

**MEETING OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
4040 PARAMOUNT BOULEVARD, LAKEWOOD, CALIFORNIA 90712**

**9:00 A.M., FRIDAY, OCTOBER 19, 2007**

**AGENDA**

Each item on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "For Information" or "For Discussion" may also be the subject of an "action" taken by the Board or a Committee at the same meeting.

**1. DETERMINATION OF A QUORUM**

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC COMMENT**

**4. ADDITIONAL ITEMS TO AGENDA**

Determine the need to add items to the agenda. In order for the Board to add an item to the agenda it must make a determination that: (i). The item came to the attention of the Board after the posting of the agenda; (ii). That there is a need for immediate action to be taken by the Board. If these two tests are met, the Board may add the item in question to the agenda for consideration consistent with the provisions of the Brown Act.

**5. CONSENT CALENDAR**

Consent Calendar items are considered routine by the Board of Directors and will be adopted by one motion. There will be no separate discussion of these items unless a Board Member so requests, in which event the item will be removed from the Consent Calendar and considered separately immediately following action on the remaining items.

**A. CONTINUATION OF CONTRACT WITH CAROLLO ENGINEERS FOR I-105 FREEWAY DEWATERING WELLS BENEFICIAL USE PROJECT**

*Water Resources Committee Recommendation:* Extend the expiration date of the agreement with Carollo Engineers to December 31, 2008.

**B. NATIONAL LEAGUE OF CITIES CONFERENCE, NOVEMBER 13-17, 2007, NEW ORLEANS**

*President's Recommendation:* Approve out-of-state travel to the Congress of Cities and Exposition in New Orleans for those directors who wish to attend.

6. **FRIENDS OF THE LOS ANGELES RIVER 6TH ANNUAL LOS ANGELES RIVER AWARDS AND FIESTA**  
*Staff Recommendation:* For information and discussion.
7. **STORAGE AND CONJUNCTIVE USE (CU) MEDIATION PROCESS**  
*Staff Recommendation:* For information.
8. **WALNUT PARK MUTUAL WATER COMPANY CONJUNCTIVE USE DRY YEAR STORAGE PROGRAM**  
*Staff Recommendation:* For information.
9. **LEGISLATIVE REPORT**  
*Staff Recommendation:* For information.
10. **GENERAL MANAGER'S REPORT**
11. **WRD TAC CHAIR REPORT**
12. **DIRECTORS' REPORTS/COMMITTEE REPORTS**
13. **WRD BOARD MEETING DATES**
  - A. November 2, 2007 – 9:00 a.m. – Board of Directors Meeting
  - B. November 16, 2007 – 9:00 a.m. – Board of Directors Meeting
  - C. December 7, 2007 – 9:00 a.m. – Board of Directors Meeting
  - D. December 21, 2007 – 9:00 a.m. – Board of Directors Meeting
14. **CLOSED SESSION**
  - A. Real Property Negotiation per Government Code §54956.8  
Real Property: Lease Space at 4040 Paramount Blvd, Lakewood, California 90712  
Agency Representative: Robb Whitaker  
Negotiating Party: Small Business Development Center Network  
Under Negotiation: Price, terms of payment, and conditions for possible lease
  - B. Consideration of appointment, employment, evaluation of performance, or dismissal of one public employee per Government Code §54957  
Position Title: General Manager
15. **ADJOURNMENT**

Agenda posted by Abigail C. Andom, Deputy Secretary, October 16, 2007. In compliance with ADA requirements, this document can be made available in alternative formats upon request.



## MEMORANDUM

ITEM NO. 5.A

*Prepared by:* Paul Fu  
*Reviewed by:* Ted Johnson  
*Approved by:* Robb Whitaker

**DATE:** OCTOBER 19, 2007  
**TO:** BOARD OF DIRECTORS  
**FROM:** ROBB WHITAKER, GENERAL MANAGER  
**SUBJECT:** CONTINUATION OF CONTRACT WITH CAROLLO ENGINEERS FOR I-105  
FREEWAY DEWATERING WELLS BENEFICIAL USE PROJECT

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### BACKGROUND

The California Department of Transportation (Caltrans) pumps shallow groundwater to dewater a segment of the 105 Freeway to mitigate any negative impacts to the freeway from high groundwater levels. Currently, the extracted water is treated due to volatile organic contamination using a granular activated carbon system before being discharged to the Los Angeles River where it flows to the ocean. About 2,000 acre feet per year is discharged.

WRD has developed a project that would put the extracted water back into the groundwater basin instead of being wasted to the ocean. The project involves providing additional treatment to the water, piping it to the Dominguez Gap Barrier after blending with groundwater from a new production well to offset the MWD potable water that is currently used at the barrier, and replacing the pumped water at the spreading grounds so that there is no net loss of groundwater from the basins.

Work is ongoing with the project. The agreement between the District and Carollo Engineers for preparation of the Environmental Impact Report (EIR) will expire on December 31, 2007, but the EIR will not be completed by that time due to difficulties in finding properties on which to build the new treatment plant. Therefore, a time extension to the agreement is required so that work can continue beyond December 31, 2007. Attached is the draft extension.

### FISCAL IMPACT

None.

### WATER RESOURCES COMMITTEE RECOMMENDATION

Extend the expiration date of the agreement with Carollo Engineers to December 31, 2008.

**AMENDMENT NO. 3**  
**TO CONTRACT NO. 371**  
**AGREEMENT FOR PROFESSIONAL SERVICES**  
**BETWEEN**  
**WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA**  
**AND**  
**CAROLLO ENGINEERS P.C.**

This AGREEMENT is made and entered into this 1<sup>st</sup> day of January 2008 and between the Water Replenishment District of Southern California ("DISTRICT") and Carollo Engineers P.C. ("CONSULTANT"). The DISTRICT and CONSULTANT are collectively referred to as PARTIES.

**RECITALS**

A. On the 6<sup>th</sup> day of December 2004, a certain agreement, hereinafter referred to as Contract No. 371, was executed between DISTRICT and CONSULTANT for engineering services for the I-105 Freeway Dewatering Wells Beneficial Use of Groundwater Project.

B. On the 15<sup>th</sup> day of December 2005, Amendment No. 1 to Contract No. 371 was executed between DISTRICT and CONSULTANT for engineering services for the I-105 Freeway Dewatering Wells Beneficial Use of Groundwater Project.

C. On the 5<sup>th</sup> day of March 2007, Amendment No. 2 to Contract No. 371 was executed between DISTRICT and CONSULTANT for engineering services for the I-105 Freeway Dewatering Wells Beneficial Use of Groundwater Project.

D. DISTRICT and CONSULTANT have agreed to amend the Term of the Agreement provision of the Contract No. 371, together with Amendments Nos. 1 and 2 (collectively referred to as "AGREEMENT")

**AMENDMENT**

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements set forth, it is agreed the aforesaid Contract No. 371, a copy of which is attached and incorporated herein by reference, shall remain in full force and effect, except as otherwise hereinafter provided.

The PARTIES agree to amend the contract as follows:

1. Term of Agreement: The term of the Agreement shall be extended to December 31, 2008 (the "Expiration Date").
2. Remaining Portions of the Agreement: Except as otherwise expressly set forth in this Amendment, all other provisions of the Agreement remain in full force and effect between DISTRICT and CONSULTANT.

IN WITNESS WHEREOF, the PARTIES have caused this AMENDMENT to AGREEMENT to be executed the day and year first above written.

**WATER REPLENISHMENT DISTRICT OF  
SOUTHERN CALIFORNIA**

\_\_\_\_\_  
*Signature*  
Albert Robles  
President, Board of Directors

\_\_\_\_\_  
*Signature*  
Sergio Calderon  
Secretary, Board of Directors

**CAROLLO ENGINEERS, P.C. ("CONSULTANT")**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

Approved As To Form:  
MEYERS, NAVE, RIBACK, SILVER & WILSON

\_\_\_\_\_  
James M. Casso, General Counsel  
Water Replenishment  
District of Southern California



## MEMORANDUM

### ITEM NO. 5.B

*Prepared by:* Sheryll Petty

*Reviewed by:* Scott Ota

*Approved by:* Robb Whitaker

**DATE:** OCTOBER 19, 2007

**TO:** BOARD OF DIRECTORS

**FROM:** ROBB WHITAKER, GENERAL MANAGER

**SUBJECT:** NATIONAL LEAGUE OF CITIES CONFERENCE, NOVEMBER 13-17, 2007,  
NEW ORLEANS

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### SUMMARY

The National League of Cities is having an annual conference in New Orleans from November 13-17, 2007. It will be held at the Ernest N. Morial Convention Center and is a chance for local elected officials to share their ideas about how to make their communities better for their citizens.

Items of particular interest for the WRD Board are sessions on water infrastructure and on regional water management.

### FISCAL IMPACT

Registration for the conference is \$710; hotel rates range from \$175-\$240 per night and the roundtrip airfare is approximately \$450.00. This item will come from the Director's individual travel allowance budget approved in the 07/08 budget.

### PRESIDENT'S RECOMMENDATION

Approve out-of-state travel to the Congress of Cities and Exposition in New Orleans for those directors who wish to attend.



## MEMORANDUM

ITEM NO. 6

*Prepared by:* Adeline Yoong

*Reviewed by:* Scott M. Ota

*Approved by:* Robb Whitaker

**DATE:** OCTOBER 19, 2007

**TO:** BOARD OF DIRECTORS

**FROM:** ROBB WHITAKER, GENERAL MANAGER

**SUBJECT:** FRIENDS OF THE LOS ANGELES RIVER 6<sup>TH</sup> ANNUAL LOS ANGELES RIVER AWARDS AND FIESTA

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### SUMMARY

The Friends of the Los Angeles River (FoLAR) is a non-profit organization that works to protect and revitalize the Los Angeles River. Founded in the 1988, the group has spearheaded a growing movement to restore the river and find new ways to manage the watershed. WRD has supported FoLAR's annual river clean-up event since 1999.

FoLAR is also holding its 6<sup>th</sup> annual Los Angeles River Awards and Fiesta on Friday, October 19, 2007. The event is being hosted by Los Angeles Councilmember Tom LaBonge and will honor several individuals including Assemblymember Kevin de Leon.

### FISCAL IMPACT

Tickets are \$125 per individual or \$1,000 for a table of 8. This item was not included in the FY07-08 budget.

