**ENVIRONMENTAL QUALITY POLICY COMMITTEE**
**Thursday, January 14, 2021**
**1:30 pm – 4:30 pm**

**Register for this meeting:**
https://zoom.us/j/95987488848?pwd=N3JXd2t2SjNPNEVQTEVpMDI1U2NkUT09
Immediately after registering, you will receive a link and confirmation email to join the meeting.

## AGENDA

**I. Welcome and Introductions**
*Speakers:* *Chair Chris Rogers, Council Member, City of Santa Rosa;*
*Vice Chair David Pollock, Council Member, City of Moorpark*

**II. Public Comment**

**III. General Briefing** *(Handout)* *Informational*

**IV. Overview of Parliamentary Procedure and Roberts Rules** *(Attachment A)* *Informational*

**V. Committee Orientation** *(Attachment B)* *Informational*
Hear information regarding the work of the committee and the important roles of committee members and staff.

**VI. Existing Policy and Guiding Principles** *(Attachment C)* *Informational*
Review Cal Cities' existing policy and guiding principles.

**VII. Cal Cities 2021 Strategic Priorities** *(Attachment D)* *Informational*
Learn about Cal Cities' 2021 strategic goals, as adopted by the Cal Cities Board of Directors.

**VIII. Adoption of 2021 Work Program** *Action*
In order to understand the committee members' interests and inform what they would like take action on or learn more about this year, please fill out this three-minute survey in advance of our meeting.

**IX. Local Climate Initiatives Discussion** *Informational*
Open forum and discussion opportunity for committee members to share one action that their city has done to address an issue related to our Environmental Quality policy committee.

**X. Legislative and State Budget Update** *(Attachment E)* *Informational*
*Speaker:* *Derek Dolfie, Environmental Quality Legislative Representative, League of California Cities*

**XI. Adjourn**

**Next Virtual Meeting: Thursday, April 15, 2021, 1:30 pm – 4:30 pm**

*Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:*

*1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*

*2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

*A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.*

# Parliamentary Procedure Basics Relating to Cal Cities Policy Committees

*(adapted from Robert's Rules of Order Newly Revised[1])*

*Note: This document is designed to provide practical examples of common procedural matters encountered by Cal Cities policy committees. It strives to provide guidance to foster productive and efficient meetings; it is not meant to be an exhaustive or comprehensive discussion of Robert's Rules. As always, it is the role and discretion of the chair to provide helpful guidance to individuals that may digress from the appropriate form and substance related to the conduct of meetings and the presentation of motions and other procedural matters set forth below.*

## I. COMMON MOTIONS

1. **Main Motions**
   *Purpose:* To introduce items to the committee for their consideration.
   *Example: "I move the staff recommendation to support AB 123."*

2. **Motion to Amend**
   *Purpose:* Retains the main motion under discussion, but changes it in some way.
   *Example: "I move to amend the (presented main) motion to support AB 123 if amended."*

   **"Friendly" Amendments**
   *Purpose:* To offer an amendment to the main motion that is still supportive of the main motion.
   *Example: If there is currently a motion to support AB 123 on the floor and a committee member makes a "friendly" amendment to support AB 123 and also request that staff report back after contacting the sponsor for clarification on specific language.*

   *Note:* This is commonly mishandled procedurally. Often the individual that seeks to offer the "friendly" amendment will inquire if the maker of the original motion will "accept" the amendment, and if so the chair will treat the motion as amended. This is not the proper way to handle such an amendment. It is not the discretion of the mover of the original motion (or the chair) to accept or decline the amendment, rather it must be adopted by the committee.
   However, if it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is "any objection" to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member objects, however, the amendment is subject to debate and vote like any other, regardless of whether its proposer calls it "friendly" and regardless of whether the maker of the original motion endorses its adoption.

3. **Substitute Motion**
   *Purpose:* Removes the motion under discussion and replaces it with a new motion.

[1] Additional information relating to Robert's Rules of Order is available at: www.robertsrules.com.

*Example: When there is a main motion on the floor to support a bill, a substitute motion would be, "I move a substitute motion that the committee oppose AB 123."*

**Addressing Multiple Motions**

The following examples provide guidance relating to how multiple motions are handled, and the impact failed substitute motions have on original (main motions) and any proposed amendments. The last motion presented should be considered first.

*Note: Substitute motions commonly occur during policy committee meetings, yet Robert's Rules does not make a distinction between motions to amend and substitute motions. However, motions to amend must be considered prior to a main motion. Because the use of "substitute" motions is fairly widespread, the label as it is reflected in practice is used in the examples below. Rosenberg's Rules of Order[2] do reference substitute motions and their impact is also reflected below.*

***Example 1***

*Committee Member 1: "I move that we support AB 123."*
*Committee Member 2: " I move that we support AB 123, if amended."*
*Committee Member 3: "I move a substitute motion that we oppose AB 123."*

**Characterizing the Motions:**

In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made an *amendment* to Committee Member 1's motion.
Committee Member 3 has made a *substitute* motion to Committee Member 1's motion.

**Order for Consideration and the Possible Outcomes**

Committee Member 3's motion is considered first. If Committee Member 3's motion *fails*, Committee Member 2's motion will be considered next. If Committee Member 2's motion *fails*, Committee Member 1's motion will be considered. If Committee Member 2's motion *passes*, there is no need to consider Committee Member 1's motion.

If Committee Member 3's motion *passes*, there is no need to consider Committee Member 1 's motions because Committee Member 3's motion replaces Committee Member 1's original motion. There is also no need to consider Committee Member 2's motion since it is an amendment to Committee Member 1's motion that has been replaced by Committee Member 3's substitute motion.

***Example 2***

*Committee Member 1: "I move that we support AB 123."*
*Committee Member 2: "I move a substitute motion that we oppose AB 123."*
*Committee Member 3: "I move that we oppose AB 123 unless amended."*

**Characterizing the Motions**

In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made a substitute motion to Committee Member 1's motion

[2] Additional information relating to Rosenberg's Rules of Order is available at: http://www.cacities.org/resource_files/22486.ParliamentaryRevised.pdf

Committee Member 3 has made an amendment to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

**Reviewing the Possible Outcomes**
Committee Member 3's motion should be considered first. If the motion *fails*, Committee Member 2's motion is considered.
If Committee Member 2's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 2's motion substitutes for it.

If Committee Member 3's motion *fails*, Committee Member 2's motion is considered. If Committee Member 2's motion *fails*, the substitute motion for Committee Member 1's motion fails, and Committee Member 1's motion is considered.

If Committee Member 3's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 3's motion substitutes for it.

***Example 3***
*Committee Member 1: "I move that we support AB 123."*
*Committee Member 2: "I move a substitute motion that we oppose AB 123."*
*Committee Member 3: "I move a substitute to the substitute motion that we take no position on AB 123."*

**Characterizing the Motions**
In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made a substitute motion to Committee Member 1's motion
Committee Member 3 has attempted to make a substitute to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

**Reviewing the Possible Outcomes**
While procedurally permissible, in an effort to avoid confusion Committee Member 3's motion should *not* be entertained by the chair until Committee Member 1 and Committee Member 2's motions have been discussed and voted upon.

Committee Member 2's motion should be considered first. If the motion *fails* Committee Member 1's motion is considered. If Committee Member 1's motion *fails*, then Committee Member 3's may make the motion to "take no position on AB 123."

If Committee Member 2's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 2's motion substitutes for it.

4. **Motion to Withdraw**
*Purpose:* To withdraw an item from discussion.

*Making the Motion to Reconsider:* Only the individual that made the initial motion can make a motion to withdraw an item from discussion. The individual may interrupt a speaker (after being recognized by the chair) to withdraw the motion under discussion at any time.

*Note:* This type of motion typically occurs following some debate by the committee that may provide additional information that influences the mover to reconsider

continued debate on the original motion presented. Another member may subsequently make the same motion after it has been properly withdrawn.

*Example: "Madame Chair, I move to withdraw my motion to support AB 123."*

5. **Motion to Reconsider**
*Purpose:* To revisit discussion of an issue.

*Making the Motion to Reconsider:* A motion to reconsider must be made by an individual that previously voted in the majority of the original motion. A motion to reconsider made by an individual that previously voted in the minority must be characterized as out of order.

*Timing:* A motion to reconsider must be made at the same meeting where the original motion was discussed, or the next meeting of the body. Motions for reconsideration following the next meeting are out of order.

*Example: "I move to reconsider the committee's position to support AB 123."*

6. **Motion to Table**
*Purpose:* This motion is often used in the attempt to "kill" a motion by setting it aside. The option is always present, however, to "take from the table," for reconsideration by the committee.

*Note:* This type of motion should be reserved to temporarily set an item aside if agreed upon by a majority of the committee to take up an item of immediate urgency. However, in practice it is sometimes used as an option to end debate and prevent a vote, and not typically to take up an item of immediate urgency. This is technically improper procedure (or out of order) under Robert's Rules.

*Example: "I move that the committee table the motion to support AB 123."*

7. **Call for the Question**
*Purpose:* To refocus the committee on the agenda in the event there is sentiment that the discussion has drifted. The individual seeking to end debate must first be recognized by the Chair, make the motion and the motion must receive a second. The motion must be adopted by a 2/3 vote or unanimous consent.

*Example: "I move the previous question."*

*Note:* The above procedure is consistent with Roberts Rules, however, in practice when an individual calls for the question a vote is not usually taken. The motion simply serves as an indicator to the chair that the debate may have drifted from the agenda, and the chair should remind the committee to return to the agenda. If there is a sense that the current discussion is productive the chair may elect to ask for a vote relating to the motion to call for the question, or the chair may propose continued discussion for some short period to allow individuals that wish to speak the opportunity.

8. **Motion to Appeal**
   *Purpose:* To appeal a ruling made by the chair. A committee member may move to appeal a ruling by the Chair, but it must be seconded and receive a majority vote to be reversed.

   *Example: "I move to appeal the Chair's ruling that the committee approved support of AB 123."*

9. **Adding an Item to the Agenda for Consideration**
   *Purpose:* To have the committee discuss an item that is not on the prepared agenda before them. Because the Cal Cities is committed to complying with the legal requirements and spirit of the Brown Act additional agenda items may be considered only if they fall within any of the below exceptions:

   - An item may be added to the agenda by circulation to the committee members and posting on the Cal Cities website at least 72 hours prior to the meeting.

   - An item may be placed on the agenda at the meeting if the majority decides that it is an "emergency situation." An emergency situation includes work stoppage, crippling disaster, or any other activity that impairs public health safety or both.

   - Two-thirds of the committee members present (or all of the members if less than two-thirds are present) must determine that there is a need for immediate action, and the need to take action arose subsequent to the circulation of the agenda.

   If an item does not fall within one of these exceptions it may not be discussed and acted upon, but may be added to a subsequent agenda.

*Note: This procedure is typically used when there is a supplemental agenda that is distributed at the meeting that was not mailed to the committee prior to the meeting.*

## II. OTHER ITEMS

1. **Point of Privilege**
   *Purpose:* To draw attention to an item that interferes with the comfort of the meeting.

   *Example:*
   *Committee Member: "Point of privilege."*
   *Chair: "State your point."*
   *Committee Member: "Madame Chair, may we inform the hotel staff that the room is uncomfortably hot and request that the air conditioning be adjusted."*

2. **Point of Order**
   *Purpose:* To draw attention to inappropriate conduct at the meeting.

   *Example:*
   *Committee Member: "Point of order."*
   *Chair: "State your point."*
   *Committee Member: "Madame Chair, the motion was approved without opportunity for debate."*

3. **Public Comment**
   In the spirit of the Brown Act an opportunity for public comment is included on all agendas. The chair should exercise discretion in determining the appropriateness and extent of public comment during committee meetings setting reasonable limits as needed.

## III. HOW TO PRESENT A MOTION

1. Obtain the floor by raising your hand and wait to be recognized by the chair.
2. Make your motion.
    a. Speak clearly and concisely.
    b. Always state a motion affirmatively. For example, "I move the staff recommendation that we support AB 123..." rather than, "I move that we do not take a position ...".
    c. Avoid comments unrelated to the subject of the motion.
    d. Avoid making any arguments supporting your motion at this time, simply state the motion.
3. Wait for someone to second your motion.
4. Another member will second your motion or the chair will call for a second.
5. If there is no second to your motion it is lost and no vote will be taken by the committee.
6. If there is a second to your motion the chair should re-state the motion, or ask Cal Cities staff to re-state the motion.
    a. The chair will say, "it has been moved and seconded that we ..." This places the motion before the committee for consideration and action.
    b. The committee then either debates the motion or may move directly to a vote.
    c. Once a motion is presented to the committee by the chair it becomes "committee property," and cannot be changed by the maker of the motion without the consent of the committee.
7. At this point the individual making the initial motion (the mover) may elect to expand on the motion. For example, this would be the appropriate time for the mover to present an argument in support of the motion.
8. The chair should always recognize the mover first.
    a. All comments and debate must be directed to the chair.
    b. Keep to the time limit (if any) for speaking that has been established.
    c. The mover may speak again only after other speakers are finished, unless called upon by the chair.
9. Putting the Question to the Committee
    a. The chair asks, "Are you ready to vote on the question?"
    b. If there is no more discussion, a vote is taken on the motion.
    c. If the motion passes, the committee moves on to the next item on the agenda.
    d. If the motion fails, and no other motion is on the floor, then a new motion is in order.

