

**Dec. 15, 2015
Issue #104**

Local Government Statement Regarding Filing of California Water Conservation, Flood Control and Stormwater Management Act

Measure Would Establish a New Optional Funding Method Local Agencies Can Use for Stormwater Management and Flood Control Projects and Establishment of Rates to Encourage Conservation and Protect Low-Income Customers

On Monday, Dec. 14, the Association of California Water Agencies, the California State Association of Counties, and the League of California Cities® filed a constitutional amendment with the Attorney General's office. The measure would create a new, optional funding method local agencies can use to finance stormwater management and flood control projects, set rates for customers to encourage conservation and reduce water and sewer bills for low-income customers. The measure includes strict accountability and transparency requirements for any local agency that chooses to avail itself of this new funding method. *For more, see Page 2.*



New FAA Regulations Require Registration for Recreational Drones

The Federal Aviation Administration (FAA) [announced](#) on Dec. 14 a new requirement in federal law requiring registration of all model aircraft, including recreational drones. It is reportedly a user-friendly web-based registration process. Under the new federal rule, anyone who operated a drone, or unmanned aircraft system (UAS) before Dec. 21, 2015, is required to register by Feb. 19, 2016. Owners of any drone or UAS purchased after Dec. 21 must register before their first flight outdoors. *For more, see Page 3.*



Registration is Now Open for the Public Works Officers Institute in Sacramento

Don't miss the opportunity to register early and secure your spot for the 2016 Public Works Officers Institute and Expo scheduled March 9-11 at the Hyatt Regency Sacramento. *For more, see Page 4.*

The following statement can be attributed to ACWA, CSAC and the League:

"California's historic drought and the likelihood of more severe droughts and heavy floods make it critical for local communities to have the tools needed to meet 21st century water management challenges. Those tools will help agencies to further encourage conservation and discourage excessive use of water; effectively capture, clean and eliminate pollution from local water sources; better protect people and property from the dangers of floods; and assist low-income customers.

"This measure recognizes current water realities and would create a new optional funding method local governments can use at their sole discretion to establish conservation pricing, to finance flood control and stormwater management, and to reduce charges for low-income consumers. To protect taxpayers, the measure includes a robust set of new accountability requirements for any local agencies that choose to utilize this new funding method.

"We have filed this measure in the hopes of advancing the discussions toward a viable policy solution in 2016. We will make a determination if we plan to proceed with this measure or some other policy solution in the coming months."

Information about the California Water Conservation, Flood Control and Stormwater Management Act:

- Constitutional amendment would establish a new, optional funding method that authorizes local agencies to:
 - Set rates for customers to encourage water conservation, prevent waste and discourage excessive use of water;
 - Levy fees and charges, subject to ratepayer protest, for flood control and for management of stormwater to protect coastal waters, rivers, lakes, streams, groundwater and other sources of drinking water from contamination; and
 - Use fees and charges to reduce water and sewer fees and charges for low-income customers.
- Any local agency that utilizes this optional funding method for water service and sewer service would be required to adhere to **strict accountability, transparency and ratepayer protections**. This includes:
 - Providing local ratepayers with a description of the services and facilities projected to be funded by any proposed fee or charge in advance of any public hearing or consideration of the fee or charge;
 - Posting the description of the proposal on the agency's Internet website with all applicable exhibits;
 - Providing local ratepayers a notice of the date and time of the public hearing the local agency will hold on the proposed fee and charges;
 - If written protests against the fee or charge are presented by a majority of persons to whom the local agency sent the notice about the proposal, then the local agency shall not impose, increase or extend the fee or charge;
 - All money must be spent for the local purpose for which the fee or charge was imposed and cannot be taken by state government;
 - Revenues derived from the fee or charge shall not exceed the reasonable cost to the local agency of providing the water or sewer service or be used for any purpose other than that for which it was imposed;
 - The manner in which the costs are allocated to a fee payer shall bear a fair or reasonable relationship to the fee payer's burden or benefits received from the water service or sewer service;
 - The initiative power of voters may be used to repeal or reduce the fee or charge in the future with the filing of a petition calling for an election on the question; and

- Independent annual audits shall be made available to the public showing how all funds are spent.
- This new, optional funding method will allow local agencies to invest in the water supplies, water quality, flood protection and water management and conservation programs we need, while guaranteeing a high level of accountability and ratepayer protections.