### STAFF RECOMMENDATION

For information and discussion.



## MEMORANDUM

ITEM NO. 7

*Prepared by:* Scott M. Ota

*Reviewed by:* Scott M. Ota

*Approved by:* Robb Whitaker

**DATE:           OCTOBER 19, 2007**

**TO:             BOARD OF DIRECTORS**

**FROM:          ROBB WHITAKER, GENERAL MANAGER**

**SUBJECT:       STORAGE AND CONJUNCTIVE USE (CU) MEDIATION PROCESS**

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### SUMMARY

#### History of Discussions

During 2002-2005, groundwater basin stakeholders met on numerous occasions under the auspices of the "Conjunctive Use Working Group" in a facilitated effort to reach agreement on numerous issues relating to the storage and conjunctive use in the Central and West Coast Basins. That effort ended in March 2005.

In early 2006, DWR Director Lester Snow asked that the process be facilitated by Gordon, Thomas, Honeywell; in May, he asked that WRD fund their services as a way to distribute the costs equitably.

In the first several months of 2006 and continuing into the Fall, the facilitators reviewed materials generated in the Conjunctive Use Working Group process and held a series of individual and small group meetings to get a sense of the issues and participants involved in potential groundwater storage (Phase I – Initial Assessment). In the remaining months of 2006 and into the early part of this year, the facilitators sent out and evaluated a questionnaire completed by interested parties and sought clarification from some of the parties (Phase II – Refinement of What Is Learned). From January through early March of this year, the facilitators met with several parties to further refine a set of ideas and to consult on moving the process forward as expeditiously as possible (Phase III – Working Towards a Potential Solution).

The process was deferred in May. The facilitators cited the deferral was due in part to their other time commitments and in part to the legislative activity involving many participants in the basins. The process was to resume following the State legislative recess, which came in the middle of September.

In a letter dated September 10, 2007, lead facilitator Jim Waldo informed the WRD Board that he saw "a real opportunity for a solution for groundwater storage in these basins" and his goal was "to either find widespread agreement around the key deal points by the end of December or mid-January, or conclude that it is not possible at this time." At its meeting on September

21, the Board extended the term of the agreement with Gordon, Thomas, Honeywell through January 31, 2008.

**FISCAL IMPACT**

None.

**STAFF RECOMMENDATION**

For information.



## MEMORANDUM

### ITEM NO.8

*Prepared by: Jason Weeks*

*Reviewed by: Jason Weeks*

*Approved by: Robb Whitaker*

**DATE:           OCTOBER 19, 2007**

**TO:             BOARD OF DIRECTORS**

**FROM:          ROBB WHITAKER, GENERAL MANAGER**

**SUBJECT:       WALNUT PARK MUTUAL WATER COMPANY CONJUNCTIVE USE DRY  
YEAR STORAGE PROGRAM**

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### BACKGROUND

The Walnut Park Mutual Water Company (WPMWC) Conjunctive Use Dry Year Storage Program (Program) will store up to 1,500 acre feet of groundwater in the Central Basin for use during periods of drought. The Program is a coordinated plan involving Metropolitan Water District of Southern California (MWD), Central Basin Municipal Water District (CBMWD), Water Replenishment District of Southern California (WRD), and WPMWC. CBMWD is advocating funding from MWD for the Program on behalf of WPMWC. Under the Program, water will be stored in the Central Basin by non-pumping during years of excess imported water. In dry years, MWD may require WPMWC to extract stored groundwater to offset WPMWC's demand for imported water. By storing water in the Central Basin it will be readily available for distribution to WPMWC's consumers. In any given year a maximum of one-third the storage amount (500 acre feet) may be extracted. Recapture of stored water will be primarily through a new groundwater production well, Well 12. Well 12 will be constructed and equipped with funding assistance from MWD.

Implementation of this program involves two separate agreements.

1. Agreement between WRD and WPMWC, pursuant to WRD's Interim Rules for Conjunctive Use Storage and In-Lieu Exchange and Recover in the Central and West Coast Basins (Interim Rules). *This agreement has been completed.*
2. Agreement between WPMWC, CBMWD and MWD. *This agreement is under development.*

### AGREEMENT BETWEEN WRD AND WPMWC

Development and approval of the agreement between WRD and WPMWC involved review by the Program Review Committee, or PRC, which was established by the Interim Rules. The PRC reviewed the Program on the following dates:

- PRC – April 4, 2006
  - Program was reviewed and there was consensus to support, however, a final recommendation was deferred pending further review of the environmental documentation required for the project.
- PRC – May 2, 2006

- A determination was made by the PRC that a formal environmental review was required and that WPMWC should be the entity to perform such review.
- PRC – September 5, 2006
  - The PRC reviewed the Initial Study and Negative Declaration (IS/ND), which satisfied CEQA requirements.
  - The PRC unanimously approved the WPMWC Conjunctive Use Dry Year Storage Program.

After review and approval by the PRC, the purview for the approval of the Program shifted to the WRD Board of Directors. As lead agency for CEQA, the WRD Board of Directors adopted the Negative Declaration for the Program on November 15, 2006.

Also at the November 15, 2006 meeting, the WRD Board of Directors adopted Resolution 06-777 (attached), which authorized an agreement between WRD and WPMWC for a Conjunctive Use, Dry Year Storage Program in the Central Groundwater Basin.

#### **AGREEMENT BETWEEN WPMWC, CBMWD AND MWD**

In addition to the agreement between WRD and WPMWC, a separate agreement between WPMWC, CBMWD and MWD is being developed regarding the funding for the Program.

District staff will provide the Board of Directors with an update of the Program.

#### **FISCAL IMPACT**

None.

#### **STAFF RECOMMENDATION**

For information.

**RESOLUTION NO. 06-777**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
ADOPTING THE WALNUT PARK MUTUAL WATER COMPANY IN-LIEU  
EXCHANGE AGREEMENT FOR THE CENTRAL GROUNDWATER BASIN**

**WHEREAS**, the Central Groundwater Basin (“Central Basin”) and the West Coast Groundwater Basin (the “West Basin”) (collectively, the “Basins”) underlie approximately 277 square miles of Los Angeles County and have been used by residents as a source of agricultural, domestic, municipal and industrial water supply; and

**WHEREAS**, the Basins are hydrologically connected such that water entering one Basin will flow into the other Basin; and

**WHEREAS**, in the 1940’s and 1950’s as the population in Los Angeles increased, the rate at which the groundwater in the Basins was extracted far exceeded the natural replenishment from rainfall and other sources, creating a condition known as “overdraft”; and

**WHEREAS**, overdraft conditions have posed, and still pose, a number of problems for the public, including depletion of a critical water supply and the occurrence of “seawater intrusion,” a condition where the groundwater level is drawn down to a point below sea level, allowing seawater to enter the Basins and contaminate the native groundwater supply; and

**WHEREAS**, in light of the overdraft and seawater intrusion conditions existing in the Basins in the 1950’s, the Basins needed to be replenished at a greater rate than had been occurring by natural means; and

**WHEREAS**, WRD is authorized by its Enabling Act to protect, preserve, and manage the quantity and quality of groundwater and groundwater storage resources of the Basins; and

**WHEREAS**, conjunctive use and groundwater storage projects allow for the storage of new imported water and the exchange of groundwater for seasonal water, and involve the use of imported and recycled water, which can prevent seawater intrusion and supplement local water supplies; and

**WHEREAS**, conjunctive use projects provide a public benefit by providing enhanced reliability of available groundwater in the Basins; and

**WHEREAS**, WRD's Interim Rules For Conjunctive Use Storage And In-Lieu Exchange and Recovery in the Central and West Coast Groundwater Basins (the "Rules") provide the appropriate guidelines for In-Lieu Exchange and Conjunctive Use Storage projects to go forward; and

**WHEREAS**, the Rules were adopted by the WRD Board on May 18, 2005 and no subsequent litigation challenging those Rules has been filed; and

**WHEREAS**, Walnut Park Mutual Water Company ("Company") is in the process of securing funding through the Metropolitan Water District of Southern California ("MWD") for the construction of new infrastructure related to the Company's Conjunctive Use, Dry Year, Storage Program for the Central Basin (the "Project"); and

**WHEREAS**, the Project proposes to store up to 1,500 acre-feet of water over a five-year period in the Central Basin for use during periods of drought and to construct a well to extract up to 500 acre-feet of that water per year over a three-year period; and

**WHEREAS**, the Company filed an In-Lieu Exchange Project Application ("Application") with WRD on April 4, 2006 that set forth the necessary details of the Project; and

**WHEREAS**, the General Manager of WRD determined that the Application is complete and contains all the necessary information; and

**WHEREAS**, the General Manager met and conferred with the Company to address whether the Project must be evaluated under the California Environmental Quality Act (Cal. Public Resources Code Section 21000 et seq. ("CEQA")); and

**WHEREAS**, in compliance with CEQA, WRD, as lead agency, circulated the Project's Initial Study and Negative Declaration for public comment for thirty (30) days commencing on September 12, 2006; and

**WHEREAS**, no comments on the Initial Study and Negative Declaration were received by October 12, 2006; and

**WHEREAS**, the Application was submitted to the Program Review Committee which is composed of stakeholders that have an interest in the use and storage of groundwater, surface water and recycled water in the Central Basin, as well as various facilities that accomplish such water operations; and

**WHEREAS**, meetings of the Program Review Committee discussing the Application were noticed and agendized pursuant to the provisions of the Ralph M. Brown Act (Cal. Govt. Code Sections 54950 et. seq.); and

**WHEREAS**, the Program Review Committee reviewed the Application and unanimously approved the Company's proposed Project; and

**WHEREAS**, the Project will add to the reliability of the region's water supplies by using the available Central Basin storage space during periods when imported water is plentiful; and

**WHEREAS**, during periods of limited imported water supplies, up to 500 acre-feet per year of water stored in the Central Basin will be used in-lieu of imported water, thereby freeing up those imported supplies for use elsewhere in the region; and

**WHEREAS**, the Company holds an Adjudicated Water Right in the amount of 1,245 acre-feet per year pursuant to the Central Basin Judgment; and

**WHEREAS**, the regional benefit provided by the Project will be no less than 2% Contribution Water (as that term is defined in the Rules at Section VII (A) (iii)) or an equivalent monetary benefit; and

**WHEREAS**, there are no adverse impacts anticipated as result of the Project.

Be it ordained by the Board of Directors of the Water Replenishment District of Southern California as follows:

**Section I. PURPOSE.**

The purpose of this Resolution is to approve the Walnut Park Mutual Water Company, In-Lieu Exchange Agreement ("Agreement") for the Project which proposes to store up to 1,500 acre-feet of water and extract one-third of the storage amount in the Central Basin for use during periods of drought.