*Note: If a motion to support AB 123 fails, this does not mean that there is opposition to AB 123 by default. A separate motion to oppose AB 123 or some other formal motion must be made and voted on by the committee.*

## IV. VOTING ON A MOTION

1. **Voting is Conducted by Voice**
   The chair asks those in favor to say, "aye," those opposed to say "no." If the outcome is unclear by voice, a hand vote may be taken. Any member may move for an exact count. Following the vote, the chair should announce the outcome.

   *Example:*
   *Chair: There is a motion and a second to support AB 123. All those in favor say, "aye." All those opposed say, "no." If the outcome by voice is clearly in support the chair would announce that, "The motion to support AB 123 passes." If the outcome results in opposition to the motion, the chair would announce that, "The motion to support AB 123 fails." If the outcome is unclear the chair, or another member may ask for a hand count.*

## V. QUORUM

1. **Presumption of a Quorum**
   The presence of a quorum is *presumed* unless the issue is raised.

   *Note: It is not necessary, and is disfavored for the chair to routinely begin a meeting inquiring about the presence of a quorum.*

2. **Calculating the Presence of a Quorum**
   If the issue of whether a quorum is present is raised, a quorum consists of a majority of all appointed, voting members of a policy committee. A majority simply means more than half, not fifty percent plus one.

3. **Votes Taken Prior to the Question of Whether a Quorum is Present Are Valid**
   If a vote(s) is taken prior to the question of whether a quorum was present is asked, and it is later determined that a quorum was not present when the vote(s) was taken, the action taken is still valid.

4. **Votes Taken in the Absence of a Quorum are Advisory**
   A vote may be taken on matters *even if a quorum is not present*, but all votes taken by that body will be *advisory* to the Cal Cities Board or the General Resolutions Committee, and the Board or the General Resolutions Committee must be advised that a quorum of the body was not present. The vote count should also be noted and communicated.

# HOW CAL CITIES POLICY COMMITTEES WORK

**Role and Responsibility of Committee Members**
The strength of Cal Cities policy process and ability to effectively engage in the legislative process is based on the active involvement of and the expertise of city officials. We rely on your technical and policy knowledge, thoughtfulness, strategic thinking, and political savvy**.** Your role is to engage in thoughtful discussions at the meeting. Members should review the agenda and background material prior to the meetings, attend each meeting, and stay for the entire duration of the meeting.

Cal Cities has seven (7) policy committees, each with their own subject matter jurisdiction. Each policy committee plays a role in directing Cal Cities engagement at the local, state, federal, and regulatory levels by adopting positions on relevant policy. These recommendations are then referred to Cal Cities Board of Directors. Once approved, these positions are adopted as formal League policy and become part of Cal Cities compilation of existing policy entitled, "*Summary of Existing Policy and Guiding Principles*" (Summary). This document will be updated in April 2020 and every two years thereafter. The Summary, in its entirety, is located on Cal Cities Web site at www.cacities.org/advocacy. Individual sections are located on each policy committee's Web page, which are available at www.cacities.org/polcomm.

**Policy Committee Legislative Agenda Items**
League policy committees review bills or regulatory proposals on issues for which Cal Cities does not have existing policy, or for which staff members feel a policy discussion needs to occur for greater clarity or background on an issue. Staff will lobby legislation, funding proposals, or regulatory changes where existing policy provides clear direction.

**Committee Recommendations on Positions on Bills**
The committee's actions or positions are a recommendation to Cal Cities Board of Directors for a formal League position. Possible committee recommendations can be:

- Support
- Oppose
- Support-if-amended (as appropriate, specific amendments may be requested)
- Oppose-unless-amended (as appropriate, specific amendments may be requested)
- No position
- Neutral

There are nuanced differences between some of these positions. For example, "*support-if-amended*" sends a very different message than "*oppose-unless-amended.*" Both positions might seek the same change but the support-if-amended position means that Cal Cities would be listed with the "supporters" of the bill in most legislative analysis. In addition, *"no position"* and *"neutral"* have different meanings and require different actions from staff. Selection of one or the other depends in part upon what type of message or political posture Cal Cities needs to take. Staff will advise the committee about the implications of each on a case-by-case basis.

**Approval by League Board Needed for All Committee Recommendations**
All committee actions are recommendations to Cal Cities Board, which has the final say on all positions. Under no circumstances are individual committee members nor the committee itself authorized to speak on behalf of Cal Cities. When a committee action is supported by a large majority (e.g., 32 to 3), the recommendation is placed on the Board's consent calendar. When the committee vote is split (e.g., 15-13), the item will be presented as an action item for the Board's discussion. Staff will also provide information about the reasons behind the committee's recommendation to the Board.

Most of the time, the Board adopts the recommendation of the policy committee. When the Board adopts a different position, staff will notify the committee members of the reason for the different position.

Some issues cut across more than one committee. When this occurs, staff will coordinate and bring a bill to more than one committee for review and recommendation. The recommendations are then forwarded to Cal Cities Board and if there is a different recommendation, Cal Cities Board resolves the difference.

**Role of the Committee Chair**
The chair's role is to balance the often competing needs of the membership to have a full and thoughtful discussion on the issues within the very real time constraint. The chair will often limit debate – either in the number of speakers or the amount of time each speaker has – in order to ensure that we can move ahead on our agenda and cover the items included. We ask that when you make comments on issues before the committee that you be brief and concise and that you not repeat what has already been stated. Also, if you have already spoken on an issue, the chair may ask you to hold your comments until after new speakers are able to share their comments.

**Committee Schedule and Process**
Committees generally meet three times a year (January in Sacramento, April in Anaheim, and So. San Francisco in June), plus an abbreviated meeting at the Annual Conference (October in Long Beach) to review resolutions if any are assigned to it. (The October meeting schedule will be announced in mid-August). Meetings begin at 10:00 a.m. and conclude by 3:00 p.m. and are scheduled on Thursdays and Fridays. **Please note that each policy committee will rotate which day it will occur on a yearly basis, so plan accordingly prior to submitting future applications.**

**Agendas/Disseminating Information**
A meeting notice is emailed to committee members about a month to six weeks in advance of the meeting, containing travel and logistical information. An agenda packet is emailed at least one week before a meeting and also sent via e-mail. Highlights that summarize committee actions are prepared by staff and provided to committee members about two to three weeks after the meetings. All materials are also available on Cal Cities Website: www.cacities.org/polcomm.

We encourage you to visit Cal Cities Web site: www.cacities.org. In addition to containing committee materials, the Website contains information on Cal Cities priorities and a link to track individual bills and Cal Cities position on them. You should also subscribe to Cal Cities electronic newsletter *CA Cities Advocate*.

For meetings that are heavy in legislative review (generally in April and June), staff will try to find a balance between getting the agenda packet out early and the need to delay finalizing the agenda packet in order to include as many legislative items as possible and in their most current version. At some meetings, staff may use a supplemental agenda for last minute legislative issues. We will use e-mail as appropriate to send out late-breaking information or to gather committee input throughout the year. It is important that we have your preferred e-mail.

**How to Get an Item on the Agenda**
Because staff prepares background material in advance of the meeting, and prepares the agenda in consultation with the Chair and Vice Chair, it is difficult to add items at the last minute. In addition, Cal Cities tries to comply with the spirit of the Brown Act in its meetings. If you wish to have the committee discuss an item, you should contact staff well in advance of the meeting in order to determine the feasibility of including it on the agenda, and if so, allow staff time to prepare the appropriate background material. Because of time constraints and a full work program before the committee, it may not always be possible to respond to such requests.

**Issues Should Have Statewide Impact**
Although some of you may represent your division, your department, your affiliate organization, or simply yourself, we should all keep in mind that Cal Cities must address issues of statewide impact and interest. Thus, while an issue or bill may be of interest to your city or region, if it does not have broader, statewide implications, Cal Cities likely will not engage in that policy discussion or take a position. You should keep this in mind if you wish to suggest an item for discussion.

**Brown Act and Roberts Rules of Order**
Cal Cities tries to comply with the spirit of the Brown Act. Thus, when the committee discusses items not already on the agenda (e.g., supplemental legislative agenda), the Chair will ask for a vote of approval to add that item to the agenda. Cal Cities also follows Roberts Rules of Order and provides a brief overview of key procedural steps in Roberts Rules as they apply to committees.

**Staffing for Committee**
Each committee has a staff lobbyist assigned to it. This individual is your main point of contact for logistics or questions about the agenda. Generally, each lobbyist has a “main” committee and will remain with the committee throughout the meeting. Occasionally he/she may leave the meeting to make guest appearances in other committees to discuss issues or bills. Additional staff may also be present to support the committee’s work.

**League Partners and Other Guests**
Cal Cities Partners have the ability to appoint up to two non-voting representatives to each policy committee and are seated at the table with other committee members. In addition, city officials, other members of Cal Cities Partners Program, and interested members of the public are welcome to attend the meetings. We provide an opportunity for our League Partners and other members of the public to offer comment on items before the committee during the designated public comment period on the agenda.

# Environmental Quality

## *Scope of Responsibility*

The Committee on Environmental Quality reviews issues related to air, water and water quality, climate change, CEQA, integrated waste management, hazardous materials, coastal issues, and utilities.

## *Summary of Existing Policy and Guiding Principles*

### Air Quality

The League supports inclusion of city officials on the governing boards of air districts and opposes efforts to delete such city representation.

The League believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards. The League opposes efforts to restrict such authority.

The League opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which are currently used by local governments for locally based air quality programs.

The League opposes air quality legislation that restricts the land use authority of cities.

The League supports the requirement that both public and private diesel garbage trucks be retrofitted to reduce the amount of particulate matter pollution emitted from the trucks. (See also Integrated Waste Management Section below.)

### Climate Change

The League recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California.

Through the Global Warming Solutions Act of 2006 (AB 32 (Nuñez), Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions and has adopted the following principles:

- Action Plans for Mitigating Greenhouse Gas Emissions. Encourage local governments to complete an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.

- Smart Growth. Consistent with the League's Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.

- Green Technology Investment Assistance. Support tax credits, grants, loans and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low emission vehicles.

- Energy and Water Conservation and Efficiency. Encourage energy efficiency, water efficiency, and sustainable building practices in new and existing public, residential and commercial buildings and facilities. This may include using the U.S. Green Building Council's LEED program or similar systems.

- The League encourages state agencies to provide leadership in developing voluntary, model statewide residential green building guidelines that will provide information to local jurisdictions on how to evaluate and use different green building strategies. Additionally, the League encourages cities to adopt voluntary residential green building guidelines as a reference guide, to evaluate available green building programs and adopt those best suited for their communities, and to explore incentives to encourage green building by private developers of residential construction projects.

- Increase the Use of Clean Alternative Energy. Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production and waste-to-energy technologies.

- Reduction of Vehicle Emissions in Public Agency Fleets. Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low emission vehicles in private fleets.

- Climate Change Impacts. Encourage all levels of government to share information to prepare for climate change impacts.

- Coordinated Planning. State policy should encourage and provide incentive for cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.

- Water Supply for New Development. Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.

- Recycled Content and Green Purchasing Policies. Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.

- The League supports flexibility for state and local governments to enact environmental and other standards or mandates that are stronger than the federal standards. However, the League reserves the right to question or oppose stronger standards on the merits. The League also opposes legislation that prohibits state and local governments from enacting stricter standards.

**Hazardous Materials**

The League supports the ability of local governments to enact local standards or regulations that are stronger than those enacted at the state and federal level. To this end, where the city fire department is the lead agency for regulating and enforcing hazardous materials laws, the League supports the provisions of existing law that permit a local fire department to adopt stronger local requirements, as long as it complies with specified procedures to enact such stronger local standards. The League opposes legislation or regulations that restrict such authority.

The League supports efforts to streamline and coordinate hazardous materials regulation among various levels of government, including city fire and county environmental health departments. The League supports the ability of city fire departments to be administrating agencies for any of the major hazardous materials laws or to be the lead agency (the Certified Unified Program Agency) under the SB 1082 program, and opposes legislation or regulations to restrict such authority.

The League opposes any efforts to restrict the ability of cities to issue building or other permits it is now authorized to issue relative to hazardous materials laws.

The League opposes any proposals that would preempt the ability of a city to deny a land use permit or restrict its ability to issue a conditional use permit for the siting of a hazardous waste facility.

The League opposes legislation that mandates that cities post information on the Internet regarding adoption, amendment or repeal of hazardous materials ordinances. However, the League does not object to legislation that makes such posting voluntary.

