

**REGULAR MEETING OF THE EXTERNAL AFFAIRS COMMITTEE
OF THE BOARD OF DIRECTORS
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA
12621 E. 166th Street (Corner, Bloomfield & 166th), Cerritos, California
10:00 A.M., THURSDAY, SEPTEMBER 23, 2004**

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" MAY ALSO BE THE SUBJECT OF AN "ACTION" TAKEN BY THE BOARD OR A COMMITTEE AT THE SAME MEETING.

- I. DETERMINATION OF A QUORUM**
- II. PUBLIC COMMENT**
- III. LEGISLATIVE REPORT**
Staff Recommendation: For information.
- IV. ULTRA-LOW FLUSH TOILET (ULFT) DISTRIBUTION PROGRAM**
Staff Recommendation: For discussion.
- V. CONSERVATION PROGRAM**
Staff Recommendation: For discussion.
- VI. CENTRAL VALLEY PROJECT TOUR**
Staff Recommendation: For information.
- VII. UPDATE: WRD 45TH ANNIVERSARY**
Staff Recommendation: For information.
- VIII. LONG BEACH AREA NAACP AWARDS BANQUET**
Staff Recommendation: For discussion and possible action.
- IX. DEPARTMENT REPORT**
Staff Recommendation: For information.
- X. CREATIVE DEVELOPMENT**
Staff Recommendation: For information.
- XI. ADJOURNMENT**



MEMORANDUM

ITEM NO. III

Prepared by: Adeline M.L. Yoong

Reviewed by:

DATE: SEPTEMBER 23, 2004
TO: EXTERNAL AFFAIRS COMMITTEE
FROM: ROBB WHITAKER, GENERAL MANAGER
SUBJECT: LEGISLATIVE REPORT

SUMMARY

Legislative Calendar

State Legislature

September 30 – Last day for Governor to sign or veto bills passed by the Legislature.
November 30 – Legislature adjourns.
December 6 – 2005-06 Regular Session convenes for organizational session.

Congress

September 7 – Congress reconvenes.
October 1 – Target date for Congressional adjournment.

Update

A verbal update on federal and state matters will be provided.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

For information.

**WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA
STATE LEGISLATIVE UPDATE
Updated September 15, 2004 (new information is italicized)**

Bill No./ Author	Title/Content	Status	Position	Comments
AB 83 Corbett	Bottled water. Transfers regulations and licensure of bottled water from the Sherman Food, Drug and Cosmetic Law to the California Safe Drinking Water Law. Requires bottled water licensees to comply with provisions similar to those imposed on public water systems regarding emergency notification plans, consumer confidence reports, and annual inspections. Also requires the labeling on bottled water sold at retail or wholesale in a plastic beverage container to include specified information. Creates the Safe Bottled and Vended Water Account.	Int. 01/06/103 Location: Sen Approp Status: Inactive	Staff Rec: Support ACWA: Favor CMUA: Support WRD Board: Support (04/02/03)	Supported by NRDC, East Bay MUD, and Clean Water Action. Would require bottled water companies, like Coca Cola and Pepsi who market their own branded water, to comply with more stringent requirements listed in Consumer Confidence Reports.
AB 1522 Parra	Water rights: permits. Expands the authority of the Regional Water Quality Control Board's executive officers to include the ability to issue National Pollutant Discharge Elimination Systems (NPDES) permits without regional board action, and makes technical corrections to and deletes obsolete provisions of the Water Code.	Int. 02/21/03 Location: Sen. Ag & Water Resources Status: Inactive	Staff Rec: Oppose ACWA: Oppose	ACWA's Comments: Existing law provides that state laws that address the loss of water rights by nonuse, abandonment, prescription, and lack of diligence shall not apply to water rights appurtenant to, or for use on, any trust land under certain conditions. This bill would delete all of the above provisions. Allows a regional water quality control board's executive officer to issue, without a specific board action, National Pollutant Discharge Elimination System (NPDES) permits and make several technical and corrective changes to statutes governing water rights and waste discharge violations.
AB 1647 Horton	Public water systems: mutual water companies: grant funds. Allows investor-owned utilities eligibility for grant funding of state bonds.	Int. 02/21/04 Location: Senate Energy, Utilities & Communications Status: Hearing in August	ACWA: Oppose WRD Board: Board voted to send a letter to the Governor supporting the proposal to allow private water companies access	Assemblymember Horton "gutted and amended" AB 1647, formerly relating to livestock stockpounds, to include language expanding state funding eligibility to investor-owned utilities. The language is the same as that contained in SB 909 (Machado) which has been held in the Assembly Water,