**Section II. FINDINGS.**

(A) The Rules as well as WRD's Enabling Act provide WRD with the authority to adopt and implement the Agreement attached as Exhibit 1 hereto.

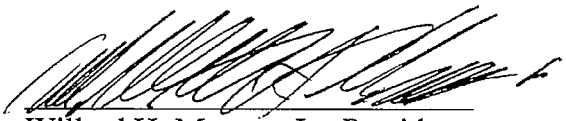
1. All of the above Recitals are hereby deemed to be findings and incorporated herein by this reference.

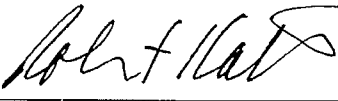
(B) Adoption and implementation of the Project is accordance with the Rules in that the Project will provide a "Replenishment Benefit" within the meaning of the Rules as well as local and regional benefits including, but not limited to, increased reliability of water supplies available to the region, drought preparedness and water conservation.

**Section III. APPROVAL OF AGREEMENT.**

The Agreement attached hereto as Exhibit 1 is hereby adopted.

Ayes     4      
Noes     0      
~~Abstain~~     1      
**ABSENT**

  
\_\_\_\_\_  
Willard H. Murray, Jr., President

  
\_\_\_\_\_  
Robert Katherman, Secretary

## IN-LIEU EXCHANGE AGREEMENT

This In-Lieu Exchange Agreement (“Agreement”) is made and entered into by and between the Water Replenishment District of Southern California (“WRD”) and Walnut Park Mutual Water Company (the “Applicant”) (collectively, the “Parties”) pursuant to the Interim Rules for Conjunctive Use Storage And In-Lieu Exchange And Recovery in the Central and West Coast Groundwater Basins (the “Rules”) on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ (the “Effective Date”).

### I. DEFINITIONS

All definitions specified in Section II of the Rules shall apply equally and with full force and effect to this Agreement as though fully set forth herein.

### II. RECITALS

A. The Central Groundwater Basin and the West Coast Groundwater Basin (collectively, the “Basins”) are naturally occurring underground reservoirs in southwestern Los Angeles County that serve as a vital component of the domestic water supply for more than 3.5 million people that receive water service within WRD’s jurisdictional boundaries. Accordingly, the quantity and quality of the groundwater resources and groundwater storage capacity in the Basins require effective protection, preservation and management to achieve local and regional benefits, including, but not limited to, water conservation, reduction in the need for surface storage facilities, water supply reliability, and drought preparedness.

B. WRD is a water replenishment district organized and operating pursuant to the Water Replenishment District Act, California Water Code, Division 18, Section 60000 *et seq.* (“Enabling Act”).

C. For purposes of replenishing the Basins, WRD is authorized by the Enabling Act to protect, preserve, and manage the quantity and quality of groundwater and groundwater storage resources of the Basins and, pursuant to the Enabling Act, is empowered to take any actions, including, but not limited to: buying, selling, exchanging, recapturing, importing, storing, transporting, and treating water, and entering contractual arrangements with third parties and other governmental agencies related to those actions, for the beneficial use of persons or property within the Basins.

D. Applicant is Walnut Park Mutual Water Company, a Central Basin Water rights holder with an adjudicated right of 1,245 acre-feet.

E. In 2005, WRD adopted the Rules. In accordance with Section X(E) of the Rules, all provisions, terms and conditions of the Rules are deemed incorporated into and made part of this Agreement as though fully set forth herein. A copy of the Rules are attached hereto as Exhibit "A."

F. The Rules provide that a Party to either of the Judgments may forego producing groundwater in the Basins ("In-Lieu Water") and elect to receive Exchange Water at a later date provided directly by WRD; provided, however, that such arrangement may only occur pursuant to an In-Lieu Exchange Agreement entered into between the Party and WRD.

G. WRD and the Applicant mutually recognize that the Basins should be utilized as a public resource for Conjunctive Use Storage Projects to provide local and regional benefits and, accordingly, pursuant to the terms and conditions set forth below, enter into this In-Lieu Exchange Agreement.

### III. TERMS AND CONDITIONS

A. Condition Precedent. Notwithstanding the Effective Date above, this Agreement shall have no force and effect until the following condition precedent has been satisfied:

1. Environmental Review. All applicable environmental review and documents for the project, including, but not limited to, compliance with the California Environmental Quality Act ("CEQA"), must be completed, approved, and certified, and all applicable time periods for legal challenge to such environmental project approval must pass with no legal challenge having been filed or pending.

B. Term. The term of this Agreement is twenty-five (25) years from the Effective Date (the "Initial Expiration Date"), unless sooner terminated in accordance with Section III(S), below. Notwithstanding the foregoing, this Agreement shall renew, for a five year period commencing on the Initial Expiration Date and each fifth anniversary thereof (each, a "Renewal Date") if WRD and the Applicant provide written consent to each such renewal at least ninety (90) days prior to each expiration date, provided, however, that this Agreement shall absolutely expire and shall have no further force or effect on the date which is thirty (30) years after the Effective Date. Any further renewals or extensions of the authorization of the project by WRD shall be subject to the full review and approval process set forth in Sections IV through VIII of the Rules.

C. Project Description. The Applicant shall implement and carry out all facets of the project authorized by this Agreement and described in Exhibit "B" hereto (the "In-Lieu Exchange Project"), including, but not limited to, locations, capacities, and design features of the infrastructure and related facilities utilized to carry out the project. Any

material variance from that project description shall not be implemented by the Applicant without prior written approval of WRD.

D. Project Schedule. Project implementation, including, but not limited to, applicable construction schedules and schedules and rates for Recapture of Exchange Water, shall be carried out in accordance with the project schedule set forth in Exhibit "C" hereto. Any material change to that schedule must be reviewed and approved according to the provisions of Sections IV-VII of the Rules.

E. Storage Account. WRD shall maintain a monthly accounting regarding the amount of Net Stored Water that is held by the Applicant in its Storage Account, as follows: (1) The Applicant's Storage Account shall be credited one acre-foot for each acre-foot of In-Lieu Water left in the Basin; (2) the Storage Account shall be debited one acre-foot for each acre-foot of Exchange Water Recaptured by the Applicant ; and (3) the Storage Account shall be further debited to account for Contribution Water assessed pursuant to the Rules.

In accordance with the project schedules set forth in Exhibit "C" hereto, at least thirty (30) calendar days prior to commencing an activity to Recapture Exchange Water into or from the Basin, the Applicant shall provide written notice of its intention to WRD. Within thirty-five (35) days after the Applicant commences such an activity, the Applicant shall provide a certified written notice to WRD containing specific details regarding the amount(s) of any Recaptured Exchange Water from the Basin for the thirty (30) day period following commencement of such activity ("Notice Regarding In-Lieu Exchange Water"). Failure by the Applicant to comply with this requirement shall be deemed a material breach of this Agreement and WRD may take any steps reasonably necessary to verify the information contained in a Notice Regarding In-Lieu Exchange Water.

F. Regional Benefits. The Applicant will provide Contribution Water (as that term is defined in the Rules at Section II) in an amount no less than 2% of the amount of Stored Water that the Applicant Recaptures from the Basin. The Applicant will provide such Contribution Water either by reducing its total extraction amount by 2% or by providing a monetary payment to WRD in the amount equal to 2% of the then current Seasonal Water Rate charged to MWD by a MWD Member Agency. The monetary payment shall be made either prior to the Recapture of Stored Imported Water from the Basin or concurrently with the Applicant's payment to WRD for the delivery of Exchange Water prior to the conversion of In-Lieu Water to Stored Water.

G. Payments of Seasonal Water Rate. WRD will pay the Applicant the set rate for In-Lieu Water that the Applicant leaves in the Basin that is set forth in Exhibit D hereto. If and when the Applicant elects to Recapture Exchange Water from WRD, the

Applicant shall pay the then-current Seasonal Water Rate charged to WRD by a MWD Member Agency.

H. Costs. The Applicant shall be solely responsible for any and all costs incurred by it under this Agreement, including, but not limited to, the costs of performing any environmental review and/or obtaining necessary permits, approvals, and other authorizations as required by law and under this Agreement, and all construction, implementation, operational, maintenance, monitoring, and other project related costs. The Applicant shall also be required to pay to WRD the fees set forth in Exhibit "E."

I. Manner of Work. The Applicant shall ensure that all components of its In-Lieu Exchange Project, including, but not limited to, all infrastructure and related facilities utilized to carry out the project, are operated and maintained in good and efficient condition and in accordance with state and local industry standards, including any applicable standards and requirements of the Department of Water Resources. The Applicant shall also provide for all repairs, renewals, and replacements necessary to the efficient operation of its project.

J. No Material Physical Harm. Neither the Applicant's In-Lieu Exchange Project nor any component thereof or activity or work carried out pursuant thereto shall result in Material Physical Harm, as that term is defined by the Rules. In the event that any such Material Physical Harm is caused by the project, as determined by WRD, the Applicant shall immediately cease its project and develop and propose measures to the Program Review Committee and to WRD that will mitigate such injury. The Program Review Committee and WRD will review and determine whether to approve such proposed mitigation according to the procedures set forth in Sections V(C) and VI(D) of the Rules. If the Material Physical Harm cannot be fully mitigated within one hundred and twenty (120) days from the date that the Applicant initially ceases its project under this Section, the Applicant shall be deemed to be in material breach of this Agreement.

K. Authority to Suspend Storage Authority. WRD shall have the authority to require an immediate cessation of any storage activities or work related thereto by the Applicant if a determination is made by WRD that such storage activities or related work (1) presents or contributes to a material endangerment to public health, welfare, or the groundwater basin; (2) unreasonably interferes with property rights or interests held by a Party pursuant to the Central or West Coast Basin Judgment or by an Applicant with rights or interests held pursuant to a Conjunctive Use Storage Agreement or Storage of In-Lieu Water Agreement with WRD; or (3) constitutes a material breach of this Agreement. Upon cessation of the storage activity or related work, the Parties shall meet and confer in good faith to resolve the matter or, in the case of a material breach, shall proceed in accordance with Section III(S), below. If the In-Lieu Exchange Project causes any Material Physical Harm, then WRD may, in its sole discretion, take actions to prevent and remedy such harm, and collect the costs of such actions from the Applicant.