The League supports the following principles related to Brownfields Revitalization:

- The League supports state and federal legislation that would create additional fiscal resources and options to restore and develop urban and industrial brownfields contaminated by hazardous materials. The League also supports creative state and federal efforts to encourage revitalization and better use of abandoned urban and industrial brownfields, as long as local governments retain existing land use authority.
- Cities should have the ultimate say on whether a proposed brownfield remediation project is consistent with local land use policy. The proposed use of a project (i.e., parking garage, business park, residential development) should be consistent with a city's general plan and land use authority.
- The clean-up level of a project should be based on its proposed use (i.e., parking garage, as oppose to residential development).
- Mechanisms, such as restrictive covenants of deed restrictions, need to be in place to ensure that if a future use for a property is different than that which was proposed when the site was cleaned up, that the clean-up levels be re-evaluated and additional remediation be required before the new use can be approved.
- Local agencies do not have the desire or generally the expertise to do the technical evaluation for site assessment and remediation plans. Appropriate state agencies should have that responsibility.
- If a property owner plans to develop the site, then the owner should be required to do the necessary site assessment and clean up.

**Solid Waste and Recycling**
The League supports continued efforts by local agencies to meet the 25% and 50% recycling and diversion provisions of the Integrated Waste Management Act of 1989 (AB 939) and believes that decisions on how to achieve those requirements are best determined at the local level, rather than by state agencies. The League believes that those jurisdictions that have made a good faith effort to comply with the requirements of AB 939 should not be subject to enforcement penalties. The League opposes the repeal of AB 939, but supports continued efforts to streamline its provisions and to assist in compliance.

The League believes that green waste used as alternative daily cover (ADC) should be eligible for limited AB 939 credit, as long as the ADC meets performance and health and safety criteria established by the California Integrated Waste Management Board (CIWMB), now the California Department of Resources, Recovery & Recycling (Cal Recycle).

The League continues to support legislation to provide changes to AB 939 (the California Integrated Waste Management Act) that will:

- Place more emphasis on implementation of waste diversion programs and less strict mathematical accounting;
- Require Cal Recycle to evaluate the level of accuracy of the existing system the board uses to measure jurisdictions' achievement of the waste diversion requirements of state law and develop appropriate policies, in consultation with local jurisdictions, to account for any inaccuracies in the system;
- Encourage the development of non-burn transformation technologies by providing full diversion credit for the waste that jurisdictions send to non-burn transformation facilities;
- Require the board to expand its market development activities, including providing more funding for research and development of markets for recyclable materials; and
- Require Cal Recycle to staff its existing regional offices with personnel that can assist jurisdictions in carrying out the requirements of the act.

The League supports legislation and other efforts to increase the markets for recycled materials, including advance disposal fees, minimum content laws, and recycling market development zones. The League opposes legislation that requires local governments to adopt refuse fees based upon variable can rates.

The League supports efforts to strengthen curbside recycling programs and opposes efforts to weaken such programs. The League supports legislation to expand the container types included in the AB 2020-bottle bill program.

The League supports the right of cities under existing law to be designated as Local Enforcement Agencies for solid waste facility permitting, inspection and enforcement, and opposes legislation to restrict this authority or transfer it to state agencies.

The League opposes legislation that would preempt local land use authority over solid waste facilities, would restrict the ability of a city to issue a land use permit for a solid waste facility or would restrict the ability of a city to condition such facilities through the conditional use permit process.

The League does not oppose legislation that assesses fees on solid waste that is disposed of out of state, as long as the fees reflect the pro-rata portion of in-state costs.

The League opposes legislation that would authorize the Director of Cal Recycle to consider landfill capacity as a reason for denying concurrence of a solid waste facility permit and also opposes legislation that would prohibit a public agency from being certified as a Local Enforcement Agency if the public agency is also an operator of a solid waste facility.

The League opposes legislation that would authorize the Director of Cal Recycle to consider environmental justice as a basis for concurring or denying a solid waste facility permit. The League has adopted the policy that issues of environmental justice are best addressed at the local level through the local land use and public hearing process and through existing federal and state policy.

While the League supports the retrofit of public and private diesel fueled garbage trucks to reduce particulate matter air pollution (see Air Quality section), the League opposes funding such retrofits in a way that would either interfere with the existing franchise relationship between local governments and haulers or would impose a surcharge on landfills.

The League supports legislation and regulation that authorizes the land application of biosolids that meet specified statewide health and safety standards. The League supports legislation that permits enactment of stronger local ordinances only if they are based upon protecting public health and safety and good science. The League opposes legislation that preempts outright stronger local ordinances, regardless if they are based on protecting public health and safety and good science.

**Electronic Waste**

The League supports legislation implementing the concept of manufacturer responsibility for electronic waste (e-waste). This includes, but is not limited to, encouraging or providing incentives for e-waste recycling, requiring manufacturers of computer, cathode-ray tube (CRT), photovoltaic modules (solar panels) and other electronic products considered universal wastes, to operate or fund comprehensive, extended producer responsibility programs. Such programs should require products to be sustainably designed and labeled, offer financial incentives to consumers to properly dispose e-wastes, encourage recycling, reuse and collection programs by manufacturers, incentives to consumers to redeem or recycle e-waste, and fund a convenient collection infrastructure.

The League supports statewide and manufacturer education programs to educate consumers about e-waste and recycling efforts.

The League supports an advance disposal fee on computer and other electronic products in order to fund such manufacturer responsibility programs and local collection and recycling programs.

The League supports national efforts to address the e-waste problem.

**Household Hazardous Waste**

The League opposes legislation that requires local jurisdictions to collect household hazardous waste in a specific collection manner, including mandatory curbside collection.

**Extended Producer Responsibility (EPR)**

The League supports legislation implementing producer responsibility. This includes, but is not limited to, mandating or providing incentives including funding for comprehensive producer responsibility programs for hazardous and universal wastes and products and packaging for which disposal or recycling is problematic for local governments.

**Single-Use Plastics**

The League supports reducing the amount of single-use plastic packaging and products that enter the waste stream through methods such as, source reduction and increases to the recyclability and composability of these items. This includes reducing the waste generated from single use plastics, such as plastic straws.

Single-Use Carryout Bags: The League supports in concept legislation that charges a fee for all consumers for single-use carryout bags at the point of sale; however, the League does not have a position on the amount of the fee except that is should be set to modify consumer behavior.

Cities should be eligible for moneys generated from any fee placed upon single-use carryout bags, provided those dollars are used by the city to mitigate the effects of single-use carryout bags on the storm water, solid waste diversion, visitor education and awareness, and water quality in the city. Any application for funding provided to cities by single-use carryout bag fees should be streamlined, simple and not overly burdensome.

The League supports CEQA exemptions for single-use carryout bag bans or a programmatic EIR.

The League opposes any bill that would preempt local governments from individually banning or placing a fee on single-use carryout bags distributed within the city.

**Utilities**

The League supports the constitutional right of municipal utilities to operate outside the jurisdiction of the California Public Utilities Commission (PUC) and opposes any legislation that would erode the ability of municipal utilities to operate, or place them under PUC control.

The League supports maintaining the standard of inverse condemnation for investor-owned utilities that requires utilities to pay damages. The League opposes reducing the inverse condemnation standard for incidents caused by a utility, whether retroactive or otherwise, and supports ensuring local governments can recover applicable damages.

The League supports the prohibition of passing through the costs of fines and penalties incurred by electrical and gas corporations to ratepayers.

The League opposes legislation that dictates the mix of generating sources (i.e., hydro, coal, biomass, wind, etc.) used by municipal utilities.

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund.

The League is neutral on legislation requiring municipal electric utilities to include a "renewable portfolio standard" (RPS) in their mix of sources of electricity, as long as the requirement is the same as that which applies to investor owned utilities. The League opposes legislation that requires municipal electric utilities to meet an RPS that is stronger than that applied to investor owned utilities.

The following principles will guide the League's position regarding exit fees to avoid cost shifting for newly formed municipal utilities or extensions of existing municipal utilities:

- A mechanism or venue other than the PUC should be used to determine and impose the exit fees in order to prevent PUC jurisdiction over municipal utilities. For example, exit fees might be best evaluated and incorporated by the courts as part of eminent domain and the condemnation proceeding used when a city wishes to take over the IOU's distribution system.
- The League does not object to fair exit fees to avoid cost shifting for customers that were actually served by an investor-owned utility.
- Exit fees should consist of payments of a fair share of the DWR bond costs, a fair portion of the IOU under collections and a fair share of the remaining amount of the CTC (competition transition charge, left over from AB 1890).
- Exit fees should not be charged to newly annexed municipal utility territory that was never served by an IOU (so called "greenfields").
- In addition, the League believes photovoltaic systems should be completely exempt from any type of exit fee.

**Community Choice Aggregation**

Local Energy Autonomy: The League supports programs that increase local control over the purchase and development of renewable energy resources, as an effective means of increasing consumer access to renewable energy at stable, competitive rates, and decreasing statewide greenhouse gas emissions.

The League supports cities' exercise of the right to form or join existing Community Choice Aggregation (CCA) entities, as an effective method increasing local control over power supply. Accordingly, the League supports legislation and regulatory policies that support CCA autonomy in policymaking and decision-making, and opposes legislation and regulatory policies that unfairly disadvantage CCAs or CCA customers, or reduce or undermine local decision-making autonomy by the CCA or its governing board.

The League supports continuing development of local renewable energy resources and supply, including protection of local autonomy to administer energy efficiency and install and utilize integrated distributed energy resources.

Consumer Protection: The League supports complete transparency of all energy procurement practices, stranded costs, and departing load charges. The League supports fair competition in statewide energy markets for CCAs and municipal or other publicly owned utilities. The League supports legislation and regulatory policies that protect CCA customers from improper cost allocation. The League opposes legislation that conflicts with or diminishes CCA procurement autonomy.

Energy Efficiency: The League supports effective leveraging of energy efficiency programs tailored to address local needs and concerns.

**Electric Industry Restructuring**

The League supports restructuring of the electricity services industry, provided it meets the following criteria:

- Support the Concept. The League of California Cities supports the concept of electric industry restructuring if it results in lower electricity rates that continue permanently into the future. The League does not support or oppose any specific form of restructuring and believes the program ultimately implemented must satisfactorily address the adopted criteria listed below. Any new industry restructure should be based on a thorough economic analysis of the full costs and potential benefits of the alternatives under consideration.

- Equitable Benefits. Any restructuring program should result in all ratepayers directly sharing in the benefits equitably.

- Municipal Utilities. Any restructuring program should maintain the concept of municipal utilities. No restructuring proposal should abridge the existing authority of municipal utilities to operate or abridge the ability of cities to form municipal utilities in the future.

- Franchise Authority. Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises.

- Aggregation. Under any restructuring program agreed upon by the PUC or the Legislature, cities should have the opportunity to become aggregators for municipal operations or the community at large. As an aggregator, a city would be able to combine the electric loads of various users and negotiate the purchase of electricity for those users.

- Stranded Investments. The problem of stranded investments should be resolved in a way that keeps investors, ratepayers, and generators financially whole. Any policy to deal with stranded investments for large energy producers (i.e., nuclear power) should be applicable to all other producers (i.e., independent power producers).

- Wheeling. Any program should facilitate the wheeling of electricity between generators and users.

- Alternative Sources. Consistent with existing League policy that supports the development of alternative energy sources, any restructuring program should incorporate support for alternative energy in order to enhance the mix of energy sources available in California, both for environmental and strategic energy security reasons.

- Biomass. The unique problems of the biomass industry, as they relate to California's solid waste infrastructure, should be fairly resolved in any deregulation program.

- Social and Environmental Impacts. Consistent with existing League policy, California should not abandon its energy programs that provide social and environmental benefits.

In addition to those policy guidelines, the League agrees that cities that are aggregators should be required to follow the same consumer protection standards as other aggregators, that participation in aggregation by an electricity user should be voluntary, and that cities should have the opportunity to serve as aggregators for their municipal operations or for those residential or commercial customers who wish to participate in a city-sponsored aggregation program.

Finally, the League believes that any federal action in the area of electricity restructuring must not preempt legislation and actions in states that choose to restructure their utility industry if such federal action relates to state and local government home rule authority. This includes authority related to regulation of rights-of-way, franchises, taxing utilities and services, or to aggregate.

In response to the energy crisis of 2001, the League adopted the following principles related to energy:

- Land Use Control. Local control over land use should be inviolate. The League will oppose legislation that restricts local land use control beyond that which is already in existing law.

- Municipal Utilities. The autonomy of municipal utilities should not be eroded. The League will oppose any legislation that harms municipal utilities.