			to Proposition 50 bond funds (05/03/04)	Parks, and Wildlife Committee at Senator Machado's request
AB 1829 Liu	Public contracts: services: domestic workers. Bill essentially bans offshoring public contracts by prohibiting state agencies and local governments from using state funds to contract for services unless the contractor or subcontractor certifies under penalty of perjury that any work done under the contract will be performed solely by workers within the United States.	Int. 01/20/04 Location: <i>Enrolled and to the Governor (09/13/04)</i>	Staff Rec: Watch ACWA: Oppose	The author is carrying this bill on behalf of the California Labor Federation and other labor groups. The intent of the bill is to combat the outsourcing of U.S. jobs to foreign countries. There is a concern with this bill among water districts that the bill would also prevent the purchase of products (with state funds) that are manufactured and designed outside of the U.S.
AB 2528 Lowenthal	Public water systems. This bill would replace the term "action level" with the terms "notification level" and "response level." It would also require the operator of wholesale or retail public water systems, as defined, to provide notice relating to contamination of any drinking water source, as defined, that exceeds the maximum containment level, a response level, or a notification level, as defined.	Int. 02/20/04 Location: Enrolled (8/26/04)	Staff Rec: Support if Amended ACWA: Favor WRD Board: Support if Amended (05/03/04). The bill was amended to address the WRD's concerns. A letter of support was forwarded to the author.	ACWA favors the bill if amended. The author has taken 4 out of 5 ACWA amendments.
AB 2603 Calderon	Urban water management plans. Makes technical, nonsubstantive change requiring urban water supplier to prepare and adopt an urban water management plan.	Int. 02/20/04 Status: Inactive	Staff Rec: Watch ACWA: Watch	According to ACWA, there is no sponsor for this bill. Staff will closely monitor this bill given the subject matter.
AB 2605 Calderon	Water storage districts. Makes technical, nonsubstantive change authorizing the board of a California Water Storage District to acquire property.	Int. 02/20/04 Status: Inactive	Staff Rec: Watch ACWA: Watch	According to ACWA, there is no sponsor for this bill. Staff will closely monitor this bill given the subject matter.
SB 117 Machado	Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. Modifies the implementation guidelines of Prop. 50 to exclude reference to provisions relating to the use of a matching fund requirement, the use of existing guidelines, and the provision of technical assistance. Requires the responsible agencies, to the maximum extent feasible, to provide outreach to disadvantaged communities to promote access to relevant grant application and award information.	Int. 02/03/03 Location: Enrolled (08/26/04)	Staff Rec: Watch ACWA: Watch CMUA: Watch	
SB 318	Urban water suppliers: desalinated water. Requires a	Int. 02/19/03	Staff Rec: Watch	Under current law, every urban

Alpert	plan to describe the opportunities for development of desalinated water, including but not limited to ocean water, brackish water, and groundwater, as a long-term supply.	Location: Enrolled (08/18/04) Status: Passed Asm Approps (08/21/03); Placed on inactive file (09/08/03); Removed from inactive file (08/16/04); Passed Assembly (0818/04)	ACWA: Watch CMUA: Watch	water supplier must prepare and adopt an urban water management plan and update that plan at least once every 5 years. This bill would add desalination as a required element of the plan. Opponents argue that desalination should not be added until the Desalination Task Force submits its recommendations due by 7/1/04.
SB 543 Machado	Water rights: groundwater cleanup operations. With certain exceptions, this bill prohibits the water produced from a groundwater cleanup operation from being used by the operator of a groundwater cleanup operation or from being transferred, assigned, or conveyed to a third party for use, until a replacement water supply has been provided to every public water system injured by the contamination. Provides that no right shall vest in the operator of a groundwater cleanup operation solely by virtue of its extraction, treatment, and discharge of water from that operation. Exempts discharges from groundwater cleanup operation that is under 25 acre-feet in the counties of Riverside, San Bernardino, Los Angeles, and Ventura or under 50 gallons per minute in an other county, if the discharge is not for recharge.	Int. 02/21/03 Location: Asm Environmental Safety and Toxic Materials Status: Inactive	Staff Rec: Watch ACWA: Support	
SB 909 Machado	Public water systems: mutual water companies. Allows grants of state bond funds to be made to public water utilities and mutual water companies.	Int. 02/21/03 Location: Asm Water, Parks & Wildlife Status: Hearing cancelled at author's request (07/01/03)	Staff Rec: Oppose ACWA: Oppose	This bill probably will not be taken up. However, similar language has been amended into Assemblymember Jerome Horton's bill AB 1647 which is now in the Senate Energy Utilities and Communications Committee.
SB 922 Soto	Perchlorate: information. Makes a technical correction to the provision that defines "perchlorate storage facility" and revises the definition of the term "perchlorate" to mean all perchlorate-containing compounds including ammonium, potassium, magnesium, and sodium perchlorate but <u>not</u> perchlorate or perchlorate compounds located in unused military munitions and stored on or after January 1, 2004.	Int. 02/21/03 Location: Enrolled (08/26/04)	Staff Rec: Watch CMUA: Support	ACWA Comments: This amended bill is cleanup language for SB 1004, authored by Senator Soto and signed by Governor Gray Davis in September 2003. SB 1004 essentially charges a fee to those persons that have or currently store perchlorate to support information collection and dissemination. The author's office indicated SB 922 was amended to correct a numeric typographical error and clarify a section of SB 1004 that could have been