L. Compliance With All Laws. The Applicant shall comply with all applicable laws, rules, regulations and agreements regarding the use of Available Storage Space, the Recapture of Exchange Water, and all activities and work related thereto that are carried out in connection with this Agreement.

M. Permits. The Applicant, at its sole cost, shall be responsible for obtaining any and all governmental permits, approvals, consents, licenses and other authorizations which may be necessary to carry out any activity or work in connection with this Agreement.

N. Inspection Right. Upon reasonable notice to the Applicant, WRD may, in its sole discretion, enter upon the project site or sites of related project facilities and inspect on-going and/or completed construction or operational activities carried out under this Agreement.

O. Record Keeping. WRD shall maintain written accounts with regard to Stored Water held by the Applicant in its Storage Account under this Agreement, which WRD shall make available to the Applicant upon reasonable advance notice. The Applicant, its contractors and subcontractors shall maintain copies of all contracts, agreements, and other documents relating to all aspects of the project for a minimum of three years following termination or expiration of this Agreement. The Applicant shall also keep on file, for the useful life of all infrastructure and facilities utilized to carry out this Agreement, a current, complete, and accurate set of as-built plans and specifications for such infrastructure and facilities. The Applicant shall make any or all such documentation available for review by WRD upon reasonable advance notice.

P. Stored Water Credits. Except for Contribution Water, if any, assessed in accordance with the Rules, any Stored Water held in the Stored Water Account of the Applicant at the expiration of the term of this Agreement shall be deemed Contribution Water transferred without charge to WRD.

Q. Termination. This Agreement shall terminate upon the expiration of its term as provided in Section III(C), above, or upon a default or breach of this Agreement by either Party, whichever occurs first.

In the event that the Applicant fails to perform under this Agreement, there shall be no default under or breach of this Agreement until such failure has continued for thirty (30) calendar days following receipt of notice from WRD specifying such failure. Notwithstanding the preceding sentence, in the event a failure to perform cannot be reasonably cured within such thirty-day period, there shall be no default under or breach of this Agreement unless the Applicant fails to commence and diligently proceed toward full performance of the cure within fifteen (15) calendar days, or such other time period as the parties mutually agree in writing, following receipt of written notice from WRD specifying such failure.

Upon termination of this Agreement resulting from breach by the Applicant, the Applicant shall have no right, title, authority, or interest, in law or equity, to continue its In-Lieu Exchange Project and any water placed in storage thereafter shall be deemed abandoned water.

R. Indemnity. The Applicant and WRD shall indemnify, defend and hold harmless each other and their respective directors, officers, employees, contractors, subcontractors, representatives, agents, successors and/or assigns for and against any and all liabilities, claims (by third parties or otherwise), demands, suits, administrative proceedings, damages, losses, judgments, awards, penalties, attorneys' fees and expenses, expert witness fees and/or costs of any kind, whether actual, alleged or threatened, attributable to, arising from, or related to: (1) any act or omission committed by the other party to this Agreement or any of that party's officers, directors, members, employees, contractors, subcontractors, representatives, agents, successors and/or assigns as part of their activities and related work carried out in connection with this Agreement; (2) any breach by the parties described in the foregoing clause (1) of any of the covenants, obligations, representations, or warranties contained in this Agreement; or (3) the negligent acts, errors or omissions, or willful misconduct by the parties described in the foregoing clause (1) arising from or related to those parties' performance under this Agreement. The foregoing indemnity obligations shall survive the expiration or termination of this Agreement.

In the event that any third party challenges the validity or enforceability of this Agreement on any ground, including, but not limited to, an allegation that the Agreement violates either of the Judgments, the Applicant agrees to vigorously defend such an action, at its sole cost, through legal counsel acceptable to WRD, which acceptance WRD shall not unreasonably withhold.

S. Insurance. The Applicant shall maintain the level of insurance set forth in Exhibit "F" hereto at all times during this Agreement.

T. Limitation. No provision of this Agreement shall create or be construed to create any legal or equitable right, title, interest, or other claim by the Applicant to use or control any portion of the Available or Total Storage Space other than the rights conferred in this Agreement, or to implement a In-Lieu Exchange Project in the Basins except as expressly authorized in this Agreement, or to utilize the Basins in any manner that materially interferes with the exercise of any Adjudicated Water Rights or other rights held under the Judgments, any powers held by WRD under its Enabling Act, or any other rights or powers held by any Applicant under any other agreement approved pursuant to the Rules.

U. Notices. Notices shall be in writing and personally delivered or deposited in the U.S. Postal Service, first class, postage prepaid, addressed as follows:

If to the Applicant:

\_\_\_\_\_  
Attn: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If to WRD:

Water Replenishment District  
of Southern California  
Attn: General Manager  
12621 East 166th Street  
Cerritos, CA 90703

Notice shall be deemed given on the date personal delivery is made or on the date of deposit in the mail, whichever first occurs. A party may substitute its representative identified above by written notice to the other party.

V. Modifications and Amendments. This Agreement may be amended only by a written document signed by the Parties.

W. Transfer or Assignment. This Agreement and the rights and obligations provided hereunder may be assigned or transferred by the Applicant only if all such rights and obligations are assigned or transferred. The Applicant shall provide written notice to WRD within seven (7) calendar days after the Applicant assigns or transfer its rights and obligations hereunder.

X. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Y. Integration and Construction of Agreement.

1. Integration. This Agreement sets forth the complete and final understanding of the Parties with regard to the subject matter hereof and supersedes any and all prior communications, representations, negotiations, understandings and agreements, whether written or oral, concerning said subject matter.

2. Construction. The language of all parts of this Agreement shall be construed according to their plain meaning and shall not be construed for or against either of the parties, as each party has participated in the drafting and review of this Agreement,

and has had an opportunity to consult its legal counsel in connection with this Agreement.

Z. Non-Waiver. A failure by either party to enforce any provision of this Agreement shall not be construed as a continuing waiver, or as a waiver of the right to compel enforcement of that provision.

AA. Recitals. The Recitals to this Agreement are material terms hereof.

BB. Headings. Headings in this Agreement are provided for ease of reference and are not material terms hereof.

CC. Good Faith. The parties agree to use their best efforts and utmost good faith to effectuate all the terms and conditions of this Agreement, and to execute such further instruments and documents as are necessary or appropriate to effectuate all of the terms and conditions of this Agreement.

DD. No Partnership. WRD and the Applicant shall not, by virtue of this Agreement, in any way or for any purpose, be deemed to have become a partner of each other or joint venture in the conduct of their respective businesses, responsibilities, authorities, or otherwise, nor shall there be deemed to have occurred a merger of any joint enterprise or powers by and between WRD and the Applicant.

EE. Time of the Essence. Time is of the essence in the performance of this Agreement.

FF. Successors and Assigns. This Agreement, and all terms, conditions, and provisions hereof, shall inure to the benefit of, and be binding upon, each party's successors and assigns.

GG. Governing Law. This Agreement shall be governed by the laws of the State of California and any action brought by either party in connection with this Agreement shall be filed in the California Superior Court for the County of Los Angeles.

HH. Authority. The persons signing this Agreement represent and warrant that they are authorized to do so by the party for whom they are signing.

II. Mediation. In the event that any dispute between the parties arises under this Agreement, the parties agree to submit the matter for mediation to the Program Review Committee and attempt to resolve the dispute for a period of not less than sixty (60) days prior to filing any legal action.

JJ. Attorneys' Fees. In any action arising from or relating to this Agreement commenced by a party hereto, the prevailing party shall be entitled to recover its reasonable attorneys' fees in addition to any other costs, interest and damages permitted by law.

**IN WITNESS THEREOF**, the Water Replenishment District and the Applicant hereby enter into and agree to abide by the terms of this In-Lieu Exchange Agreement.

DATED: \_\_\_\_\_

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

The Water Replenishment District

DATED: \_\_\_\_\_

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

**EXHIBIT A**

Interim Rules

## **EXHIBIT B**

### **Project Description**

The Applicant proposes to store up to 1,500 acre-feet of water over a five-year period in the Central Basin for use during periods of drought. The maximum annual extraction of the Stored Water is equal to one-third of the maximum storage amount or 500 acre-feet per year, over a three-year period.

Pursuant to a separate agreement between the Applicant and the Metropolitan Water District ("MWD"), the Stored Water will be extracted upon a "call" from MWD in an amount not to exceed 500 acre-feet per year. The extraction "call" from MWD shall not exceed the lesser of (a) 500 acre-feet or (b) the amount of Stored Water in the Storage Account in any given fiscal year.

A new well has been constructed at 2460 East Florence Avenue in order to extract the water. Based on pump tests, the extraction capacity of the well is expected to be approximately 3,000 gallons per minute. Existing water distribution infrastructure will be used to convey the stored water to the Applicant's customers.

The Applicant plans to place the Stored Water underground by in-lieu exchange and recovery and extract the stored water from the newly constructed extraction well.

## **EXHIBIT C**

### **Project Schedule**

- New well has been constructed and pump tests have been completed.
- New well equipping is expected to be completed upon execution of storage agreement with the Metropolitan Water District of Southern California (MWD) and expected to be completed in the first quarter of 2007.
- Placement of water into storage is expected to commence upon execution of storage agreement with MWD in second half of FY06/07.

## **EXHIBIT D**

### **Payments of Seasonal Water Rate**

WRD shall pay an in-lieu storage credit for each acre-foot of In-Lieu Water that the Applicant leaves in the Basin. The value of the In-Lieu Storage Credit will be determined according to formula to be negotiated by the parties, which takes into account among other factors the District's Replenishment Assessment rate.

If and when the Applicant elects to Recapture In-Lieu Water, the Applicant shall pay WRD the then Seasonal Water Rate. This payment may be made in the form of a reduction of the Applicant's in-lieu storage credit. This portion of the cost of Seasonal Storage Water will be made through the debit of an In-Lieu Storage Credit.

## **EXHIBIT E**

### **Administrative Surcharge**

Administrative surcharge will be assessed to applicant for WRD District staff time required to process the application and necessary forms for management of the storage program. This cost is based on \$1 per acre-foot of storage.