- Energy Prices and Rates. The League is concerned about the impacts of escalating energy prices on the overall economic health of our state, including city budgets. Although at this time the League will not get involved in individual bills dealing with technical aspects of pricing, the League believes that any solution to address the short and long term energy price situation should meet several key criteria.
  - The League believes energy prices should encourage conservation and reward those who reduce energy use (i.e., tiered rates).
  - The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community.
  - In designing rates, the state should be aware of the operational constraints of some businesses and thus their potential inability to take advantage of conservation pricing. Thus, the state should provide other incentives to conserve to businesses that cannot take advantage of other options.

- Conservation in City Facilities. Support legislation that provides direct funding for conservation and demand reduction projects in city facilities.
  - Work to obtain the greatest level of funding for local governments, and work with all authors and the Administration in crafting legislation that will be most effective and beneficial to local governments.

- Siting Energy Facilities– Incentives to Local Governments. Funding should be available to cities to streamline the siting process at the local level.
  - Eligible projects to receive incentive payments would not only cover new electricity generating facilities, but also projects to expand existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells or cogeneration.

- In order to stimulate the development of these facilities, it will be necessary to provide additional long-term community benefits that the local government can demonstrate to its citizens.
- Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility. To stimulate development of projects such as cogeneration facilities, the standby charges for the facility should be waived.
- The state should provide additional financial assistance to cities and counties for such projects, which could include the cost of transmission line extension.
- The League will work to ensure that there are no negative impacts on municipal utilities from efforts to streamline energy facility siting.

- Power Plant Siting – Other Issues. Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above). Oppose legislation that decreases this threshold.
  - Take no position on proposals to streamline the facility approval process, except to suggest appropriate revisions to reflect technical comments from city experts on local government review and comment-related provisions.
  - Explore exempting cities with municipal utilities completely from the Energy Commission review process for all power plants proposed within their jurisdiction, regardless of the size of the facility (i.e., the municipal utility city would have lead agency authority, regardless of the size of the facility).

- Environmental Regulation of Power Plants. The League should not get directly involved in legislative discussions and should not take a position on legislation to relax, suspend, or eliminate environmental regulation, with several exceptions.
  - If environmental standards are relaxed, suspended, or eliminated, the League should seek legislation to ensure that cities do not bear the burden of meeting the shortfall in environmental protection. For example, suspended or reduced waste discharge requirements for a power plant may result in increased hot or salty cooling water discharged from a power plant into a bay or stream. Publicly owned treatment works should not be required to meet a higher discharge level to offset the power plant discharge or fined as an indirect result of the increased water pollution that would result. Similar arguments can be made for air pollution burdens. There should be some sunset included for environmental waivers for re-powering of existing facilities and all new plants should be required to meet the BACT (best available control technology) standard.

- Public Power Options. Support all bills that enhance the public power options available to cities and counties.
  - Condition support and/or sponsorship upon the correct language being written. Work with municipal utilities and others to ensure the provisions are drafted properly.
  - The League should not support legislation that would give up the existing, limited authority of cities to regulate cable and telecommunications companies as a trade-off to make it easier to form a municipal electric utility.

- Interruptible Rates. The League should take no position on legislation dealing with changes to interruptible rates, but should watch the subject carefully.
  - The League should comment on legislation, as appropriate, to express concern that resolution of the issue should seek equity in how it handles classes of ratepayers and

communities. Legislation should take into consideration economic gains previously made by customers on interruptible rates and should provide assistance for those caught in extreme situations.

- Rotating Outages – Exemptions. The League should not get directly involved in bills dealing with which type of customers are exempt from rotating block outages and should not take a position on these bills. However, the League should work with police and fire chiefs to ensure that police and fire facilities are appropriately protected either legislatively or administratively, if proposals move ahead to expand the range of exempted facilities.
  - The League should seek legislative or administrative resolution giving advance notification to those businesses, such as some agricultural businesses, that use hazardous materials that could pose a danger if the plant is not shut down properly.
  - The League should seek grant or loan funding for essential services (i.e., police/fire, water/waste water) to purchase new or replace existing backup generators that are more energy efficient and less polluting.

- Wholesale Regional Price Caps – Federal Legislation. The League should not take a position on federal legislation to give the Secretary of Energy authority to impose regional wholesale price caps on electricity. This is a mixed bag and the League should stay out of the issue.

- Price Gouging by Electricity Suppliers. The League should send a letter to the Governor and Attorney General supporting their ongoing efforts to determine whether wholesale market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity occurred.

**California Environmental Protection Act (CEQA)**

**Procedures and Notices**

Fair Argument Test. The League strongly opposes the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR). There are a number of other reforms that will reduce CEQA's complexity while preserving the fair argument test's role as a planning tool. These include funding for Master EIRs and eliminating attorneys fees for petitioners.

Master EIR Funding. The League strongly supports the development of a funding source for Master EIRs. Both of the proposals contained in the Little Hoover Commission report would meet the needs of cities.

Exemption for Modified Project Renewals. The League opposes exempting the renewal or reissuance of a permit, license, or other entitlement where there is a change in the project.

Centralized Responsible Agency Notification. The League opposes shifting the responsibility to notify responsible agencies from the lead agency to the State Clearing House.

Centralized Responsible Agency Notification. The League opposes making identification of Responsible Agencies at the Notice of Preparation stage by other than the Lead Agency (e.g., the Office of Planning and Research) conclusive so that agencies not identified would be barred from later commenting on projects.

Responsible Agency Documentation. The League supports requiring that Responsible Agency comments be supported by specific referenced documentation.

Substitution of Environmental Impact Statements. The League opposes allowing an Environmental Impact Statement to be substituted for an Environmental Impact Report in any situation other than military base closures because the National Environmental Policy Act does not contain CEQA's duty to mitigate.

Duty to Respond to Comments. The League opposes shielding lead agencies from responding to comments received more than 30 days after a Notice of Preparation (NOP) or received verbally.

Timelines for CEQA Contracts. The League supports eliminating subdivision (b) of Public Resources Code Section 21151.5, which mandates the timeline for entering into CEQA contracts.

Arbitration of Disputes. The League supports adding an arbitration option to the requirement that each county over 200,000 designate a "CEQA judge." Among the issues that will need further refinement are whether an alternative dispute resolution process should be a condition precedent to litigation, whether the alternative dispute resolution process would be binding on participants, and how to limit the alternative dispute resolution process to CEQA adequacy issues rather than community mitigation issues.

Good Faith Settlements. The League supports discouraging lawsuits that have little merit by (1) eliminating the application of a multiplier analysis to the amount of attorneys fees awarded in a lawsuit that is subject to a settlement agreement; and (2) by precluding the adoption of measures or project conditions as part of a settlement agreement that do not mitigate a significant effect on the environment.

Recirculation Standards. The League supports raising the threshold for recirculation of EIRs so that only new "significant unavoidable impacts" would necessitate recirculation.

Basis for Statements of Overriding Considerations. The League supports clarifying that the basis for Statements of Overriding Considerations is information contained in the record.

Compliance with Local Public Notice Requirements. The League supports legislation to require all projects proposed by state or local public agencies, including universities, community colleges, schools, counties, cities, and special districts, to comply with the identical local public notice requirements that would be applicable to projects sponsored by private developers in the jurisdiction where the project is located.

Tolling Agreements. The League supports tolling agreements; but acknowledges and relies on existing published case law that already allows for the use of tolling agreements in CEQA cases.

Concurrent Preparation of Administrative Record. The League opposes legislation that would require concurrent preparation of the administrative record and the electronic posting of administrative record unless (1) the full costs of concurrent preparation and electronic posting as determined by the lead agency are paid for by the applicant or other member of the public who requests these processes; and (2) a lead agency that is unable to comply with such a

request, because of either lack of personnel or lack of technological capability is not required to provide these processes.

Court Remedies. The League supports legislation that would clarify a courts ability to fashion a remedy that is specific to the project and limited to only those aspects of the project held invalid under CEQA.

**Definition of a Project**

Effect on the Environment. The League supports narrowing the definition of "project" to prevent CEQA lawsuits on non-environmental matters.

School Operations Exemption. The League supports exempting any school closure or student transfers from CEQA.

Categorical Exemption for Nonindustrial Infill Projects. The League supports expanding categorical exemptions to include development projects in urbanized areas that are consistent with general plans, zoning and cumulative impact projections analyzed in a Master EIR. Such projects should be limited infill and nonindustrial.

The League supports legislation that exempts public works projects, within the existing right of way, from CEQA if approved by the city in which the project takes place.

**Significant Environmental Effect**

Significance Thresholds. The League opposes the creation of a new mandate requiring each city to develop boilerplate significance thresholds. The League also opposes a single statewide set of standards for determining significance at the local level. Instead, the League supports requiring that each EIR contain significance thresholds formally adopted by the lead agency for the project.

Safe Harbor. The League supports the concept of "safe harbor", which means that if a project complies with certain locally adopted standards, then a project could not be challenged in court based upon those impacts on the environment.

Aesthetics. The Leagues opposes any effort to limit a local agency's ability to challenge the aesthetic impact of a project under CEQA.

Consideration of Socio-Economic Factors. The League opposes adding social, economic, recreational or other factors to be considered when analyzing the significance of environmental impacts.

Indirect Effects. The League opposes amending the definition of effects to eliminate the analysis of indirect and cumulative environmental effects.

Cumulative Effects. The League supports the elimination of EIRs for projects with solely cumulatively significant impacts where the impact has been addressed by a comprehensive plan that identifies specific mitigation measures.

Cumulative Effects. The League opposes exempting projects that are subject to their own subsequent environmental review from consideration as a reasonably foreseeable future project when analyzing cumulative impacts.

Statement of Overriding Considerations. The League supports transparency in CEQA decision-making but opposes a public comment period for the notice of draft Statement of Overriding Considerations.

**Alternatives**

Alternative Site Requirement. The League supports eliminating the alternative site requirement for all private projects.

Level of Detail. The League supports requiring that projects of statewide, regional or area-wide significance describe at least two feasible project alternatives with a level of detail equal to the proposed project.

No Project Alternative. The League opposes the elimination of the "no project alternative."

Environmental Impact Report (EIR). The League opposes the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR). The League strongly supports the development of a funding source for Master EIRs. The League supports adding an arbitration option to the requirement that each county over 200,000 population designate a "CEQA judge."

**Coastal Issues**

The League opposes legislation that would permit the state to impose conditions on Local Coastal Plans developed by cities and counties.

The League supports efforts to curb frivolous appeals to local coastal decisions.

The League supports prohibiting the expansion of offshore oil and natural gas production along the California coast.

The League supports the Federal Coastal Protection Act, which prohibits additional offshore development through the year 2002. This position was based, in part, on concern about the impacts to on-shore support facilities and services by offshore development activities.

The League opposes legislation that grants authority to the Coastal Commission that is inconsistent, duplicative and overlapping with the authority of other regulatory agencies, such as regional water quality control boards or other agencies, or that grants the Coastal Commission authority outside the coastal zone.

The League affirms its commitment to local control by requesting the Coastal Commission to defer to the elected officials of a City with respect to choices in the implementation of a Local Coastal Plan that complies with the requirements of state law and regulation.

**Miscellaneous**

Mitigation Monitoring Program. The League supports efforts to ensure compliance with Mitigation Monitoring Programs, but opposes any effort to require local agencies to report on compliance or add other procedures regarding the implementation of Mitigation Monitoring Programs.

The League supports the right of cities to serve as lead agencies for the purposes of the Surface Mining and Reclamation Act (SMARA).

Consistent with policy adopted by the National League of Cities, the League believes the appropriate venue for addressing the issue of "regulatory takings" is within the evolving judicial interpretations of the Fifth Amendment of the U.S. Constitution.

- The League opposes any federal or state regulation, statute or constitutional amendment which would place restrictions on federal, state and local government actions regulating private property or requiring additional compensation beyond the continually evolving judicial interpretation of the Fifth Amendment of the U.S. Constitution.
- The League will oppose any legislation that includes such a provision, regardless of what else is included in the legislation (i.e., legislation that designates a listing of an endangered species as a "regulatory taking").

The League supports the ability of local governments to voluntarily develop and approve species habitat plans for their communities, in conjunction with willing property owners. The League opposes requiring local governments to amend their general plans to include species habitat plans developed by others but not approved by the local government.

The League supports legislation that imposes "Sinclair"- type fees on products in order to fund the cost of prevention or mitigation of the pollution or environmental and health impacts of such products. The League opposes legislation that would restrict the imposition of such fees at the state or local levels.

The League supports partnering with the Legislature and the Governor to address the devastating environmental impacts of illegal marijuana grows on both private and public lands and the associated threats to public safety. The League supports the creation of responsive solutions with adequate funding support and effective State and federal government leadership to address this widespread problem.

**Note**: The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League's General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."