				interpreted to require the disclosure and cleanup of currently stored weapons containing perchlorate. ACWA maintained a support position on SB 1004.
SB 1165 Local Govt.	Local Government Omnibus Act of 2004. This bill contains provisions applying to a variety of non-controversial local governance issues.	Int. 02/02/04 Status: Chaptered and signed into law (07/07/04)	Staff Rec: Support ACWA: Support	This is an annual bill that allows the Committee to address several non-controversial measures at one time. Specifically, this bill contains a provision authorizing the general manager or other district representative of water replenishment districts to sign contracts and documents valued between \$10,000 and \$25,000 if approved by the board and upon resolution granting signature authority for a specific expenditure. It also allows the replenishment district's general manager or other district representative to approve and sign all contracts and documents valued at less than \$10,000, and not more than \$10,000 on a cumulative basis in a one-year period.
SB 1251 Morrow	Diamond Valley Reservoir: recreational use. Allows recreational use activity in Diamond Valley Reservoir and establishes standards including water treatment, monitoring, and reporting requirements.	Int. 02/12/04 Location: Sen Environmental Quality Status: Inactive	Staff Rec: Watch ACWA: <i>Oppose</i>	
SB 1272 Ortiz	Special districts. This bill would require annual audits of special districts to be performed in accordance with General Accounting Office standards for financial and compliance audits and would impose various other requirements on these audits. The bill would require the Controller to review the audits under specified procedures. This bill also criminalizes violations of conflicts of interest and incompatible activities provisions by making them a misdemeanor. It requires annual legal and ethical orientation sessions that governing board members would be required to attend. It establishes whistle-blower protections and limits director compensations to \$100 per day for no more than 6 meetings or days per month for small districts and no more than 10 meetings or days per month for large districts. It sets the	Int. 02/18/04 Location: Sen Approp Status: Inactive	Staff Rec: Support if Amended ACWA: Support if Amended WRD Board: Oppose (05/03/04); opposition letter forwarded on 05/06/04	This is the special district reform legislation. This bill failed to pass the Senate committee on Appropriations. The Senator has made it very clear that this is not the last of this type of language in a bill. She has vowed to bring this back next session. ACWA is seeking an author to sponsor a version of this bill at the next session.

	travel and per diem expenses to that authorized for state employees and restricts retirement benefits to directors who take office on or after January 1, 2005. These directors are allowed to participate in life insurance and health and welfare benefits on a self-pay basis.			
SB 1374 Machado	Water transfers: third-party impacts. This bill would require that the State Water Resources Control Board also consider third-party impacts in its consideration of a water transfer petition. With regard to that determination, and subject to a certain exception, the bill would prohibit the board from approving the petition unless it finds that the petitioners have met prescribed conditions relating to potential third-party impacts. The bill would require the board to accept and consider evidence that the proposed transfer neither avoids nor mitigates all likely significant negative third-party impacts. The bill would authorize the board to develop and adopt an abbreviated process to approve long-term transfers that it determines are least likely to negatively affect third parties.	Int. 02/13/04 Location: Assembly Water, Parks & Wildlife (06/01/04) Status: Held in committee without recommendation (author could not get a second to a motion to bring the bill to a vote.)	Staff Rec: Watch ACWA: Oppose	The bill takes the California Environmental Quality Act (CEQA) model for identifying, evaluating and mitigation potential significant effects on the environment and would apply it to the analysis of the potential third-party impacts that could result from a long-term water transfer. ACWA believes that the bill potentially opens a Pandora's box by creating a new litigation tool to be used against water transfers.
SB 1479 Sher	California regional water quality control boards: membership. This bill would reduce the membership of a regional board to from 9 to 5 by combining the representations of irrigated agriculture and industrial water use into one seat and eliminating the requirement for 3 persons not specifically associated with prescribed categories.	Int. 02/19/04 Status: Returned by Governor at request of Senate. Held at desk (08/26/04)	Staff Rec: Watch ACWA: Favor	Combining the representations of irrigated agriculture and industrial water use into one seat on the board could decrease the representation from the water industry. No direct impact on WRD.