'Drones' Continued from Page 1...

Owners and operators can register at www.faa.gov/uas/registration. A registration fee of \$5.00 must be paid, but it will be waived for the first 30 days — until Jan. 20, 2016. In addition, drones will have to display a unique identifier, a registration number issued by the FAA. Registrants will need to provide their name, home address and e-mail address. Upon completion of the registration process, the web application will generate a Certificate of Aircraft Registration/Proof of Ownership that will include a unique identification number for the UAS owner, which must be marked on the aircraft.

These new regulations, while helpful, may not go far enough to adequately address the hazards and potential for misuse that drones represent. For example, registration is largely voluntary on the part of drone operators, and, for drones purchased after Dec. 21, registration is not required at the time of purchase or point of sale.

While registration is required prior to the operation of a drone in the national airspace, it is difficult to see how such a requirement will be enforced absent a point of sale registration requirement. In addition, there is no requirement that drone operators provide the FAA with the serial number assigned their drone by its manufacturer. This raises doubts about the effectiveness of the FAA's response, given the scope of the abuse of this technology that has occurred over the past two years.

FAA Enforcement

The Unmanned Aircraft System Registration Task Force, which made a series of recommendations leading to the new FAA regulations, considered the difficulties posed by enforcement, and the limitations of both the FAA and local law enforcement agencies. The FAA's primary enforcement mechanism will be outreach and education, which will likely be web-based (see "What's Required" below). However, the FAA may also employ administrative action or legal enforcement action to gain compliance with the new requirements.

Existing federal law already provides civil penalties of up to \$27,500 for failure to register, and corresponding criminal penalties including fines of up to \$250,000 under 18 U.S.C. 3571 and/or imprisonment up to three years under 49 U.S.C. 46306. However, under the new regulations there is no systematic mechanism to alert authorities as to who has and has not registered.

Why Yet Tighter Regulations May Be Urgently Needed

The Consumer Technology Association, a trade group, estimates that 400,000 drones will be sold this holiday season in the United States. Given the many safety hazards they pose and the current lack of comprehensive regulations and enforcement provisions to make them meaningful, many states, including California, may take the initiative and pursue enforcement legislation, notwithstanding potential conflicts with federal law.

During 2015 alone, several incidents underscore the urgent need for tighter regulations: the 19 occasions during wildfire season in which drones illegally operating in restricted airspace forced the grounding of firefighting aircraft nationwide; the increasing incidents of drones illegally operating near airports, inside the prohibited 5-mile radius, and often dangerously close to commercial airliners; and finally the near-collision that occurred between a California Highway Patrol (CHP) helicopter and a drone over a highway in Martinez on the evening Dec. 5, avoided only due to evasive action on the part of the CHP pilot.

What's Required of Drone Operators

One problem is that many drone operators are ignorant of the applicable rules. In an effort to help the public understand what is required of not only recreational drone operators, but also commercial and public agency users of unmanned aircraft systems, the FAA has also launched a [website](#) containing information on the federal requirements, including the many safety guidelines.

'Public Works' Continued from Page 1...

This important event is for professionals of all career levels, this institute offers education on the latest developments in public works, leadership, managing transportation, infrastructure, water, waste programs and more.

Full conference registration includes admission for:

- Two and a half days of important educational sessions which kicks off with a general session with journalist Dan Walters;
- Wednesday reception with expo, Thursday breakfast and lunch, and Friday breakfast; and
- Electronic access to all program materials.

Register [online](#) by Tuesday, Feb. 16. The full announcement, schedule and complete session information will be mailed next week.

If you have any questions, please contact [Brian Sanders](#) at (916) 658-8238.