## League of California Cities

## California Water Guidelines

**February 2010**

TABLE OF CONTENTS


I. CALIFORNIA WATER: GENERAL PRINCIPLES.....
II. WATER CONSERVATION.....
III. WATER RECYCLING .....
IV. WATER QUALITY.....
V. AREAS OF ORIGIN .....
VI. WATER STORAGE.....
VII. CONVEYANCE SYSTEMS .....
VIII. FLOOD MANAGEMENT .....
IX. GROUNDWATER .....
X. FISH AND WILDLIFE.....
XI. DRAINAGE .....
XII. RECREATION.....
XIII. NEW TECHNOLOGY.....
XIV. FINANCIAL CONSIDERATIONS .....
XV. APPENDIX A:
WATER QUALITY IMPROVEMENT INITIATIVE (2008).....
XVI. APPENDIX B: GLOSSARY


**NOTE**: The League of California Cities most recently updated and revised the California Water Guidelines in 2010. The effort began in 2008 with the formation of the Water Task Force, which was comprised of members from the League's 16 Regional Divisions and all interested city officials. After months of meetings and conference calls, the Water Task Force submitted the California Water Guidelines revisions to the Board of Directors. Upon formal adoption by the Board, the California Water Guidelines where incorporated in the Environmental Quality Policy Committee's scope of responsibility. For additional information, please see the California Water Guidelines introduction on the following page.

*Introduction*

The ***California Water Guidelines*** were first adopted by the League of California Cities (The League) in 1988. The League and the County Supervisors Association of California (CSAC) developed the guidelines. Together, at the time, the two organizations represented 58 counties and 449 cities.

Much has changed in the realm of water policy in the more than 20 years that have passed since the Guidelines were first adopted. The number of counties has remained at 58, but California has gained an additional 31 cities and the population of the state has increased to more than 38 million people, creating increased demands on water supply. There is growing recognition that there are better ways of managing the flow of water within California's many watersheds and through the Delta, to prevent harmful environmental impacts while still ensuring a reliable supply of water to its citizens. Climate change is seen as having an increasingly important impact on water supply and water quality. Water shortages place renewed emphasis on the importance of water reclamation, water recycling and other means of nurturing and protecting an essential resource.

In 2003, the League Board created the League Water Quality Task Force to identify and evaluate waste water and storm water regulatory issues of concern to cities and to recommend steps that the League should take to address those concerns. The Task Force drafted new League policy on water quality and the League's Board of Directors adopted their report on July 18, 2003.

In 2008, the League formed a new Water Task Force to consider updates and revisions to the Water Guidelines the League drafted and adopted 20 years earlier. The League's 16 Regional Divisions designated voting members; but membership on the Task Force was open to all interested city officials, and meetings were open to all interested parties.

The Task Force first met in Sacramento in April 2009 and organized three working groups (Water Use, Water Supply and Water Discharges). Members of the working groups held numerous meetings by conference call over the next two months. Subsequent meetings of the full Task Force were held in June and September 2009 before the revised Guidelines were submitted to the League policy committees in January 2010, for review and approval. The Guidelines were formally approved by the League Board of Directors
in February 2010.

The California Water Guidelines are designed to be used by policy makers at all levels of government in developing future water policy for the state of California. The League encourages city, county and state officials, as well as representatives from other organizations, to review the guidelines as water policies and programs are developed.

## I. CALIFORNIA WATER: GENERAL PRINCIPLES

1. Water needs are projected to increase significantly in the future. While water is a renewable resource, it is also a finite one.
2. The League supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including but not limited to: environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to user fees, bonds and federal funding.
3. Local, state and federal agencies should prepare plans for short-term water emergencies as well as long-term cooperative water management plans and policies, such as the Integrated Regional Water Management Plan (IRWMP) process.
4. All water development projects must be economically, environmentally and scientifically sound.
5. Critical California water issues cannot be solved without the cooperation of the state and federal governments. Communication and cooperation among policy groups with emphasis on finding statewide consensus is supported.
6. Adequate water quality requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported. Beneficial water quality is fundamental to the health and welfare of California and all of its citizens.
7. The long-term viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
8. The League encourages all cities to work with counties, water agencies, and special districts to facilitate water conservation, recycling and reuse efforts.
9. The League supports state water policy that allows undertaking aggressive water conservation and water use efficiency while preserving, and not diminishing, public and constitutional water rights.
10. The League supports land use as an important strategy for water supply and water quality benefits.

## II. WATER CONSERVATION

1. **Statewide Goal.** The League supports the development of a statewide goal to reduce water use by 20% by 2020 through the implementation of fair and equitable measures consistent with these principles.

2. **Statewide Effort.** Accomplishing water conservation and water use efficiency goals will require statewide action by all water users, including residential, commercial, industrial and agricultural water users, local and regional planning agencies, state and federal agencies, chambers of commerce, and business, commercial and industrial professional and trade associations.

3. **Comprehensive Solutions.** Water conservation and water use efficiency must be part of a comprehensive solution that includes local resource development and infrastructure improvements, including storage and conveyance, as part of a statewide system that promotes economic and environmental sustainability.

4. **Monitoring, Reporting, and Accountability.** The League supports the implementation of programs to assure prudent measurement and monitoring of water use to provide accountability and transparency toward the accomplishment of water conservation and water use efficiency goals.

5. **Protect Water Rights.** Implementation of water conservation and water use efficiency programs must be consistent with existing state law in that the act of conservation cannot be allowed to undermine the water rights of the entities implementing the water conservation or water use efficiency program, or interfere with existing water conservation or water use efficiency projects.

6. **One Size Does Not Fit All.** Water conservation and water use efficiency programs must have the flexibility to adjust to widely varying local circumstances recognizing that one size does not fit all. The League encourages each city to develop its own ordinance outlining its conservation plan.

7. **Urban Water Conservation and Water Use Efficiency.** In urban areas, the League advocates for the implementation of residential and commercial retrofit programs, innovative pricing strategies, water efficient landscaping, including implementation of urban Best Management Practices (BMPs).

   The League encourages cities to consider the Ahwahnee Water Principles for Resource-Efficient Land Use when making future land use decisions. (http://www.lgc.org/about/ahwahnee/h2o-principles/)

8. **Agricultural Water Use Efficiency.** In agricultural areas, the League advocates incentive based programs.

## III. WATER RECYCLING

1. Wherever feasible, water recycling should be practiced in urban, industrial and agricultural sectors. This includes increasing the use of recycled water over 2002 levels by at least one million acre-feet/year (afy) by 2020 and by at least two million afy by 2030.
2. Potable water should include as much use of reclaimed water and water conservation by 2030 as possible.
3. Increased recycling, reuse and other refinements in water management practices should be included in all water supply programs.

## IV. WATER QUALITY

### 1. General

a) The League supports the development of objectives and standards to assure high quality water throughout California. Surface and groundwater should be protected from contamination.

b) The League supports efforts to provide safe and affordable drinking water across the state. However, the League opposes imposing a tax on water as a funding mechanism.

c) The League supports the development of economic protocols and guidelines to assist local governments and water boards in determining reasonably achievable, cost effective and environmentally sound regulations.

d) The League supports the ability of cities to enact discharge and water quality requirements or standards that are stricter than state or federal standards, and opposes efforts to restrict such authority.

e) When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.

f) The League encourages water boards to address cross-media pollution of water, including but not limited to the problems of atmospheric deposition of water pollutants.

g) The League encourages all state offices, departments and boards to comply with state policy for water quality control, including compliance with the Basin Plans.

h) The League encourages Federal and State Governments to ensure proper funding to the U.S-Mexico Border Water Infrastructure Program to address issues related to cross-border pollution.

**2. Water Board Reforms**

a) The League generally supports the concept of water board reform.

b) Any water board reforms should recognize the inherent differences between cities and regions in California.

c) Water board reform should recognize the symbiotic relationship between regional water quality control boards and local governments.

d) The League supports the retention of designated local government representatives on the regional boards and inclusion of a designated local government representative on the State Water Board.

e) The League supports streamlining the board process, including delegating permit authority to the executive officers, with rights of appeal, and giving greater authority to the State Water Board over regional board policies and decisions.

**3. Basin Plan Updates**

a) The League supports the option of local agencies developing funding for basin plan updates.

b) The League supports comprehensive updates to the basin plans that recognize the unique and varied nature of stormwater. Basin plans need to recognize the unique and varied nature of stormwater, both wet weather and dry weather runoff.

c) Basin plan updates should comply with the Porter-Cologne requirements to recognize economic impacts, local drainage conditions and scientific consensus, including source control and atmospheric deposition strategies.

**4. National Pollutant Discharge Elimination System (NPDES) Permits**

a) The League supports reform of the States Water Board's administration of the federal NPDES program.

b) The League encourages the water boards to issue permits that are reasonably achievable, based on the unique conditions of a city or region.

c) The League supports regulations and legislation that promotes watershed management, that appropriately spreads the responsibility for clean water beyond the requirements that apply to point-source dischargers, municipal storm drain systems and publically-owned treatment works.

d) The League generally opposes legislation that requires the use of numeric limits in waste discharge permits, especially in storm water permits, because of the difficulties in meeting them, problems with exceeding them, and the cost and

potential enforcement impacts.

e) The League supports development of a standard definition of “maximum extent practicable.”

**5. Total Maximum Daily Load (TMDL)**

a) The League supports development of reasonably achievable, environmentally sound and cost-effective TMDL’s based on monitoring and sound science and addressing local water conditions.

b) Although the League is supportive of local agency development of TMDL funding, greater emphasis needs to be given to state and federal funding of the TMDL program, including providing increased funding to local government for implementation.

c) The League supports implementation of TMDLs through alternatives to the NPDES permits, consistent with the Clean Water Act and policy, such as Memorandums of Agreement between local governments and the water boards.

**6. Water Quality Recommended Legislation/ Policies**

a) Ex-Parte Communication

- The League supports public access to decision makers, including during the time that new proposed permits and permit terms are being proposed. The League also supports access to pending permitees, outside of the administrative process.

b) Maximum Extent Practicable (MEP)

- The League supports legislation to define MEP.

c) Safe Harbor

- The League supports legislation that provides immunity from fines or third-party litigation for a local government that is in compliance with maximum extent practicable iterative best management practices requirements and NPDES stormwater permit conditions.

d) Mandatory Minimum Penalty (MMP)

- The League supports legislation to modify the MMP provision of the existing law to make them fair and equitable for local governments. This would include eliminating the provisions relied upon to compound penalties for single violations and providing economic hardship exemption for small cities (50,000 in population or less) where there has been no significant adverse impacts on the public or the environment from the alleged violation.

e) Economic Analysis

- The League supports legislation to develop economic protocols and guidelines to assist local government and the water boards in determining reasonably achievable, cost effective and environmentally sound regulations, as outlined in Porter-Cologne Sections 13000 and 13241.

f) Basin Plans

- The League supports legislation allowing local agencies to participate in funding basin plan updates.

g) Water Softeners

- The League supports the right for cities to enact ordinances that restrict the use of water softeners.

h) Local Discharge Prohibitions

- The League supports legislation that would enable cities to adopt ordinances that limit or regulate industrial discharges into local sewers and storm drains, based on limits in municipal discharge permits.

**7. General Water Quality Guidelines**

a) Protection and maintenance of objectives and standards to assure high quality water throughout California is essential. Beneficial uses of surface and groundwater should be protected from contamination, even when treatment methods are available to meet drinking water standards.

b) Local, state and federal governments and the private sector should provide for the safe management of hazardous materials, including mining leachates, to avoid pollution and degradation of both surface water and groundwater.

c) Adequate research funding to determine appropriate public health standards for water should be supported.

d) Additional research and education in the application and use of herbicides and pesticides and alternatives to their usage as well as research to reduce industrial and household hazardous wastes should be supported.

e) The importance of water quality of bays, estuaries, groundwater, and other bodies of water important to municipalities, including the problem of salt water intrusion, should be recognized.

## V. AREAS OF ORIGIN

1. Ultimate reasonable and beneficial water needs of all areas of origin should be assured. State law should continue to provide that only water surplus to the reasonable and beneficial needs of the areas of origin may be exported. The League supports preserving the principle of protecting the water rights of areas of origin.
2. Areas of origin protections should apply to all water sources, including groundwater.
3. Reasonable and beneficial water needs of the areas of origin should include instream needs or uses, including recreation and sediment flushing.
4. Areas of origin should be afforded financial assistance, such as the Davis-Grunsky type bonds, in developing new water facilities.
5. Projects that export water from areas of origin should not increase the cost of new local water development projects.
6. Those features of new projects that are required by state and/or federal agencies to enhance area of origin recreation, fish, wildlife, and water quality should be the financial responsibility of the state and/or federal government.
7. New policies and programs should not undermine or alter the water rights of the entities implementing the policies or programs.

## VI. WATER STORAGE

1. The League believes that California needs to develop additional water storage and therefore believes that the construction and retention of economically feasible and

environmentally sound flood control, storage and multi-use projects that will meet present and future needs should be supported.

2. The development of additional surface facilities and use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.
3. The League encourages project developers to mitigate the negative impacts of water storage projects on fishery and wildlife resources, adjacent lands, water quality and recreation.