For the 1,500 acre-foot Walnut Park Mutual Water Company Dry Year Storage Program, the administrative surcharge is \$1,500.

## **EXHIBIT F**

### A. General Required Coverages

Applicant shall procure, pay for and keep in full force and effect, at all times during the term of this Agreement the following insurance:

1. Commercial general liability insurance insuring Applicant against liability for personal injury, bodily injury, death and damage to property (including the Facilities) arising from Applicant's performance under this Agreement. Said insurance shall include coverage in an amount equal to at least five million dollars (\$5,000,000).
2. Pursuant to Section 3700 of the California Labor Code, workers' compensation insurance with employer's liability in the amounts required by any applicable laws (the "Workers' Compensation Insurance").
3. Applicant will provide proof of automobile liability insurance as required by the State of California Department of Motor Vehicles.



## MEMORANDUM

ITEM NO. 9

*Prepared by:* Adeline Yoong  
*Reviewed by:* Robb Whitaker  
*Approved by:* Robb Whitaker

**DATE:** OCTOBER 19, 2007  
**TO:** BOARD OF DIRECTORS  
**FROM:** ROBB WHITAKER, GENERAL MANAGER  
**SUBJECT:** LEGISLATIVE REPORT

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### SUMMARY

#### **Legislative Calendar**

##### State Legislature

October 14 – Last day for Governor to sign or veto bills passed by the Legislature on or before September 14 and in the Governor's possession after September 14

##### Congress

October 26 – House target adjournment

#### **Legislative Report**

Verbal updates will be provided on state and federal matters.

### FISCAL IMPACT

None.

### STAFF RECOMMENDATION

For information.

**WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
STATE LEGISLATIVE UPDATE**

Updated October 11, 2007

*(New information is italicized, Bills signed into law are in green text)*

<b>Bill No./ Author</b>	<b>Title/Content</b>	<b>Status</b>	<b>Position</b>	<b>Comments</b>
AB 5 Wolk	<b>Flood management:</b> Renames the Reclamation Board and requires the new board to work independently of the Department of Water Resources. Requires the department to prepare, and the board to adopt a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage and a flood control system report for the State Plan of Flood Control. Requires a local agency responsible for project levees to submit a specified report to the department. Relates to flood control project enhancements.	Int. 12/04/06 <i>Status: Signed by Gov (10/10/07)</i>	<b>Staff:</b> Watch  <b>ACWA:</b> Watch	Bill was gutted and amended twice on 9/4 and 9/7. It now makes corrections to SB 5, SB 17 and AB 156. SB 5 is a comprehensive flood bill, addressing the development of a Central Valley Flood Plan and land use. This bill, AB 5, corrects a drafting error regarding cost-sharing formulas. SB 17 renames and substantively changes the composition and management of the Reclamation Board.
AB 19 DeVore	<b>Water Quality: Santa Ana Region.</b> Establishes the Santa Ana Regional Water Quality Improvement Project and the Santa Ana Regional Water Quality Improvement Board. Authorizes a city or county to allow a discharger within its jurisdiction, upon the request of the discharger, to become subject to regulation by the Santa Ana Regional Water Quality Improvement Board. Authorizes the developer of a development project to agree to pay a fee to the appropriate city or county, based on the acreage and density of the proposed development project.	Int. 12/04/06 <b>Location:</b> Asm Env Safety & Toxic Mtlis <b>Status:</b>	<b>Staff:</b> Watch  <b>ACWA:</b> Not Favor	2-year bill The author is concerned that the Santa Ana Regional Board is not taking a holistic approach to the watershed and seeks to make it a more "results driven" process. He is open to changes in the bill's language.
AB 41 La Malfa	<b>Water resources: Temperance Flat Surface Water Storage Project and Site Reservoir: California Environmental Quality Act.</b> Provides for various exemptions from CEQA requirements regarding construction of the Temperance Flat Surface Water Storage Project and the Sites Reservoir. Declare intent of the Legislature that funds from Prop. 1E and Prop. 84 be used to address surface water storage.	Int. 12/04/06 <b>Location:</b> Asm Natural Res <b>Status:</b> Amended 04/09/07	<b>Staff:</b> Watch  <b>ACWA:</b> Watch	2-year bill Spot bill on surface storage.
AB 70 La Malfa	<b>Flood liability.</b> May require city or county to contribute to its fair and reasonable share of the property damage caused by a flood to the extent that it has increased the state's exposure to liability for property damage by unreasonably approving, as defined, new development in a previously undeveloped area that is protected by a state flood control project, new development was approved in an undeveloped area, unless	Int. 12/4/06 <b>Status:</b> <i>Signed by Gov (10/10/07)</i>	<b>Staff:</b> Watch  <b>ACWA:</b> Watch	

<p>the city or county meets specified requirements.</p> <p><b>Flood control.</b> Authorizes the Department of Water Resources to provide meals and other necessary support to any person engaged in emergency flood fight activities. Requires the department to prepare, and the Reclamation Board to adopt, a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage. Authorizes the board or the department to establish a program of mitigation banking for the activities of the board or the department.</p>	<p><b>Int.</b> 1/18/07 <b>Status:</b> Signed by Gov (10/10/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Favor</p>	<p>This bill provides DWR and the board with specific authority and responsibilities to carry out their flood control duties in the Central Valley. This bill also requires local agencies to make greater efforts to plan for flood emergencies before state funds are allocated to upgrade SPFC levees operated and maintained by those local agencies.</p>
<p><b>Land use: water supply.</b> Requires a city or county general plan to identify an annually review those areas covered by the general plan that are subject to flooding as identified by floodplain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources. Establishes a 7-member Reclamation Board in DWR and requires board members to be appointed and serve at Governor's pleasure.</p>	<p><b>Int.</b> 1/22/07 <b>Status:</b> Signed by Gov (10/10/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>This bill is identical to AB 802 from the previous legislative session which was supported by the California Farm Bureau Federation, Central Valley Flood Control Association, League of California Cities, Santa Clara Valley Water District, Sierra Club California. It addresses flood management issues in housing and safety elements of general plans. It is intended to create a more effective and comprehensive flood management program by harmonizing a general plan's land-use and water-resource elements.</p>
<p><b>Water supply planning.</b> Enacts the Climate Change and Water Resource Protection Act of 2007. Requires the Department of Water Resources, as part of its statewide water resource management responsibilities, to include an analysis of the potential effects of climate change, in reports or plans that the department is required to prepare. Relates to alternative water supplies.</p>	<p><b>Int.</b> 1/22/07 <b>Location:</b> Sen Approp <b>Status:</b> Amended (03/29/07; 04/17/07, 04/25/07, 07/05/07, 04/7/18/07, 08/01/07); Passed Asm WPW (04/10/07); Passed Asm Nat Res (04/23/07); Passed Asm Approps (05/31/07); Passed Asm (06/04/07); Passed Sen Nat Res &amp; Water (06/26/07); Passed Sen Enviro</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Support if Amended (04/20/07)</p>	<p>AB 224 begins the process to incorporate climate change information into the water resource planning efforts of state and local agencies.</p>

AB 503 Swanson	<p><b>Public agencies: overtime: notice.</b> Requires the California Research Bureau to conduct a study, to be submitted to the Legislature by June 30, 2008, on issues related to a requirement that state and local agencies provide 8 hours' written notice to employees who are required to work overtime and to address the impacts on both employers and employees.</p>	<p>Qual (07/10/07); Held in Sen Approp suspense (08/30/07) <b>Int.</b> 2/21/07 <b>Location:</b> Sen Rules <b>Status:</b> Amended (03/26/07; 04/19/07, 06/01/07); Passed Asm Public Employees, Retirement and Social Security (04/18/07); Passed Asm Approp (05/31/07); Passed Asm (06/05/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>2-year bill This bill has been amended into a study bill.</p>
AB 559 Ruskin	<p><b>Public water systems: investigation: affects of drinking water disinfectants.</b> Requests the Regents of the University of California to direct the University Center for Water Resources to investigate the potential adverse effects of the chemicals used to disinfect drinking water, including chloramine, and their byproducts on human health. Requires the investigation include the consumers served by the San Francisco Public Utilities Commission. Requires agencies that have collected data related to the effects of drinking water disinfectants on human health make the information available.</p>	<p><b>Int.</b> 2/21/07 <b>Location:</b> Asm Approp <b>Status:</b> Amended (04/17/07; 05/07/07); Passed Asm Enviro Safety &amp; Toxic Mtlis (04/24/07); Placed in Asm Approp suspense file</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch (03/30/07)</p>	<p>2-year bill The author contends that use of traditional chemical disinfectants for treating drinking water, such as chlorine and chloramine (a mixture of chlorine and ammonia), generate byproducts potentially harmful to humans and animals. While use of chlorine as a drinking water disinfectant has declined in recent years due to health concerns involving the byproduct trihalomethanes (THM), increasing use of chloramine has also given rise to specific health concerns related to home dialysis and home aquariums.</p>
AB 566 Plescia	<p><b>Water conservation.</b> Relates to a model local water efficient landscape ordinance. Requires the Department of Water Resources to continue the operation of the system to allow evapotranspiration data to be generated for, and made available to, all regions of the state and to develop a standard data protocol for that data.</p>	<p><b>Int.</b> 2/21/07 <b>Status:</b> Signed by Gov (10/08/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Favor</p>	<p>Adds climate change information from the California Irrigation Management Information System (CIMIS) in new model water conservation ordinances.</p>
AB 593 Dymally	<p><b>Water replenishment district: water replenishment assessment.</b> Changes the date for the public hearing on replenishment to the 3rd Tuesday in April.</p>	<p><b>Int.</b> 2/21/07 <b>Location:</b> Asm Local Govt <b>Status:</b></p>	<p><b>Staff:</b> Watch</p>	<p>2-year bill. Spot bill.</p>
AB 640 De La Torre	<p><b>Water replenishment districts.</b> Requires DWR to conduct a study to determine basin specific charges, including underflow, in each basin within the district and submit it to the Legislature by January 1, 2010.</p>	<p><b>Int.</b> 2/21/07 <b>Location:</b> Sen Approp <b>Status:</b> Amended (03/28/07, 04/30/07,</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>This bill has been amended into a study bill.</p>