MEMORANDUM

ITEM NO. IV

Prepared by: Adeline M.L. Yoong

Reviewed by.

DATE: SEPTEMBER 23, 2004

TO: EXTERNAL AFFAIRS COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: ULTRA-LOW FLUSH TOILET (ULFT) DISTRIBUTION PROGRAM

SUMMARY

The Central/West Basin Municipal Water Districts have jointly submitted a letter requesting the participation of the WRD as a financial partner in their Ultra-Low-Flush (ULF) Toilet Program for FY04-05. Specifically, the two Districts are requesting that the WRD contribute up to \$150,000 towards the conservation program which will increase the quantity of ULF toilets from 500 to 750 toilets at each distribution.

The WRD participated in this program in FY01-02 as a financial partner by contributing \$96,250 towards this program. During that period, the WRD participated in several toilet distributions, including programs in South Gate, El Segundo, Norwalk, Inglewood, Lakewood and at Garfield High School in East Los Angeles, where a health fair was held in conjunction with the ULF toilet distribution. A WRD staffmember attended the events and gave away promotional items to the public. The WRD did not continue its participation as a financial partner the following year and thereafter.

These distribution events give the WRD opportunities to meet local residents and receive favorable exposure. Contribution by the WRD towards this program will allow for the distribution of additional ULFTs and increased conservation of water in the area.

FISCAL IMPACT

Expenses will include the purchase of additional promotional items, as well as the financial contribution of up to \$150,000 as a financial partner. Funds for this program have not been allocated in the FY04-05 External Affairs budget.

STAFF RECOMMENDATION

For discussion.



MEMORANDUM

ITEM NO. V

Prepared by: Adeline M.L. Yoong

Reviewed by.

DATE: SEPTEMBER 23, 2004

TO: EXTERNAL AFFAIRS COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: CONSERVATION PROGRAM

SUMMARY

Staff was directed to research the feasibility of distributing low flow showerheads. A verbal presentation will be provided regarding the findings

FISCAL IMPACT

The cost of low flow showerheads will be provided at the Committee meeting. Funds to purchase promotional items have been allocated in the FY04-05 External Affairs budget.

STAFF RECOMMENDATION

For discussion.



MEMORANDUM

ITEM NO. VI

Prepared by: Adeline M.L. Yoong

Reviewed by:

DATE: SEPTEMBER 23, 2004

TO: EXTERNAL AFFAIRS COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: CENTRAL VALLEY PROJECT TOUR

SUMMARY

Director Murray has directed staff to organize a tour of the Central Valley Project (CVP.) The CVP is a long-term federal plan for the use of the water of the Sacramento River basin in the north for the benefit of the San Francisco Bay Area, the farmlands of the San Joaquin Valley, and other metropolitan areas in the south. The project was undertaken by the U.S. Bureau of Reclamation in 1935.

The CVP's concerns are flood control; improvement of navigation on Central Valley rivers; the development of hydroelectric power, irrigation, and municipal and industrial water supply; protection of the Sacramento-San Joaquin River Delta from seawater encroachment; and the protection and enhancement of fish and wildlife.

The Project plans encompassed thirty-five counties in an area about 500 miles long and 60 to 100 miles wide, making it the largest Reclamation project. The CVP contained some of the country's largest dams, Shasta and San Luis among them. Reclamation intended Auburn Dam, on the American River, to be the largest on the Central Valley Project, but political turmoil left the dam incomplete and in limbo.

Staff has been in contact with Reclamation staff regarding the coordination of such a tour. Reclamation has indicated its availability for a tour during the week of October 25.

FISCAL IMPACT

An estimate of the expenses for the tour will be presented at the Committee meeting. Funds for this tour were not budgeted for FY04-05.