## VII. CONVEYANCE SYSTEMS

### 1. Statewide

a) Conveyance facilities including, but not limited to, the Sacramento River, whether man-made or natural, should be constructed and/or operated to minimize seepage and erosion problems and, where practicable, to restore or maintain river functions and to protect previously existing riparian habitats. They should be constructed to mitigate these problems and other adverse impacts on adjacent lands.

b) The owner or purveyor of the water conveyance system should be responsible for correcting adverse impacts, i.e., erosion, seepage and sediment problems upon waterways, either anthropogenic or natural.

c) Environmentally-sound methods of erosion-control should be encouraged along river banks to protect adjacent lands from flood or other erosive flows provided any adverse impacts on fish and wildlife habitat are mitigated.

d) Local distribution systems should be interconnected with regional systems, where feasible, to assist in maximizing the use of local ground and surface waters during droughts and emergencies.

e) Solving the water quality, levee stability and fishery problems in the Sacramento-San Joaquin Delta is a primary step in developing any plan to meet the state's water needs.

f) The League acknowledges that the use of the Sacramento River as a conveyance system presents problems of erosion and seepage which must be addressed in the operation of existing projects and the design of future projects.

### 2. Delta

a) Conveyance of water across the Delta should be through existing channels wherever possible. Delta transfer system improvements should be constructed and operated so as to minimize or, if possible, eliminate reverse flows in the lower San Joaquin River.

b) Construction of Delta transfer facilities should not proceed until the Department of Fish and Game and the Department of Water Resources have entered into an agreement to implement measures to offset the State Water Project's impacts on the Delta fisheries and other ecological concerns in the Bay-Delta estuary, which are shown to be adversely affected by the proposed transfer facilities.

c) Implementation of an integrated program of rehabilitation and maintenance of Delta levees involving federal, state, local and user interests for the purposes of

protecting the islands, waterways and other features including, but not limited to, highways, railways, water conduits, natural gas storage, etc., should be supported. Costs and responsibilities should be fairly allocated among beneficiaries of such a program.

d) Until an integrated Delta levee program is initiated, the Delta levee maintenance program, (by former California Sen. Howard Way), California Water Code Sections 12980-12991, should be funded and implemented.

e) Any Delta governance and/or water management structure should include local government representation from the Delta region.

f) When assessing conveyance projects, the League encourages cities to consider the guidelines outlined in other areas of this document.

g) Protection, as well as enhancement where practicable, of Delta water quality, while providing adequate future supplies for all segments of the state, should be required.

h) Standards balancing the protection of all beneficial uses of Bay-Delta waters, including water flowing into or exported from the Delta, must be adopted by the SWRCB and enforced to protect the environmental health of the Bay-Delta system. Pollution from point and non-point sources into the Bay and Delta shall be controlled as stringently as practicable.

i) Programs and facilities to assure safe drinking water for importing regions dependent on the Delta should be supported.

j) The SWRCB should assure the continued monitoring for contaminants in the Delta.

## VIII. FLOOD MANAGEMENT

1. The League believes that our citizens have a reasonable expectation that their federal, state and local governments will work to protect them from flooding.
2. The League believes that flood protection and management is a statewide issue, involving flood infrastructure issues related to levees, urban/suburban/rural creeks, streams and rivers, and alluvial fans.
3. The League believes that it is important to recognize that levee failures in the Sacramento-San Joaquin River Delta have water quality, water supply and economic impacts that may have statewide effects beyond the local or regional levee break situation.
4. Flood control issues require cooperative planning, evaluation and solutions that utilize a regional and statewide perspective, such as the state IRWMP process.
5. In assessing problems and proposing solutions, it is important to consider the differences between infill development and new, greenfield development.
6. The public safety and health of California citizens and the economic health of California communities and our state depend upon good flood protection. This includes the potentially devastating impacts of floods on homes and businesses.
7. The League supports efforts to improve communication, cooperation and better coordinated planning between different government agencies involved in flood management. The League believes that there must be a genuine partnership between state and local agencies in addressing flood control issues.

8. The League believes cities must ask the right questions and have the means to obtain accurate information prior to approving development in floodplains. This involves educating elected officials and staff about whether their city is located in a floodplain, the local flood control infrastructure, the agencies that are responsible for providing flood protection, the status of levees and other structures that provide flood protection, emergency response and evacuation protocols, and how their city would be impacted by flooding.
9. The League believes that city officials should understand that a 100-year flood zone does not mean a low, once-in-100-years risk of flooding. The designation actually means that there is a 1 percent chance of flooding in any given year. This translates to a 26 percent chance of flooding over the life of a typical 30-year mortgage.
10. The League supports a 200-year flood standard for cities in the Sacramento-San Joaquin and Central Valleys.
11. The League generally endorses the recommendations of the State's Flood Control Task Force, especially those recommendations involved in updating the CEQA Checklist and General Plan Guidelines and building codes.
12. The State, Army Corps of Engineers (ACOE) and Federal Emergency Management Agency (FEMA) should work collaboratively with state and local governments regarding flood issues.

## IX. GROUNDWATER

1. The SWRCB, through the regulatory process of its regional boards, should ensure the highest possible quality and safety of groundwater by preventing contamination from point and non-point sources, especially for usable water.
2. Local drilling, sealing and abandonment ordinances for water supply and monitoring wells for the protection of groundwater and public health should be supported.
3. The principle that local entities within groundwater basins (i.e., cities, counties, special districts, and the regional water quality control boards) working cooperatively should be responsible for and involved in developing and implementing basin wide groundwater, basin management plans should be supported. The plans should include, but not be limited to: a) protecting groundwater quality; b) identifying means to correct groundwater overdraft; c) implementing better irrigation techniques; d) increasing water reclamation and reuse; and e) refining water conservation and other management practices.
4. An active state and federal role in cleaning up contaminated groundwater basins should be supported.
5. State and federal involvement, if requested, in developing groundwater management plans should include technical assistance for defining the characteristics of groundwater resources.
6. Financial assistance from state and federal governments should be made available to requesting local agencies to develop and implement their groundwater management plans.
7. Planned, joint use of surface and groundwater and development of incentives for such conjunctive use for increased efficiency should be encouraged.
8. Early development of a cost-sharing formula among all beneficiaries to fund groundwater replenishment projects should be supported.

9. The importation of additional supplemental water, consistent with Section VI Conveyance Systems, as one means of eliminating groundwater overdraft in the critically overdrafted basins should be supported.

## X. FISH AND WILDLIFE

1. Protection, maintenance, and restoration of fish and wildlife habitat and resources and their beneficial uses including recreational and commercial uses, should be supported. Where feasible, enhancement of fish and wildlife habitats should be provided.
2. Water projects shall mitigate for adverse impacts on fish and wildlife resources. Mitigation measure shall be on-site, if feasible; otherwise, as close as practicable to the area of adverse impact. Where practicable, such projects should incorporate programs designed to eliminate unnecessary barriers or impediments to fish migration, to stabilize areas
of streambank erosion, to increase spawning and rearing habitat for fish, and to maintain riparian vegetation for cover and temperature control.
3. Protection and restoration of documented fish habitat should be supported.

## XI. DRAINAGE

### 1. Agricultural Drainage

a) Finding long-term, economically feasible and environmentally sustainable solutions to agricultural drainage problems is essential and in the public interest. Solutions must be safe and environmentally acceptable in order to protect:

- Viability of agricultural lands;
- Rivers, estuaries and groundwater from potential degradation from agricultural drainage; and
- Water quality for public consumption. Drainage of agricultural lands must be part of current and future agricultural water project planning and implementation.

b) Both state and federal funding should be provided to investigate: a) further improvement in irrigation and drainage management ‘practices and conservation; b) evaporation ponds; c) deep-well injection; and d) desalination and other treatment technologies. An equitable cost-sharing formula for implementing solutions to existing and future drainage problems shall include state and federal governments and irrigation project beneficiaries.

### 2. Other (Run-Off)

a) Finding safe and environmentally acceptable solutions to problems caused by run-off from non-point sources is essential and in the public interest.

b) Similarly, finding safe and environmentally acceptable solutions to other drainage and run-off problems, such as those caused by mining, dairying and forest practices, is essential and in the public interest.

c) Equitable cost sharing among appropriate public and private bodies for implementing solutions to urban and other run-off problems should occur.

## XII. RECREATION

1. Water development projects should minimize adverse impacts to existing recreational uses, and provide new recreational opportunities where feasible.
2. The state and federal governments and the recreational users should bear the recreational development costs of water projects.
3. Operation and maintenance costs of recreational facilities developed in conjunction with water projects should be provided from on-site user fees and other applicable sources. Other costs incurred as a result of these recreational activities, such as law enforcement and emergency rescue, should receive appropriate assistance from state and federal sources.

## XIII. NEW TECHNOLOGY

Development of new technology in water use, reuse, desalination, detoxification and so forth is encouraged. This should be primarily funded by the federal and state governments. Public-private partnerships in this research also should be encouraged. A high priority should be given to the protection of public health. New technology should be evaluated based on sound science.

## XIV. FINANCIAL CONSIDERATIONS

1. It is recognized that:
   a) The development and operation of water supply, water conveyance, flood control and stormwater management, water storage, and wastewater treatment facilities is frequently beyond the capability of local areas to finance;
   b) Since most facilities have widespread benefits, it has become traditional for federal, state, and local governments to share their costs; and
   c) It is necessary that such sharing be continued and that different institutional arrangements including cost sharing formulas among all beneficiaries, public-private partnerships, and user fees should be explored.
2. The requiring agency (whether it be state, federal, or otherwise) should pay for the features of projects or programs that are required that agency.
3. The League supports legislation to provide funding for stormwater, water and wastewater programs, including a constitutional amendment or legislation which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance.
4. Any agency that regulates water with regard to local governments needs to be involved in the appropriate city with regard to how the city will pay for the new regulatory burden imposed by the agency.

**APPENDIX A**
**State Water Resources Control Board Water Quality Improvement Initiative (2008)**

1. Water Quality Improvement Initiative Item #1 (WQI 1): The League supports applying the 10% rule "One Per Region Basis"
2. WQI 2: The League supports staggering the regional water board terms
3. WQI 3: The League has no recommendation on reducing the size of the regional water board from nine members to seven, with the exception that at least one person on the regional board should have local government experience.
4. WQI 4: The League supports delegating permitting authority to the regional water board executive officer and that the executive officer should take his or her direction from the State Water Resources Control Board (SWRCB).
5. WQI 5: The League is opposed to regional water board's having full time chairs.
6. WQI 6: The League is opposed to the creation of a statewide council of full-time regional water board chairs. (Note: Water Discharge Subcommittee members believe that it may be helpful to combine a number of regional boards into larger regional boards to address areas that are similar (ex: Los Angeles and Orange County). A large regional board could bring more consistency to basin plan management. Any inconsistencies between the regional boards should be addressed by the state Board.)
7. WQI 7: The League supports the implementation of biennial priority setting based on the Strategic Plan, with six month updates by the regional water boards.
8. WQI 8: The League is opposed to allowing the SWRCB to make the TMDL environmental process subject to NEPA instead of CEQA.
9. WQI 9: The League supports requiring a TMDL to be affirmatively approved by the State Water Board or upon petition.
10. WQI 10: The League supports requiring the regional water board to consider costs of TMDL compliance.
11. WQI 11: The League supports authorizing the SWRCB to make changes to TMDLs, rather than remanding these decisions back to the regional water boards (Note: Subcommittee members believe that this policy should be tied into WQI#9).
12. WQI 12: The League has no position on confirmation of regional water board conflict of interest rules with the Political Reform Act – (Note: the Subcommittee asked for a legal opinion. The question is: what are the current conflict of interest rules pursuant to AB 1234. Staff and members believe that this provision is similar to what already exists for other state boards [example: Waste Board].)
13. WQI 13: The League has no position on the establishment of civil penalties for fraudulent information with regard to reporting by permitees.
14. WQI 14: The League is generally opposed to any removal of notice and hearing requirements prior to the SWRCB referring a case to the State Attorney General for additional action.
15. WQI 15: The League has no recommendation on additional authorization of district and city attorneys to pursue civil violations (for cities over 750,000 in population).
16. WQI 16: The League believes the state should limit the number of mandatory minimum penalties (MMP) to one violation, and the population limit to qualify under the MMP law as

a small, disadvantaged community for a single missing report should move from 10,0000 to 50,000 (in accordance with federal law).

17. WQI 17: The League has no recommendation on early payment of MMP violations.
18. WQI 18: The League supports enhanced ability of the Regional Water Boards to administratively enforce state Underground Storage Tank (UST) Requirements.
19. WQI 19: The League supports enhanced oversight of UST testers.
20. WQI 20: The League supports moving the SWRCB Enforcement Report deadline to July 1.
21. WQI 21: The League supports the SWRCB developing and implementing performance measures
22. WQI 22: The League supports improved data management systems for the SWRCB.
23. WQI 23: The League generally has no recommendation on the standardization of NPDES permits and believes that this issue should be worked out with the individual regional water boards.
24. WQI 24: The League generally has no recommendation regarding the update of SWRCB Strategic Plan.
25. WQI 25: The League supports SWRCB conducted training of regional water boards, provided the SWRCB both conducts the training and sets consistent standards statewide.