		<p>06/06/07); Passed Asm Local Govt (04/25/07); Passed Asm Approp (05/16/07); Passed Asm 06/07/07; Held in Sen Approp suspense file (08/30/07)</p> <p><b>Int.</b> 2/21/07 <b>Location:</b> Asm Local Govt <b>Status:</b> Amended (09/05/07)</p>	<p><b>Staff:</b> Support <b>ACWA:</b> Support</p>	<p>2-year bill</p>
<p>AB 642 Wolk</p>	<p><b>Design-Build: Water &amp; Sanitation Projects in counties, cities, and special districts.</b> Authorizes any county, city, or special district via approval of the Board of Directors or City Council, to enter into design-build (db) contracts with certain provisions (local projects, not state projects.) Expands db contracts to include local wastewater treatment facilities, local solid waste facilities, and local water recycling facilities until January 1, 2019.</p> <p><b>Water conservation.</b> Requires the Energy Commission to require that the standards for minimum levels of operating efficiency for appliances be based on feasible and attainable efficiencies, or other feasible improved efficiencies, that will reduce the energy or water consumption growth rates and that do not result in any added total costs over the designed life of the appliances concerned.</p>	<p><b>Int.</b> 2/21/07 <b>Location:</b> Sen Floor <b>Status:</b> Amended (03/29/07, 09/07/07); Passed Asm WPW (04/24/07); Passed Asm Approp (05/31/07); Passed Asm (06/04/07); Passed Sen Energy, Utils &amp; Comm (07/03/07); Passed Sen Approp (08/31/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>This bill requires the California Energy Commission to establish minimum levels of water efficiency for appliances that require a significant amount of water on a statewide basis.</p>
<p>AB 800 Lieu</p>	<p><b>Discharge of hazardous substance, sewage, or other waste: notification.</b> Provides that notification requirements under the Porter-Cologne Water Quality Control Act do not nullify a person's responsibility under existing law that requires a person who causes or permits any sewage or other waste, or the effluent of treated sewage or other waste, to be discharged in or on any waters of the state, or discharged in or deposited where it is, or probably will be discharged in or on the waters of the state, to immediately notify specified entities. Provides for misdemeanor violations.</p>	<p><b>Int.</b> 2/22/07 <b>Location:</b> Enrolled <b>Status:</b> Amended (04/09/07, 04/18/07, 05/09/07, 05/21/07; 06/06/07); Passed Asm Enviro Safety &amp; Toxic Mtlis (04/17/07); Passed Asm Approp (05/16/07); Passed Asm (06/07/07); Passed Sen Enviro Qual (07/11/07); Passed Sen (09/04/07); Asm concurred (09/04/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>The June 6<sup>th</sup> amendments removed ACWA's primary concern increased civil and criminal penalties. ACWA will continue to work with sponsor to improve the communication protocol in the event of a spill.</p>
<p>AB 938 Calderon</p>	<p><b>Regional water management.</b> Authorizes a county, or city, or special district to convene one or more watershed water quality committees to develop and facilitate cooperation in achieving local water quality solutions. Requires a committee</p>	<p><b>Int.</b> 2/22/07 <b>Location:</b> Sen Enviro Quality <b>Status:</b> Passed Asm</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>2-year bill</p>

	to use reasonable efforts to prepare and submit a watershed water quality management plan that addresses major sources of stormwater, urban runoff, and nonpoint source pollution within the region. Requires a city or county that provides certain utilities to provide facilities for returning captured waters to receiving bodies. Allows for user-based or regulatory fees to construct, operate, and maintain these facilities.	WPW on 04/18/07; Amended (05/02/07, 06/20/07); Passed Asm Local Govt (05/09/07); Passed Asm Approp (05/31/07); Passed Asm (06/04/07); Passed Sen Local Govt (06/27/07)		
AB 1260 Cabellero	<b>Local government: taxes, fees, assessments, and charges: notice.</b> Authorizes the local agency providing the property-related service to a parcel to provide the required notice of a proposed increase of an existing fee or charge in the agency's regular billing statement or any other mailing by the agency to the address at which the agency customarily mails the billing statement for a fee or charge. Authorizes the agency to provide the required notice of a proposed new fee or charge in the manner authorized for notice of a proposed fee increase or charge where the agency is providing an existing property-related service to the address.	Int. 2/23/07 <b>Status:</b> Signed by Gov (10/05/07)	<b>WRD Board:</b> Support (04/20/07)  <b>ACWA:</b> Support	Sponsored by ACWA, this bill would provide solutions to questions that resulted from the <u>Bighorn v. Verjil</u> decision. The ruling asserts that charges for water delivery are property related and subject to Prop. 218 restrictions. WRD is not affected by the <u>Bighorn</u> ruling.
AB 1391 Brownley	<b>Water quality.</b> Provides that a person who fails to notify the local health officer of the Director of Environmental Health of the discharge of any sewage or other waste, or the effluent of treated sewage or other waste in or on any waters of the state, or discharged in or deposited where it is, or probably will be, discharged in or on any water of the state is guilty of a misdemeanor crime subject to specified punishments.	Int. 2/23/07 <b>Location:</b> Asm Enviro Safety & Toxic Mtls <b>Status:</b>	<b>Staff:</b> Watch  <b>ACWA:</b> Watch	2-year bill. Identical to AB800 (Lieu). Increases maximum penalties imposed on persons who fail to immediately notify appropriate officials of an unauthorized discharge of sewage or other substances into state waters.
AB 1406 Huffman	<b>Recycled water: toilet and urinal flushing:</b> Includes condominiums within the meaning of structure for the purposes of those provisions. Amends existing law which requires uniform statewide criteria for each varying type of recycled water use if the use involves the protection of public health. Declares that the use of potable domestic water for toilet and urinal flushing in structures is a waste or an unreasonable use of water if suitable recycled water is available for those uses. Requires agency delivering the recycled water to file a report with the appropriate regional water quality control board and receive written approval of the report from DPH.	Int. 2/23/07 <b>Location:</b> Gov's Desk <b>Status:</b> Passed Asm WPW (04/18/07, 09/06/07, 09/07/07); Passed Asm Approps (05/02/07); Passed Asm (05/10/07); Passed Sen Nat Res & Water (06/26/07); Passed Sen Approp (07/11/07); Passed Sen (09/11/07); Asm concurred (09/12/07)	<b>WRD Board:</b> Support (06/01/07)  <b>ACWA:</b> Favor	Sponsored by Irvine Ranch WD, this bill would permit the use of recycled water in condominiums, as it is currently used in apartment buildings. This will increase the construction of dual-plumbed condominium complexes and increase the use of recycled water in apartment complexes.
AB 1481 De La Torre	<b>Waste discharge and water reclamation requirements: recycled water: landscape irrigation uses.</b> Requires the state Water Resources Board to adopt a general permit for landscape irrigation uses of recycled water for which the	Int. 2/23/07 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (03/29/07, 06/01/07,	<b>WRD Board:</b> Support (06/01/07)  <b>ACWA:</b> Watch	Sponsored by LA Department of Water and Power, this bill would establish a general permit for the use of recycled water for

	<p>State Department of Public Health has established uniform statewide recycling criteria. Requires the board to establish a reasonable schedule of fees to reimburse the board. Requires the board to designate an ombudsperson to provide communication on recycled water and reclamation requirements.</p>	<p>06/27/07, 07/18/07, 08/31/07; Passed Asm WPW (04/24/07); Passed Asm Approp (05/31/07); Passed Asm (06/06/07); Passed Sen Enviro Qual (07/07/18); Passed Sen Approp (08/30/07); Passed Sen (09/11/07); Asm concurred (09/12/07)</p>	<p>(03/30/07)</p>	<p>landscape irrigation.</p>
<p>AB 1489 Huffman</p>	<p><b>Resource bond funds: Integrated Regional Water Management Planning Act.</b> Relates to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act. Declares legislative intent to establish principles to guide the implementation of the act. Requires applicants for funding for projects that assist local public agencies to meet the long-term water needs of the state to identify the manner in which the proposed project will contribute to meeting the performance standards included in the applicable integrated regional water management plan.</p>	<p>Int. 2/23/07 <b>Location:</b> Sen Approp <b>Status:</b> Amended (04/09/07, 05/02/07, 06/01/07, 08/20/07); Passed Asm WPW (04/18/07); Passed Asm Natural Resources (04/23/07); Passed Asm Approp (05/31/07); Passed Asm (06/06/07); Passed Sen Env Qual (07/10/07); Held in Sen Approps suspense file (08/30/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Oppose Unless Amended</p>	
<p>AB 1521 Salas</p>	<p><b>Drinking water: bottled drinking water.</b> Requires each container of bottled water sold in this state to include on its label the identity of the source from which the water was last obtained prior to being bottled, in compliance with applicable federal regulations. Requires that the water-vending machine, retail water facility, and private water source that sell water at retail display include the identity of the water source. Requires, as a condition of license, that a water-bottling plant annually prepare and submit a consumer confidence report.</p>	<p>Int. 2/23/07 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (06/01/07, 07/17/07, 09/04/07); Passed Asm Enviro Safety &amp; Toxic Mtl's (04/10/07); Passed Asm Approp (05/31/07); Passed Asm (06/06/07); Passed Sen Health (07/11/07); Passed Sen Approp (09/04/07); Passed Sen (09/10/07); Asm concurred (09/12/07)</p>	<p><b>Staff:</b> Support <b>ACWA:</b> Favor</p>	
<p>ACA 1 Price and Nunez</p>	<p><b>Elections: redistricting.</b> Proposes an amendment to the Constitution to assign the responsibility for adjusting boundary lines of Senate, Assembly, congressional, and State Board of Equalization district to a Little Hoover</p>	<p>Int. 12/04/06 <b>Location:</b> Asm Approp <b>Status:</b> Amended (04/19/07); Passed</p>	<p><b>Staff:</b> Watch</p>	<p>2-year bill</p>

