramento.



## DWA Participates in Community Events

In March, DWA began participating in more large community events including:

- March 2 - Rock the Park series put on by the Palm Springs Chamber of Commerce
- March 10 - Monopoly Palm Springs launch
- March 18 - Walk of Stars commemoration
- March 19 - Palm Springs Rotary Club Chalk Art Festival
- March 19 - ONE-PS Neighborhood Picnic
- March 25 - Palm Springs Air Museum Gala
- March 31 - Desert Hot Springs Rotary Big Heart Awards



SYSTEM LEAK DATA					
(PERIOD BEGINNING MAR 8, 2022 THRU MAR 28, 2022)					
STREET NAME	NUMBER OF LEAKS	PIPE DIAMETER (INCHES)	YEAR INSTALLED	PIPE MATERIAL	PIPE CONSTRUCTION
LOUELLA RD	4	6	1955	STEEL	BARE/UNLINED
TAHQUITZ CANYON WY	3	8	1946	STEEL	BARE/UNLINED
ALEJO RD	3	8	1958	STEEL	BARE/UNLINED
INDIAN TR	3	3	1935	STEEL	BARE/UNLINED
INDIAN CANYON DR	2	6	1951	STEEL	BARE/UNLINED
VIA ALTAMIRA	2	4	1954	STEEL	BARE/UNLINED
AVENIDA CABALLEROS	1	14	1953	STEEL	BARE/UNLINED
INDIAN CANYON DR	1	10	1938	STEEL	BARE/UNLINED
S PALM CANYON DR	1	10	1953	STEEL	BARE/UNLINED
INDIAN CANYON DR	1	8	1938	STEEL	BARE/UNLINED
VIA MONTE VISTA	1	8	1953	STEEL	BARE/UNLINED
VIA NORTE	1	8	1983	STEEL	CML/C
SUNNY DUNES RD	1	6	1946	STEEL	BARE/UNLINED
EL PLACER RD	1	6	1946	STEEL	BARE/UNLINED
AVENIDA EVELITA	1	6	1946	STEEL	BARE/UNLINED
SUNNY DUNES RD	1	6	1948	STEEL	BARE/UNLINED
PATENCIO RD	1	6	1951	STEEL	BARE/UNLINED
DESERT PARK AVE	1	6	1955	STEEL	BARE/UNLINED
FARRELL DR	1	6	1958	STEEL	BARE/UNLINED
SANTA ROSA DR	1	4	1936	STEEL	BARE/UNLINED
BARISTO RD	1	4	1936	STEEL	BARE/UNLINED
SATURMINO DR	1	4	1946	STEEL	BARE/UNLINED
SAN LUCAS RD	1	4	1948	STEEL	BARE/UNLINED
PATENCIO LN	1	4	1951	STEEL	BARE/UNLINED
PATENCIO RD	1	4	1954	STEEL	BARE/UNLINED
NICOLA RD E	1	4	1955	STEEL	BARE/UNLINED
CALLE TOMAS	1	4	1958	STEEL	BARE/UNLINED

**TOTAL LEAKS IN SYSTEM: 38**

Streets highlighted in green are included as part of the

**2020/2021 Replacement Pipeline Project**

Streets highlighted in blue are being proposed as part of the

**2021/2022 Replacement Pipeline Project**

Vista Chino 20" mainline replacement design is being developed

**F.Y. 2021/2022 budget for design**

SYSTEM INFORMATION:	
OLDEST PIPE IN THE SYSTEM (YEAR OF INSTALLATION):	1935
AVERAGE YEAR OF INSTALLATION OF UNLINED STEEL PIPE (SYSTEMWIDE):	1952
AVERAGE AGE OF UNLINED STEEL PIPE (SYSTEMWIDE):	66 YEARS
AVERAGE AGE OF PIPELINE AT THE TIME OF REPLACEMENT:	68 YEARS
<b>TOTAL LENGTH OF PIPE IN SYSTEM OLDER THAN 70 YEARS (LINEAR FEET):</b>	<b>124,846</b>
TOTAL LENGTH OF UNLINED PIPE SYSTEMWIDE (LINEAR FEET):	297,672
*AVERAGE LENGTH OF PIPE REPLACED ANNUALLY (LINEAR FEET):	14,500
PROJECTED TIME FRAME FOR 100% REPLACEMENT OF UNLINED STEEL PIPE:	21 YEARS
<b>PROJECTED TIME FRAME FOR 100% REPLACEMENT OF PIPE OLDER THAN 70 YEARS:</b>	<b>9 YEARS</b>
YEAR AGENCY TRANSITIONED TO CEMENT LINED STEEL PIPE:	1960
<p><b>*PLEASE NOTE THIS FIGURE REPRESENTS THE AVERAGE LINEAR FOOTAGE OF PIPELINE REPLACED ANNUALLY GIVEN AN AVERAGE ANNUAL BUDGET OF \$3 MILLION.</b></p>	