STAFF RECOMMENDATION

For information.



MEMORANDUM

ITEM NO. VII

Prepared by: Evelyn Fierro

Reviewed by:

DATE: SEPTEMBER 23, 2004

TO: EXTERNAL AFFAIRS COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: UPDATE: WRD 45TH ANNIVERSARY

SUMMARY

November 17, 2004 will mark the 45th Anniversary of the WRD. On that day in 1959, the election results were certified approving a new water district responsible for the management of the Central and West Coast Groundwater basins.

As you are aware, the Office of External Affairs is developing a number of events to mark the occasion. These items include:

- November 17th Board meeting to be held at location (TBD).
- Announce that Board meetings will be held in each of the divisions (every 5th meeting). Staff is developing a list of possible sites.
- Press announcement regarding the upcoming Anniversary.
- Launching Education Program featuring a Water Mobile.
- Speakers Bureau: Announcement of new WRD presentation, "The Water World of Southern California" (to be developed).
- Anniversary issue of the WRD newsletter (exploring costs for one full-color issue).
- Unveiling a newly designed WRD website, noting "45 years of service."
- Special Promotional WRD Glass with the words, "Celebrating 45 years of Service."

FISCAL IMPACT

Staff is exploring the financial costs and will make a report during the External Affairs Committee meeting

STAFF RECOMMENDATION

For information.



MEMORANDUM

ITEM NO. VIII

Prepared by: Abbie Andom

Reviewed by: Tina Graham

DATE: SEPTEMBER 23, 2004

TO: EXTERNAL AFFAIRS COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: LONG BEACH AREA NAACP AWARDS BANQUET

SUMMARY

A request was received from Frank Clark of the Long Beach Area NAACP regarding participation at their Awards Banquet on October 15, 2004. The District had participated at last year's event with the purchase of a table.

Additional information will be provided to the Committee at the meeting.

FISCAL IMPACT

Unknown.

STAFF RECOMMENDATION

For discussion and possible action.



MEMORANDUM

ITEM NO. IX

Prepared by: Adeline Yoong

Reviewed by:

DATE: SEPTEMBER 23, 2004
TO: EXTERNAL AFFAIRS COMMITTEE
FROM: ROBB WHITAKER, GENERAL MANAGER
SUBJECT: DEPARTMENT REPORT

SUMMARY

Staff will provide an update of department activities.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

For information.



External Affairs Department Activities Report (August/September)

Compiled September 16, 2004

Government Affairs

- Staff is planning a quarterly briefing for staff of WRD elected offices. The kick-off meeting will be held on October 5, 2004.
- Conducted hydrogeological briefing of the Pemaco Superfund site in Maywood for the office of Congresswoman Roybal-Allard. Attended community meeting on the superfund site as requested by the Congresswoman.
- A hydrogeological briefing of the Pemaco Superfund site in Maywood is also being scheduled for Speaker Nunez's office.

Public Outreach

WRD Groundwater Tour Program

- The next groundwater tour is set for Sept. 28. Staff is also working to confirm a date, probably late October, for another tour.

Educational Partnership Program

- Staff has completed work on upgrading the educational outreach program. This will include participating in school visits, after school programs and recreational programs held at county and city parks.

Speakers Bureau

- Staff made presentations to a community group in Whittier and to a service organization in Montebello. Additional presentations for civic and senior groups are scheduled in September and October.
- Staff is preparing for two-day conference at the League of California Cities event in Long Beach, Sept. 16-18. WRD will have an exhibit booth at the conference.

Media Relations

- Met with Mike Sprague of the *Whittier Daily News*
- Staff is working on news articles for the anniversary issue of the WRD newsletter
- Planning Anniversary coverage.
- Conducted a tour for journalists from the Signal Hill Tribune. The newsletter published a positive feature story on the WRD. Story was faxed to Directors.

Miscellaneous

- Providing support and oversight on WRD website development.
- Staff attended monthly meeting of the Whittier Narrows Nature Center project
- Staff has been in communications with the environmental group, "Environment Now," which wants to attend a WRD tour.



MEMORANDUM

ITEM NO. X

Prepared by:

Reviewed by:

DATE: SEPTEMBER 23, 2004
TO: EXTERNAL AFFAIRS COMMITTEE
FROM: ROBB WHITAKER, GENERAL MANAGER
SUBJECT: CREATIVE DEVELOPMENT

SUMMARY

Staff will provide an oral presentation.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

For information.