ACA 2 Walters	Commission. Requires the commission to hold public hearings to provide for public input and comment. Grants the Supreme Court jurisdiction over all challenges to a redistricting plan. Requires the Governor to include in the budget presented to the Legislature funds for the redistricting process.	Asm Elections & Redistricting (06/12/07)		
SB 5 Machado	<p><b>Eminent domain.</b> Proposes a Constitutional amendment that prohibits the taking or damaging of private property without the express written consent of the owner for purposes of economic development, increasing tax revenue, or private use, or when the same use will be maintained following the taking. Requires that, prior to commencement of eminent domain proceedings, the public use for which the property is to be taken is stated in writing. Defines public use. Permits a taking to eliminate an ongoing threat to public safety.</p> <p><b>Flood management.</b> Requires the Department of Water Resources to prepare and adopt the Sacramento-San Joaquin River Flood Management Plan. Requires flood risks in approvals of projects in flood hazard zones. Requires local governments to amend the general plan. Provides for development of a funding mechanism for flood responsibilities. Requires development of a cost-sharing formula for repairs and improvements to facilities. Relates to amendment of the zoning ordinance. Requires development of emergency plans.</p>	<p><b>Int.</b> 12/04/06 <b>Location:</b> Asm Jud <b>Status:</b> Amended (05/31/07, 07/05/07); hearing in Asm Jud on 07/03/07</p> <p><b>Int.</b> 12/04/06 <b>Status:</b> Signed by Gov (10/10/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Not Favor Unless Amended</p> <p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>2-year bill.</p> <p>The bill seeks to clarify the roles and responsibilities of the state and local flood management agencies, cities and counties, developers and other property owners for managing flood risk. It defines a statewide policy on flood management.</p>
SB 6 Oropeza	<p><b>Land use planning: flood control.</b> Requires the land use, open-space, safety, and conservation elements of the general plan of a county or city to include provisions relating to areas that are subject to flooding based on existing climate predictions regarding ocean levels. Relates to the Subdivision Map Act. Includes among the findings requiring denial of approval a finding that the design of the subdivision or type of improvement is likely to cause a substantial risk of flooding of the site of adjacent property.</p>	<p><b>Int.</b> 12/04/06 <b>Location:</b> Sen Local Government <b>Status:</b> Amended (04/11/07); Hearing in Local Govt postponed</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>2-year bill</p>
SB 8 Kuehl	<p><b>California Bay-Delta Authority Act.</b> Adds environmental justice to the program elements of the Bay-Delta Program. Requires the implementing agencies, both individually and collectively, to be implementing</p>	<p><b>Int.</b> 12/04/06 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (03/21/07); Passed Sen Nat Res &amp; Water (03/27/07); Passed Sen (04/19/07); Passed Asm WPW (06/26/07); Passed Asm Approp (07/12/07); Passed Asm (08/30/07); Sen concurred (08/31/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	

<p>SB 27 Simitian/ Machado/ Perata/ Steinberg</p>	<p><b>Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2008.</b> Requires the Secretary of the Resources Agency to begin implementing certain actions on behalf of the Sacramento-San Joaquin River Delta, including investing in emergency preparedness, funding projects to aid sustainability in the Delta, identifying critical levees to be strengthened, and commencing Delta restoration projects. Declares legislative intent to enact legislation to begin implementing a program for sustainable management of the Delta in 2008.</p>	<p><b>Int.</b> 12/04/06 <b>Location:</b> Asm WPW <b>Status:</b> Amended (03/29/07, 04/24/07); Passed Sen Nat Res &amp; Water on 04/10/07; Passed Sen Env Quality (04/16/07); Passed Sen Approps (05/31/07); Passed Sen (06/04/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>This bill has been completely rewritten and now has the addition/support of the Senate Pro Tem and the Chair of the Sen Committee on Natural Resources and Water. It cites the Public Policy Institute's report on delta sustainability and states legislative intent for sustainable management of the delta.</p>
<p>SB 34 Torlakson</p>	<p><b>Sacramento-San Joaquin Delta: strategic funding plan.</b> Establishes a "beneficiary pays system" and user fees and assessment collection for levee maintenance and other flood purposes in the strategic financing plan to achieve a sustainable delta.</p>	<p><b>Int.</b> 12/04/06 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (03/20/07, 04/17/07, 09/04/07); Passed Sen Nat Res &amp; Water (04/24/07); Passed Sen (05/21/07); Passed Asm WPW (06/26/07); Passed Asm Approp (07/12/07); Passed Asm (09/06/07); Sen concurred (09/10/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Not Favor/Amend</p>	<p>Clarifies that a specified strategic financing plan shall include recommendations, in accordance with the "beneficiaries pay" principle, in order to create a dedicated revenue stream to pay for the maintenance of, improvements to, delta levees, project levees, and the levee conveyance system.</p>
<p>SB 59 Cogdill</p>	<p><b>Reliable Water Supply Bond Act of 2008.</b> Authorizes \$3.95 billion in bonds, which if approved by the voters, would finance a water supply program in the following manner:</p> <ul style="list-style-type: none"> <li>▪ \$2 billion for surface water storage (Sites Reservoir, Temperance Flat Reservoir, and other surface water storage projects included in the CALFED Bay-Delta Program Programmatic ROD should the first two be deemed infeasible)</li> <li>▪ \$500 million for groundwater and conjunctive use</li> <li>▪ \$1 billion for Delta Sustainability</li> <li>▪ \$200 million for Water Use Efficiency Program</li> <li>▪ \$250 million for Resource Stewardship and Environmental Restoration Program</li> </ul>	<p><b>Int.</b> 1/11/07 <b>Location:</b> Sen Nat Res &amp; Water <b>Status:</b> Failed passage in Sen Nat Res &amp; Water (04/24/07); Reconsideration granted</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Support and Amend</p>	<p>2-year bill. This bill would implement the water component of the Governor's 2007 Strategic Growth Plan. It includes a provision (opposed by ACWA) allowing Investor Owned Utilities to access bond funds from this bill. The Democrats oppose bond financing for surface water storage and will have alternate water supply bond bills. The probability of this bill reaching the Governor's Desk is slim.</p>
<p>SB 162 Negrete- McLeod</p>	<p><b>Land use: water supply.</b> Requires LAFCO to consider the extent that a public proposal promotes environmental justice in information or comments provided by voters or residents of the affected territory.</p>	<p><b>Int.</b> 2/05/07 <b>Status:</b> Signed by Gov (10/10/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Watch</p>	<p>Adds environmental justice to the list of items LAFCO needs to consider in public comments and expands the list of those authorized to make comments.</p>
<p>SB 178 Steinberg</p>	<p><b>Groundwater.</b> Establishes a groundwater monitoring program pursuant to which specified entities may propose to be designated by the Department of Water Resources as groundwater monitoring entities, for the purposes of certain</p>	<p><b>Int.</b> 2/05/07 <b>Location:</b> Gov's Desk <b>Status:</b> Passed Sen Nat Res &amp; Water</p>	<p><b>WRD Board:</b> Support (06/01/07) <b>ACWA:</b> Watch</p>	<p>This bill contains just the groundwater reporting provisions of SB 1640 from the previous legislative session. It expands</p>

<p>SB 201 Florez</p>	<p>monitoring and reporting with regard to groundwater elevations in all or part of a basin or subbasin. Requires the department to work with each monitoring entity to determine the manner in which groundwater elevation information should be reported to the department.</p>	<p>(03/27/04, 07/09/07, 07/17/07); Passed Sen Approp (05/31/07); Passed Sen 06/04/07; Passed Asm WPW (07/03/07); Passed Asm Approps (08/30/07); Passed Asm (09/05/07); Sen concurred (09/06/07); Enrolled (09/07/07)</p>	<p>groundwater reporting requirements throughout the State. Amendment language crafted last year with Committee Consultant addressing WRD's concern is contained in this new measure. The WRD Board voted on 07/05/06 to support the bill and a letter of support was sent.</p>
<p>SB 201 Florez</p>	<p><b>Agriculture: leafy green vegetable crop safety.</b> Describes practices which shall not be engaged in by growers, handlers, shippers, or processors of leafy green vegetables including, using uncomposed, incompletely composed, or nonthermally treated manure as a fertilizer or soil amendment in fields, maintaining toilet facilities or other receptacles for human excreta in fields.</p>	<p><b>Int.</b> 2/07/07 <b>Location:</b> Asm Ag <b>Status:</b> Passed Sen Ag (03/27/07); Amended (04/12/07, 05/02/07, 06/05/07); Passed Sen Health on 04/18/07; Passed Sen Approp (05/31/07); Passed Sen (06/06/07); Held in Asm Ag (06/27/07)</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Oppose <b>WaterReuse:</b> Oppose</p>
<p>SB 220 Corbett</p>	<p><b>Vended water.</b> Establishes a system for the regulation and inspection of water vending machines and imposes additional labeling requirements on water bottlers and vendors.</p>	<p><b>Int.</b> 2/09/07 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (03/15/07, 04/25/07, 06/04/07, 08/31/07, 09/07/07); Passed Sen Health (04/18/07); Passed Sen Approp (05/31/07); Passed Sen (06/07/07); Passed Asm Enviro Safety &amp; Toxic Mtls (07/03/07), Passed Asm Approps (08/30/07); Passed Asm (09/10/07); Sen concurred (09/12/07)</p>	<p>This legislation is intended to strengthen consumer protections for vended and bottled water. The bill requires vending machines to improve the quality of dispensed water and requires water bottling plants and vendors to prepare a bottled water report, as specified and to test and label their products regarding the purity of the water. The bill requires vending machines be cleaned and sanitized every month and that specified records and any list of complaints be maintained. The bill further requires the Department of Public Health to enforce sanitation and recordkeeping requirements for bottlers and vendors and arrange for the inspection of water vending machines with local</p>