## APPENDIX B

## GLOSSARY

Affordable: A word used increasingly to express concern whether recipients of water will be able to meet the cost. Whether people view water as affordable will depend on many factors.

Agricultural Drainage: Usually refers to installed drains to permit removal of water which accumulates within plant root zone. May be essential to maintain favorable salt balance for plant growth. May contain selenium, salinity, pesticides, herbicides, etc.

Area and County of Origin Protections: Refers to legislative provisions for protecting water rights of these areas.

Area of Origin Law: Applies to a watershed or area wherein water originates, or an area immediately adjacent thereto which can be conveniently supplied with water there from. Because this law was enacted as part of the Central Valley Project Act, it applies to the Sacramento River watershed. The Burns- Porter Act subsequently defined the Sacramento-San Joaquin Delta to be part of the watershed of the Sacramento River. Gives area of origin preferential rights regarding operation of federal Central Valley Project and to contract for State Water Project water and to certain rights to construct projects or make diversions, provided use is reasonable and beneficial. (California Water Code Sections 11128, 11460-11463).

County of Origin Law: Prohibits State Water Resources Control Board from assignment of rights which will deprive a county in which the water originates of such water necessary for the development of the county. (California Water Code Section 10505).

Delta Protection Act: Establishes that an adequate supply of water in the Delta is necessary to the peace, health, safety and welfare of the people of the state, except that delivery of such water is subject to County of Origin and Area of Origin laws. (California Water Code Sections 12200-12220).

California Wild and Scenic Rivers Act and Federal Wild and Scenic Rivers Act: Establish certain rivers or sections of rivers are to be preserved in their free-flowing condition. The California law (California Public Resources Code Sections 5093.50-5093.65) allows domestic water diversion for residents of counties through which the river flows, provided there is no adverse effect upon the free-flowing character of the river. California law finds that the free-flowing state of such rivers is a reasonable and beneficial use within the meaning of the state constitution.

Atmospheric Deposition: The transfer of pollutants suspended in the air to the earth's surface. Pollutants move directly from the atmosphere into water bodies through precipitation, falling particles, or the absorption of gases into water. They also may be deposited over land and transported to water bodies via runoff. Atmospheric deposition is believed to be a significant source of various pollutants to many water bodies.

Basin Plan: The Regional Water Quality Control Plan adopted by a regional water quality control board for that board's area of responsibility in California. (See Cal. Water Code Section 13240). The basin plan establishes water quality standards, uses and other criteria for surface and ground waters.

Best Management Practices (BMPs): Methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges, including urban runoff. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

California Toxics Rule (CTR): A federal rule adopted by the U.S. EPA on May 19, 2000, which established numeric criteria for various priority pollutants for California. The rule can be found at 65 Federal Register 31682-31719, and was codified in the Code of Federal Regulations at 40 CFR 131.38.

Characteristics of Groundwater Resource: Include quality, quantity, rate of renewal and yield.

Clean Water Act (CWA): A comprehensive water quality statute (33 USC 1241 et seq.). The CWA was first adopted by Congress in 1972 and later amended in 1987 to apply to stormwater/urban runoff. The CWA was designed to restore and maintain the chemical, physical, and biological integrity of the nation's waters to support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

Coliform: A group of related bacteria that are generally benign to humans. They are natural and common inhabitants of the soil and ambient waters (e.g., lakes, rivers, and estuaries), as well as the gastrointestinal tracts of animals.

Compensation: Full replacement for unavoidable fish and wildlife resource losses in terms of habitat area and long term renewability of the quality and quantity of such resources. In the interest of clarification, compensation does not mean monetary payment as a substitute for replacement of resources losses.'

Conjunctive Use of Surface and Groundwater: Planned joint use of surface and groundwater. This usually involves maximizing use of surface water in wet years (with minimum groundwater pumping) and using any surplus surface water to recharge groundwater, and in dry years augmenting surface supplies by drawing on the stored groundwater.

Conservation: Fish and wildlife resource loss prevention, mitigation and compensation.

Conservation (of Water): Means efficient use of water. Also means reducing water losses, or eliminating waste; storing water for water use; preserving water quality.

Contamination: An impairment of the quality of the waters of the state by waste to a degree

which creates a hazard to the public health through poisoning or through the spread of disease. (California Water Code Section 13050) (See “Pollution”).

Contamination Sources:

Point Discharge: Source is identifiable, as from a pipe or drain ditch.

Non-Point Discharge: Sources are more diffuse and not easily identified with well defined outlets; includes runoff from agricultural or forested land, general urban runoff, except where collected in identifiable drains.

Cross-Media Pollution: The contribution or “flux” of pollution from one environmental medium to another. (For instance, the transfer of pollutants from the atmosphere to water.)

Davis-Grunskv Bond: This legislation established a bond fund to facilitate financing of projects in counties with limited financial resources.

Demand/Need: “Demand” usually refers to a statement of water requirements which may be projected on the basis of past water use practices. In contrast, “need” is intended to refer to water that is truly needed to satisfy purpose if water is efficiently utilized.

Delta: Refers to the Sacramento-San Joaquin Delta. 700,000 acres of islands, waterways, levees and lands into which the natural runoff flows from the Sacramento, San Joaquin, Mokelumne and Consumnes river systems before either being exported or entering the San Francisco Bay and, then, the Pacific Ocean.

Desalination: A process designed to treat brackish or sea water to make it useful for potable or non-potable use.

Enhancement: Development or improvement of fish and wildlife resource values of the area affected by a project beyond that which would occur without the project.

Enterococcus: A non-coliform bacteria group used as an indicator of the presence of fecal material in drinking and recreational waters. USEPA believes that enterococci have a better correlation with swimming-associated gastrointestinal illness in both marine and fresh waters than coliform organisms, and “die off” more slowly in saltwater.

Environmentally Safe: Not a precise technical term, but used to mean actions which have little or no adverse impact.

Economically Sound/Feasible: Not a precise technical term, but one that refers to a balance of costs and benefits. Formerly emphasis was placed on calculating benefit-cost ratios. Uncertainties and possible abuses in such calculations have raised questions concerning usefulness of such calculations. Problems include what types of benefits to involve as well as what costs to involve. Many, including environmentally related benefits and costs, cannot be adequately quantified.

Fish and Wildlife Issues: See Compensation, Conservation, Enhancement, Fish and Wildlife resources, Instream uses, Loss prevention measures, Mitigation, Preservation, Protection, and Restoration.

Fish and Wildlife Resources: Birds, mammals, fishes, amphibians, reptiles, invertebrate animals, endangered, threatened or rate native plants, their habitat area and all types of aquatic and land vegetation and other factors of the environment upon which resources are dependent. (See Fish and Game Code Section 45 for definition of fish).

Flood Irrigation: Used to describe what is more appropriately called basin and border irrigation in which land prepared as basins or land bordered by small levees is irrigated with relatively large streams of water.

Groundwater Management: The process of controlling extraction of groundwater and/or planned recharge to manage the supply and/or quantity of groundwater. Objectives of groundwater management may include minimizing (or preventing) adverse effects such as groundwater overdraft or quality degradation. (Also see conjunctive use and water management practices).

Groundwater Overdraft: Where, over a period of time, groundwater extraction exceeds natural or artificial recharge.

Indicator Bacteria: Bacteria that are used to assess the microbiological quality of water because, although not typically disease causing themselves, they may indicate the presence of several waterborne disease-causing organisms. The concentration of indicator bacteria is used as a measure of water safety for body-contact and for consumption of water.

Instream Uses: Include fish, wildlife, recreation, aesthetics, hydro-power production, dilution of contamination, waste discharge, and sediment transport.

Local Entities: Includes cities, counties, water districts, joint powers, etc.

Lass Prevention Measures: Designing and implementing measures to avoid immediate and long term impacts to fish and wildlife resources.'

Maximum Extent Practicable (MEP): The vaguely defined standard set forth in the CWA to be included in Municipal NPDES Permits to be complied with by municipal dischargers in order to reduce the discharge of pollutants from their municipal separate storm sewer systems. CWA Section 1342 (p)(3)(B)(iii) requires that permits for discharges from municipal storm sewers "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

Mitigation: Measures to lessen or reduce adverse effects on fish and wildlife resources through use of structural and non-structural loss prevention measures in project design and operations. (See CEQA Guidelines Section 15370)[1] NEPA regulations have a functionally similar definition. NEPA definition includes restoration as a mitigation measure, however.

National Pollutant Discharge Elimination System (NPDES): The program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing wastewater and stormwater discharge permits, and imposing and enforcing pretreatment requirements, under CWA.

Non-Point Source Discharge: Pollution caused by rainfall or snowmelt moving over and through the ground. As the water moves, it picks up and conveys natural and human-made pollutants, depositing them into water bodies and groundwater. Atmospheric deposition and hydromodification are also nonpoint sources of pollution.

Numeric Limits: Numeric or numerically expressed narrative restrictions on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an NPDES permitted location or outfall.

Pathogens: Disease-causing bacteria, viruses, and protozoans that are transmitted to people when they consume contaminated water.

Pollution: An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. Pollution may include contamination. (California Water Code Section 13050: Please see "Contamination").

Porter-Cologne Water Quality Control Act (Porter-Cologne): The California equivalent of the

federal Clean Water Act. This legislation established that the State Water Resources Control Board (State Water Board) has the ultimate authority over state water rights, water quality policy, and the nine regional water quality control boards (regional water boards) which oversee water quality on a day-to-day basis in their geographic regions.

Preservation: Maintenance and protection of fish and wildlife resources at levels that existed prior to the commencement of a (the current) project. Preservation is achieved through mitigation for avoidable resource losses and/or compensation for unavoidable resource losses and/or compensation for unavoidable resource losses. The term "preservation" is synonymous with "conservation" as used in the U.S. Fish and Wildlife Coordination Act. Preservation does not assume that restoration will occur, but it could.

Project Beneficiaries: Those who gain value in some fashion from any of the following: water supply, flood control, power generation, recreation, salinity repulsion, wildlife.

Protection: Department of Fish and Game appears to use this term when referring to legal enforcement by wardens. (See Preservation and Conservation).

Real Water Savings: Simply means there is an "actual" savings of water which could be put to other use.

Reasonable and Beneficial: Depends on facts and circumstances of each case. What is a beneficial use at one time may, because of changed conditions, become a waste of water at a later time. (Tulare Irrigation District v. Lindsay-Strathmore Irrigation District). The courts have determined the law requires an evaluation of the ascertainable facts in view of the increasing need for water conservation within California.

Beneficial uses include: storing water underground if thereafter to be applied to beneficial purposes; use of water for recreation and preservation and enhancement of fish and wildlife resources.

Reclaimed Water: Wastewater that has been cleaned so that it can be used for most purposes except drinking.

Recycled Water: Municipal and/or industrial wastewater that has been treated to a sufficiently high level that it can be reused usually for non-potable purposes such as irrigating landscape and refilling aquifers.

Restoration: Means to return to "original" conditions. (Selection or "original" or base condition is often source of debate.)

Reverse Flows: Where direction of flow in a channel is reversed, as in the case of channels in South Delta which normally drain towards San Francisco Bay, but where pumping for export may cause flow reversal, drawing more saline water further into the Delta.

Sediment Transport: Sediment of various particle sizes may be carried by moving water. The size of particles transported by water increases as velocity rises.

Stormwater: Water that accumulates on land as a result of storms, and can include runoff from urban areas such as roads and roofs.

Surplus Water: When used as a technical term in water contracts, this is the water that is available after entitlement water has been delivered. The amount of surplus water varies from year to year, generally according to amounts of runoff. Surplus water ordinarily is less expensive to the user than entitlement water. Reference is also made to water which is surplus to reasonable and beneficial uses of area of origin and Bay/Delta.

System Expansion: Extension of existing infrastructure exclusively to serve new customers in presently unserved areas and/or increase in water supply exclusively for the same purpose.

Total Maximum Daily Load (TMDL): A calculation of the maximum amount of a pollutant that an impaired water body can receive and still meet applicable water quality standards. A TMDL is to include allocations for the maximum load a particular source of a pollutant may discharge to the subject water body. TMDLs are required pursuant to Section 1313(d) of the CWA for water bodies that have first been listed as being impaired for the particular pollutant or pollutants at issue.

Triennial Review: A review of water quality standards in basin plans that is required at least once every three years by Section 1313(c) (1) of the CWA and periodically under Section 13240 of the Porter-Cologne Water Quality Control Act.

Ultimate: Imprecise meaning. Depends on time frame.

Usable Groundwater: Refers to groundwater which can be pumped within the cost and technical constraints appropriate to the situation.