## **General Manager's Meetings and Activities**

### Meetings:

03/15/22	DWA Bi-Monthly Board Mtg	Conf Call
03/15/22	DWA State Bill Legislation Review	Conf Call
03/15/22	DWA & WAVS Board Room Project Meeting	Conf Call
03/16/22	SWP DCP Coordination Meeting	SAC
03/16/22	SWP DCP Update Meeting	SAC
03/16/22	SWP SWC Monthly Meeting	SAC
03/16/22	SWP DWR/SWC Director's Advisory Committee	SAC
03/17/22	SWP SWC General Counsel Report	SAC
03/17/22	SWP SWC Board Meeting	SAC
03/18/22	Joint Sites Reservoir Committee & Authority Board Mtg	SAC
03/21/22	Tribal Mediation - Small Negotiation Group	Conf Call
03/22/22	DWA 2022/2023 Budget Meeting - Management Review #1	Conf Call
03/22/22	Mission Creek Subbasin Quarterly GM's Meeting	Conf Call
03/24/22	DWA Conservation & Public Affairs Committee Meeting	Conf Call
03/24/22	DWA 2022/2023 Budget Meeting – Management Review #2	Conf Call
03/24/22	WWRF BLM R/W Grant - All Team Monthly Meeting	Conf Call
03/25/22	SWC Voluntary Agreement (VA) Update	Conf Call
03/28/22	DWA Weekly Staff Meetings	Conf Call
03/29/22	DWA I.T. Department Update	Conf Call
03/29/22	Department Heads Meeting – Budget Meeting	DWA
03/30/22	MWD-DWA-CVWD Coordination Committee Meeting	Conf Call
03/30/22	EBE Cost Reallocations Methods Report - Q&A	Conf Call
03/31/22	DWA Executive Committee Meeting	Conf Call
04/01/22	SWC Update Call	Conf Call
04/05/22	DWA Bi-Monthly Board Mtg	Conf Call

### Activities:

- 1) Palm Springs Aerial Tramway Water Supply 2021
- 2) SWP Contract Extension Amendment
- 3) DWA Remote Meter Reading Fixed Network
- 4) Whitewater Hydro – Automatic Re-start
- 5) State and Federal Contractors Water Authority and Delta Specific Project Committee (Standing)
- 6) Whitewater River Surface Water Recharge
- 7) Lake Oroville Spillway FEMA funding
- 8) Replacement Pipelines 2020-2021
- 9) DC Project – Finance JPA Committee (Standing)
- 10) DWA/CVWD/MWD Operations Coordination/Article 21/Pool A/Pool B/Yuba Water (Standing)
- 11) DWA/CVWD/MWD Exchange Agreement Coordination Committee (Standing)
- 12) SWP 2020 Water Supply
- 13) ACBCI Water Rights Lawsuit
- 14) Whitewater Hydro Operations Coordination with Recharge Basin O&M

Activities:  
(Cont.)

- 15) SGMA Tribal Stakeholder Meetings
- 16) Whitewater Spreading Basins – BLM Permits
- 17) Delta Conveyance Project Cost Allocation
- 18) DWA Surface Water Filtration Feasibility Snow Creek Village/Palm Oasis
- 19) MCSB Delivery Updates
- 20) Well 6 Meaders Cleaners RWQB Meetings
- 21) SWP East Branch Enlargement Cost Allocation
- 22) UWMP Population Calculation Update/Valley-Wide UWMP
- 23) RWQCB Update to the SNMP
- 24) SGMA – San Gorgonio Pass Subbasin