					sealers, bottlers, vendors, and retailers are further required to display inspection information, proof of licensure and vendor contact information. The department is authorized to collect license fees sufficient to cover their costs for inspection and regulation.
SB 326 Aanestad	<b>Water resources.</b> Makes legislative findings and declarations concerning the need to invest in additional water infrastructure such as facilities for expanded water storage and improved water conveyance. <b>State water policy.</b> Relates to the Porter-Cologne Water Quality Control Act which requires the State Water Resources Control Board to formulate and adopt state policy for water quality control.		<b>Int.</b> 2/16/07 <b>Location:</b> Sen Rules <b>Status:</b>	<b>Staff:</b> Watch	2-year bill. Spot bill.
SB 334 Ackerman			<b>Int.</b> 2/21/07 <b>Location:</b> Sen Rules <b>Status:</b>	<b>Staff:</b> Watch	2-year bill. Spot bill.
SB 343 Negrete McLeod	<b>Local agencies: open meetings: documents.</b> Provides that if a writing that is a public record, 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, the writing shall be made available for public inspection either at a designated public office or location or by posting it on the agency's Internet Web site.		<b>Int.</b> 2/21/07 <b>Status:</b> Signed by Gov (10/05/07)	<b>Staff:</b> Watch <b>ACWA</b> Watch	
SB 378 Steinberg	<b>Disaster Preparedness and Flood Prevention Act of 2006.</b> Requires expenditures for disaster preparedness and flood prevention projects to be deemed to be in response to an emergency, for purposes of the Public Contract Code, and requires all contracts for those projects to provide for the payment of extra compensation to the contractor, as a bonus for completion prior to the completion date specified by the contract.		<b>Int.</b> 2/21/07 <b>Location:</b> Asm WPW <b>Status:</b> Amended (04/12/07, 04/17/07, 06/04/07); Passed Sen Nat Res & Water (04/24/07); Passed Sen Approp (05/31/07); Passed Sen (06/06/07)	<b>Staff:</b> Watch	Implementation bill for Props. 1E and 84 flood implementation. Its purpose is to expedite project approval and to propose a financing plan with a cost sharing proponent. SB 378 will be the vehicle for the Pro Tem's 2008 water bond bill. His language has been held at the Assembly's Desk as a result of the politics between the Speaker and the Pro Tem.
SB 395 Cox	<b>Water supply: groundwater aquifers.</b> Establishes the North American Basin Groundwater Storage Act of 2007. Authorizes local public agencies located in the North American subbasin of the Sacramento Valley Groundwater Basin to implement projects that use an aquifer, store that drinking water in that aquifer, and later pump that drinking water for the agency's use. Requires the agency to conduct a public hearing concerning the project.		<b>Int.</b> 2/21/07 <b>Location:</b> Sen Environmental Quality <b>Status:</b> Amended (04/09/06); Held in Sen Env Quality	<b>Staff:</b> Watch	2-year bill. The City of Roseville is having difficulties securing a permit for the expansion of its ASR program from the Central Valley Regional Water Quality Control Board. This is intended to be a legislative solution to their situation.
SB 399	<b>Sacramento-San Joaquin Delta: water infrastructure.</b>		<b>Int.</b> 2/21/07	<b>Staff:</b> Watch	2-year bill. Spot bill.

Dutton	Makes legislative findings and declarations relating to the San Francisco Bay/Sacramento-San Joaquin Delta and the need for additional water infrastructure.	<b>Location: Sen Rules Status:</b>		
SB 435 Cogdill	<b>Water districts: property: public access.</b> States the intents of the Legislature to enact legislation to facilitate cooperation between local governments and water districts to establish community walking and hiking trails on water district property and to limit the liability of a water district for injuries that may occur as a result of the granting of access to district property on trails that are established and maintained by a separate local government entity.	<b>Int. 2/21/07 Location: Sen Rules Status:</b>	<b>Staff: Watch</b>	2-year bill. Spot bill.
SB 732 Steinberg	<b>Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.</b> Implements the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act. Requires departments that are to implement the initiative to develop and adopt guidelines and regulations. Provides for funds for nature education and research facilities and for parks, reports regarding grant recipients, investor-owned utilities, and the funding of integrated regional water management plan projects or programs. Creates the Sustainable Communities Council and Fund.	<b>Int. 2/23/07 Location: Asm Floor Status: Amended</b> (04/17/07, 05/15/07, 05/25/07, 06/04/07, 06/27/07, 06/28/07; 08/31/07, 09/07/07); Passed Sen Nat Res & Water (04/24/07); Passed Sen Approp (05/31/07); Passed Sen (06/07/07); Passed Asm WPPW (06/26/07); Passed Asm Local Govt (07/03/07); Passed Asm Approp (08/30/07); Placed on inactive file on request of Asm. Bass	<b>Staff: Watch ACWA: Support if Amended</b>	This is one of the Senate Democrat's package of bills related to the Implementation of Prop. 84.
SB 964 Romero	<b>Local agencies.</b> This bill prohibits a majority of the members of a legislative body from using a series of communications of any kind, directly or through intermediaries, to discuss, or take action on any item of business that is required by the Brown Act to be conducted in public. This bill adopts legislative declarations disapproving <u>Wolfe v. of Fremont</u> (2006) 144 Cal.App.4th 533, to the extent dicta in the decision interprets the Brown Act to require that a series of individual meetings by members of a body actually result in a collective concurrence before a violation of the Brown Act could occur. This bill also prohibits a local agency from discriminating between and among members of a legislative body with regard to access to writings or portions of writings, including inspections or obtaining copies of those writings.	<b>Int. 2/3/07 Location: Gov's Desk Status: Amended</b> (04/09/07, 05/02/07, 05/10/07); Passed Sen Local Govt (05/09/07); Passed Sen (05/29/07); Passed Asm Local Govt (06/27/07); Passed Govt Ops (07/11/07); Passed Asm (08/30/07); Sen concurred (08/31/07)	<b>Staff: Watch ACWA: Watch</b>	In 2006, an appellate court found that meetings between a city manager and individual city council members for the purpose of discussing a policy issue that would be discussed at a future public meeting did not inherently violate the Brown Act's prohibition against serial meetings. [ <u>Wolfe v. City of Fremont</u> ] The court found that the Brown Act does not expressly prohibit serial meetings and, to constitute a violation of the Act, the serial meetings must amount to "more than mere policy related informational exchanges."

<p>This bill revises the Brown Act's prohibition against serial meetings and states the intent of the Legislature that the changes made in this bill supersede the court's ruling.</p>			<p><b>Pharmaceutical drug waste disposal.</b> Requires the Integrated Waste Management Board to develop model programs for the collection and proper disposal of pharmaceutical drug waste. Requires the model programs to include specified actions and informational elements. Provides that these provisions shall not apply to a controlled substance. Increases the total amount of grants that the board may issue annually to local entities with solid waste management responsibilities.</p>	<p><b>WRD Board:</b> Support (06/15/07)</p>	<p>Earlier versions of this bill establishing a statewide "take back" program to be collected by retailers of medication have been entirely deleted. The current version requires the IWMB to evaluate best practices with regard to safe and effective medication disposal.</p>
<p>SB 966 Simitian</p>	<p><b>Int.</b> 2/23/07 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (04/09/07, 04/30/07, 06/27/07, 08/20/07, 09/05/07); Passed Sen Environ Qual (03/24/07); Passed Sen Bus, Professions &amp; Ec Devel (04/23/07); Passed Sen (05/31/07); Passed Asm Enviro Safety &amp; Toxic Mtlis (06/26/07); Passed Asm Health (07/03/07); Passed Asm Approp (09/04/07); Passed Asm (09/07/07); Sen concurred (09/10/07)</p>		<p><b>Regional water quality control boards: membership and program withdrawal.</b> Reduce the size of the Regional Water Quality Control Board from 9 to 7 members to be appointed by the Governor. Requires the LAO to prepare and adopt regulations for each regional board to ensure compliance with water quality laws. Establishes procedures for the removal of a regional board from the programs.</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Oppose</p>	
<p>SB 1002 Perata</p>	<p><b>Int.</b> 2/23/07 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (04/17/07, 06/28/07, 07/10/07, 08/31/07); Passed Sen Environ (4/23/07); Passed Sen Approp (05/31/07); Passed Sen (06/02/07); Passed Asm Enviro Safety &amp; Toxic Mtlis; Passed Asm Approp (08/30/07); Passed Asm (09/07/07)</p>		<p><b>Water quality, flood control, water storage, and wildlife preservation.</b> Relates to appropriations from Props. 84, 1E, 13 bond funds. Provides grants for small community drinking water systems infrastructure improvements, feasibility studies for new surface storage under the Bay-Delta program and development of a plan for reoperation of flood protection and water supply systems. Also provides funds for habitat for</p>	<p><b>WRD Board:</b> Support if Amended (07/20/07) <b>ACWA:</b> Oppose Unless Amended</p>	<p>Implementation bill for Props. 1E, 13, and 84. Appropriates \$50 M for small community drinking water systems infrastructure improvements and related actions to meet safe drinking water standards, \$15 M to DWR to</p>

<p>delta smelt and other pelagic fish species, essential emergency preparedness, and stormwater flood management projects.</p>	<p>Passed Sen Approps (05/31/07); Passed Sen (06/07/07); Passed Asm WPW (07/10/07); Passed Asm Approps (09/05/07)</p>	<p>complete feasibility studies of new surface water storage under the Bay-Delta Program, and \$15 M to DWR for the development of a plan for the reoperation of the state's flood protection and water supply systems. April 18<sup>th</sup> and April 30<sup>th</sup> amendments adds to the list of programs that will receive bond funds including \$22 million for water recycling projects, \$16 million for grants for water conservation projects, groundwater recharge facilities, urban water conservation projects and infrastructure rehabilitation projects.</p>	<p>This bill is one of ACWA's sponsored bills. It is a bill for the adopt by reference federal EPA Rules and Regulations for Drinking Water Standards.</p>
<p>SB 1029 Ducheny</p>	<p><b>Int.</b> 2/23/07 <b>Location:</b> Gov's Desk <b>Status:</b> Amended (04/09/07, 05/01/07, 05/23/07, 09/04/07); Passed Sen Health (04/11/07); Passed Sen Env Qual (04/23/07); Passed Sen (05/29/07); Passed Asm Enviro Safety &amp; Toxic Mtls (06/27/07); Passed Asm Approps (07/11/07); Passed Asm (09/06/07); Sen concurs (09/10/07)</p>	<p><b>WRD Board:</b> Support (06/07/07) <b>ACWA:</b> Support</p>	<p>2-year bill. The definition of "just compensation" is broadened to include loss of business goodwill, relocation costs, attorney's fees under certain circumstances and acquisition of comparable property to name a few. There is concern that this would effectively give the condemnee a "war chest" of attorney's fees.</p>
<p>SCA 1 McClintock</p>	<p><b>Eminent domain: condemnation proceedings.</b> Relates to eminent domain proceedings. Provides that private property may be taken or damaged only for a stated public use, and not without the consent of the owner for purposes of economic development, increasing tax revenue, or any other private use, nor for maintaining the present use by a different owner. Requires that property acquired in eminent domain by owned and occupied by the condemnor.</p>	<p><b>Staff:</b> Watch <b>ACWA:</b> Not Favor <b>CMUA:</b> Oppose</p>	<p><b>Int.</b> 12/04/06 <b>Location:</b> Senate Judiciary <b>Status:</b> Amended (02/05/07)</p>