Water Banking: Not a precise term. Generally refers to storing presently surplus water in groundwater basins or in surface storage facilities.

Water Management Practices: Relate to the varied objectives of irrigation, municipal and industrial use. These objectives may not be compatible. In general, management practices are developed to maximize economic returns and/or to minimize (or prevent) adverse environmental impacts including water quality degradation. Conservation of supply, reuse, treatment for use and waste disposal, and the planned conjunction use of surface and groundwater are all aspects of water management. (Also see Conjunctive use and Groundwater management).

Water Quality Standards and Objectives: The regional water quality boards set “objectives” in their basin planning process which are equivalent to what EPA calls “standards”. The “standards” include numerical narrative criteria and plans to implement these criteria.

Water Reclamation: Usually refers to removing contaminants in water so that the water can be discharged into a receiving water without creating problems for fish, wildlife and other aspects of environment. Also, refers to water which has been treated to remove contaminants as required to permit its reuse particularly for irrigation of landscaped or agricultural areas.

Way Bill (Program): Delta Levee Maintenance Program. Declares the Sacramento-San Joaquin Delta, characterized by islands and meandering waterways, as a unique resource of major statewide significance. Reasons are stated. Declares the system of levees is the key to preserving the physical characteristics of the Delta. Finds there is an urgent need for a higher degree of levee maintenance and rehabilitation throughout the Delta and ‘that the state has an interest in providing technical and financial assistance. Establishes that local agencies maintaining non-project (private) levees shall be eligible for reimbursement from the General Fund. Reimbursement shall be at 50% of cost. (California Water Code Sections 12980-12991).

303(d) List of Impaired Waterbodies: The State is required to prepare a list of water bodies that are polluted, under Section 303(d) of the CWA. Inclusion of a water body on the 303(d) list generally leads to the development of a total maximum daily load (TMDL) for the water body.

***Prepared by Robert M. Hagan, Extension Water Specialist, Marcia Kreith, Program Representative, University of California Cooperative Extension, July 1987 and Ken Farfsing, City Manager, City of Signal Hill, October 2009.***

**Sources**:

**Some of the preceding definitions were derived from the following sources:**

California Wetlands Information System Website: Porter-Cologne Act

Los Angeles MS4 Permit: Basin plan, best management practices, maximum extent practicable, NPDES permit

RWA: Cross-media pollution

Southern California Coastal Waters Research Project (SCCWRP) Website: Atmospheric deposition

State Water Board Website: Numeric Limits, Triennial Review,

U.S. EPA Website: California Toxics Rule, Clean Water Act, coliform, enterococcus, TMDLs

U.S. Geological Service (USGS) Website: Indicator bacteria, pathogen

LEAGUE OF CALIFORNIA CITIES

# 2021 Strategic Advocacy Priorities

City leaders throughout the state work hard every day to improve the quality of life for their residents, and create an equitable and just future for all Californians. In 2020, city leaders displayed remarkable resilience in their commitment to serving their communities, taking action to protect their residents from a global pandemic, leading in the recovery of their local economies, responding to calls for equity and justice, and combating one of the worst wildfire seasons in history.

In setting the League of California Cities annual strategic advocacy priorities, cities remain committed to resiliency, response, and recovery to strengthen our cities and move our communities forward. We stand ready to work collaboratively with the state and federal governments and other stakeholders to accomplish our strategic advocacy priorities in 2021.

1. **Secure state and federal funding for local COVID-19 public health response and economic recovery for all.** Secure direct and flexible funding and resources for cities of all sizes so they can continue to protect residents from the pandemic, deliver essential services, support small businesses, and lead the recovery in our communities. Improve communication and coordination with regional, state, and federal governments on public health orders and programs to stimulate equitable economic recovery.

2. **Secure funding to increase the supply and affordability of housing and resources to assist individuals at risk of – or already experiencing – homelessness while preserving local decision making.** Secure additional resources to increase construction of housing, particularly affordable housing, workforce housing, and permanent supportive housing, and ensure cities retain flexibility based on the land use needs of each community. Increase flexibility and resources to provide navigation assistance and emergency shelters, and strengthen partnerships and collaboration with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.

3. **Improve state-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery.** Pursue additional resources and support to mitigate the effects of climate change, sea level rise, catastrophic wildfires, and flooding in our communities. Promote community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments. Increase availability and access to the National Flood Insurance Program to include other natural disasters.

4. **Protect and modernize critical infrastructure**. Seek increased state and federal resources for critical and sustainable local infrastructure projects including roads, public transit, active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.

# Environmental Quality Interest Bills, as of 1/7/2021
## January 2021 Policy Committee

**AB 1 (Garcia, Cristina D) Hazardous waste.**

Would create the Board of Environmental Safety in the California Environmental Protection Agency. The bill would provide requirements for the membership of the board and would require the board to conduct no less than 6 public meetings per year. The bill would provide for the duties of the board, which would include, among others, reviewing specified policies, processes, and programs within the hazardous waste control laws; proposing statutory, regulatory, and policy changes; and hearing and deciding appeals of hazardous waste facility permit decisions and certain financial assurance decisions.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 9 (Wood D) Wildfires.**

Current law establishes various programs for the prevention and reduction of wildfires. This bill would state the intent of the Legislature to enact subsequent legislation that would increase California's capacity to prevent and reduce the impact of wildfires, and would make related findings and declarations.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 11 (Ward D) Climate change: regional climate change coordinating groups.**

Would require the Strategic Growth Council, by January ____, 2023, to establish up to 12 regional climate change coordinating groups to develop and work on climate adaptation for their communities. The bill would authorize the regional climate change coordinating groups to engage in certain activities to address climate change.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 21 (Bauer-Kahan D) Forestry: electrical transmission and distribution lines: clearance: penalties.**

Current law requires a person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land or forest-covered land, brush-covered land, or grass-covered land to maintain around and adjacent to any pole or tower that supports a switch, fuse, transformer, lightning arrester, line junction, or dead-end or corner pole a firebreak, as specified. Current law requires a person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land or in forest-covered land, brush-covered land, or grass-covered land to maintain a clearance between all vegetation and all conductors that are carrying electric current, as specified. This bill would impose a civil penalty of up to $100,000 for each violation of the above-described provisions. The bill would impose an additional civil penalty of up to $1,000 for each acre burned by a fire resulting from a violation of the above-described provisions.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 50 (Boerner Horvath D) Climate change: Climate Adaptation Center and Regional Support Network: sea level rise.**

Current law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, and update biannually, a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise.This bill would establish the Climate Adaptation Center and Regional Support Network in the Ocean Protection Council to provide local governments facing sea level rise challenges with information and scientific expertise necessary to proceed with sea level rise mitigation.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 51 (Quirk D) Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.**

Would require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 52 (Frazier D) California Global Warming Solutions Act of 2006: scoping plan updates: wildfires.**

The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include in its regulation of emissions of greenhouse gases the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund (fund) and to be available upon appropriation by the Legislature. Current law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project. This bill would require the state board, in each scoping plan update prepared by the state board after January 1, 2022, to include, consistent with the act, recommendations for achieving the maximum technologically feasible and cost-effective reductions of emissions of greenhouse gases and black carbon from wildfires.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 67 (Petrie-Norris D) Sea level rise: working group: economic analysis.**

Would require a state agency to take into account the current and future impacts of sea level rise when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds for those purposes. The bill would require, by March 1, 2022, the Ocean Protection Council, in consultation with the Office of Planning and Research, to establish a multiagency working group, consisting of specified individuals, on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise, the breadth of its impact, and the severity of its anticipated harm. The bill would require the council, in consultation with the working group to, among other things, develop a standardized methodology and template for conducting economic analyses of risks and adaptation strategies associated with sea level rise, as provided.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 72 (Petrie-Norris D) Environmental protection: Natural Resources Agency: coastal adaptation projects: sea level rise: regulatory review and permitting: report.**

Would enact the Coastal Adaptation Permitting Act of 2021. The bill would require the agency to explore, and authorize it to implement, options within the agency's jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects, as defined. The bill would require the agency to submit, by July 1, 2023, a report to the Legislature with suggestions and recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**AB 100 (Holden D) Drinking water: pipes and fittings: lead content.**

The California Safe Drinking Water Act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines "lead free" for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| **Desk** | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 1 (Atkins D) Coastal resources: sea level rise.**

Thee California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 37 (Cortese D) Contaminated sites: the Dominic Cortese "Cortese List" Act of 2021.**

Current law requires the State Department of Health Care Services to compile a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers. Current law also requires the State Water Resources Control Board to compile a list of specified information, including, but not limited to, all cease and desist orders and cleanup and abatement orders issued under the Water Code that concern the discharge of wastes that are hazardous materials. Current law requires these agencies to update the information as appropriate, but at least annually, and to submit the information to the Secretary of Environmental Protection. Under current law, the Secretary for Environmental Protection is required to consolidate the information provided by these state agencies and distribute the information in a timely fashion to each city and county in which sites on the lists are located and to any other person upon request. The information consolidated and made available by the Secretary for Environmental Protection is commonly known as the "Cortese List." This bill would enact the Dominic Cortese "Cortese List" Act of 2021 and would recodify the above-described provisions with certain revisions.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 38 (Wieckowski D) Beverage containers.**

Would require beverage manufacturers in the state to form a beverage container stewardship organization. The organization would be required to develop and submit to the Department of Resources Recycling and Recovery a plan, annual report, and budget for the recovery and recycling of empty beverage containers in the state similar to that described in the Used Mattress Recovery and Recycling Act. The bill would require the organization to establish a stewardship fee, to be paid by beverage manufacturer members of the organization, to assist in covering the costs of implementing the beverage container stewardship program. The bill would require the organization to reimburse the department for the department's costs of enforcing the program.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 42 (Wieckowski D) Department of Toxic Substances Control: Board of Environmental Safety.**

Would establish the Board of Environmental Safety in the Department of Toxic Substances Control. The bill would prescribe the membership of the board and would require the board to conduct no fewer than 6 public meetings per year. The bill would impose duties on the board, which would include, among others, hearing and deciding appeals of hazardous waste facility permit decisions; proposing statutory changes for hazardous waste management in the state; developing a multiyear schedule for long-term goals for specified department activities; and annually preparing and transmitting to the Secretary for Environmental Protection a review of the department's performance. The bill would establish an office of the ombudsperson in the board to receive complaints and suggestions from the public, to evaluate complaints, to report findings and make recommendations to the Director of Toxic Substances Control and the board, and to render assistance to the public.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 45 (Portantino D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.**

Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of $5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 52 (Dodd D) State of emergency: local emergency: sudden and severe energy shortage: planned power outage.**

Current law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state or the territorial limits of a local government caused by, among other things, a sudden and severe energy shortage. Current law defines a “sudden and severe energy shortage” as a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disasters, and that has statewide, regional, or local impact. This bill would expand the definition of “sudden and severe energy shortage” to include a “deenergization event,” defined as a planned power outage, as specified, and would make a deenergization event one of those conditions constituting a state of emergency and a local emergency.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 54 (Allen D) Solid waste: disposable packaging and food ware.**

Would declare the intent of the Legislature to enact the Plastic Pollution Producer Responsibility Act, which would significantly reduce the amount of disposable packaging and food ware waste entering California’s waste stream, polluting oceans, littering local communities and beaches, and costing local governments millions of dollars in cleanup costs through source reduction requirements and increased composting and recycling.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 63 (Stern D) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.**

Would, among other things, require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 67 (Becker D) Clean Energy.**

Would state the intent of the Legislature to enact subsequent legislation to accelerate the state’s progress toward having 100% of electricity provided by renewable or other zero-carbon sources on a 24-hour, 7-day basis.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 83 (Allen D) California Infrastructure and Economic Development Bank: Sea Level Rise Revolving Loan Program.**

Would create the Sea Level Rise Revolving Loan Program within the I-Bank to provide low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property. The bill would require the California Coastal Commission, before January 1, 2023, in consultation with the California Coastal Commission, the State Lands Commission, and any other applicable state, federal, and local entities with relevant jurisdiction and expertise, to determine criteria and guidelines for the identification of vulnerable coastal properties eligible for participation in the program. The bill would authorize specified local jurisdictions to apply for, and be awarded, a low-interest loan under the program if the local jurisdiction develops and submits to the bank a vulnerable coastal property plan.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**SB 99 (Dodd D) Community Energy Resilience Act of 2021.**

Would set forth guiding principles for plan development, including equitable access to reliable energy, as provided, and integration with other existing local planning documents. The bill would require a plan to, among other things, ensure that a reliable electricity supply is maintained at critical facilities and identify areas most likely to experience a loss of electrical service. This bill contains other related provisions.

**League Position:** Watch **Primary Lobbyist:** Dolfie, Derek **Policy Committee :** EQ

| Desk | **Policy** | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st House | | | | 2nd House | | | | | | | |

**Total Measures: 21**