ENVIRONMENTAL QUALITY POLICY COMMITTEE
Friday, January 24
10:00 a.m. – 2:00 p.m
Hyatt Regency, 1209 L Street, Regency D, Sacramento

AGENDA

SPECIAL ORDER: State Budget and Issues Briefing for all policy committee members
10:00 – 10:45 a.m., Regency EF Hyatt Regency
Upon adjournment, individual policy committee meetings will begin

I. Welcome and Introductions

II. Public Comment

III. Overview of Parliamentary Procedures and Roberts Rules (Attachment A) Informational

IV. Committee Orientation (Attachment B) Informational

V. League Strategic Goals for 2020 (Attachment C) Informational
Learn about the League’s 2020 strategic goals, as developed by League Leaders.

VI. Legislative Agenda (Attachment D) Action
1. SB 378 (Wiener) Electrical Corporation De-energization Procedures and Reimbursement
Speaker: Bena Chang, Director of Intergovernmental Relations, City of San Jose (12pm)

VII. Update of Existing Policy & Guiding Principles (Attachment E) Action
Review updates to League policy from new adopted policy and legislative positions from the last two years.

VIII. Adoption of 2020 Work Program (Attachment F) Action
Set priorities for 2020 to inform the issues of focus for guest speakers and legislation.

IX. Rule 20A Draft League Policy (Attachment G) Action
Discuss new draft policy related to undergrounding of utilities via the Rule 20A program.

X. Legislative Update (Attachment H) Informational
Speaker: Derek Dolfie, Legislative Representative, League of California Cities

Additionally, in order to understand the committee members’ interests more please fill out this 2-minute survey: http://bit.ly/LeagueEQ20

Next Meeting: Friday, April 3, Sheraton Park Hotel, 1855 S Harbor Blvd, Anaheim

NOTE: Policy committee members should be aware that lunch is usually served at these meetings. The state’s Fair Political Practices Commission takes the position that the value of the lunch should be reported on city officials’ statement of economic interests form. Because of the service you provide at these meetings, the League takes the position that the value of the lunch should be reported as income (in return for your service to the committee) as opposed to a gift (note that this is not income for state or federal income tax purposes—just Political Reform Act reporting purposes). If you would prefer not to have to report the value of the lunches as income, we will let you know the amount so you

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.

Informational Items: Any agenda item listed for information purposes may be acted upon by the Policy Committee if the Chair determines such action is warranted and conforms with current League policy. If the committee wishes to revise League policy or adopt new policy for an item listed as informational, committees are encouraged to delay action until the next meeting to allow for preparation of a full analysis of the item.
Parliamentary Procedure Basics Relating to League Policy Committees
(adapted from Robert's Rules of Order Newly Revised)

Note: This document is designed to provide practical examples of common procedural matters encountered by League 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

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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.

   *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 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.

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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.
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 League 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 League 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 League 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 League 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 LEAGUE POLICY COMMITTEES WORK

Role and Responsibility of Committee Members
The strength of the League’s 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.

The League has seven (7) policy committees, each with their own subject matter jurisdiction. Each policy committee plays a role in directing the League’s engagement at the local, state, federal, and regulatory levels by adopting positions on relevant policy. These recommendations are then referred to the League’s Board of Directors. Once approved, these positions are adopted as formal League policy and become part of the League’s 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 the League’s 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 the League 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 the League 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 the League 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 the League 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 the League 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 the League. 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 the League Board and if there is a different recommendation, the League 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 the League’s Website: www.cacities.org/polcomm.

We encourage you to visit the League’s Web site: www.cacities.org. In addition to containing committee materials, the Website contains information on the League’s priorities and a link to track individual bills and the League’s position on them. You should also subscribe to the League’s 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, the League 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 the League 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, the League 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
The League 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. The League 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
The League 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 the League 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.
Throughout the state, city leaders – urban, suburban and rural – work hard every day to improve the quality of life for their residents. To meet this commitment to our communities, city leaders come together annually and set the League of California Cities strategic priorities, to strengthen our cities as vibrant places to live, work, and play. We stand ready to work collaboratively with the Governor, the Legislature and other stakeholders to accomplish these strategic priorities in 2020.

1. **Improve the supply and affordability of housing.** Provide cities with financial tools to increase construction of housing, particularly for vulnerable populations, reform state regulatory barriers, and ensure cities retain flexibility based on the size, geography, demographics, impact mitigation and land use needs of each community.

2. **Advocate for increased funding and resources to prevent homelessness and assist individuals experiencing homelessness.** Secure additional resources and flexibility to provide navigation assistance, emergency shelters and permanent supportive housing and strengthen partnerships 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. **Address cities’ fiscal sustainability to deliver essential services and meet pension obligations.** Raise awareness among stakeholders about the fiscal challenges cities face and work collaboratively to secure new revenue tools and flexible prudent policies to ensure cities are able to provide essential services to their residents while maintaining their ability to meet pension obligations.

4. **Strengthen community and disaster preparedness, public safety, and resiliency.** Improve community resiliency to disasters and environmental threats, and strengthen infrastructure stability and control, through expanding partnerships, including state and federal agencies, and securing additional resources and support for climate change adaptation, planning, preparedness, response, recovery, and sustainability in our cities.

5. **Address public safety concerns of California cities.**
   - Reform recently enacted criminal justice laws — enacted by both statute and initiative — that have eroded public safety protections of California residents through the passage of the Police Chiefs/Grocer’s-sponsored criminal justice reform measure eligible for the November 2020 state ballot, or by equivalent reforms achieved through legislative action.
   - Protect public safety by reducing access to firearms by the mentally ill.
   - Support additional tools and resources to address critical community challenges such as homelessness, mental health, domestic violence, drug rehabilitation, human trafficking and workforce development for ex-offender reentry.

For more information visit [www.cacities.org/strategicpriorities](http://www.cacities.org/strategicpriorities)
1. **SB 378 (Wiener) Electrical Corporations: Deenergization Events: Procedures: Allocation of Costs: Reports.** (As Amended 01/06/20)

**Bill Summary:**
This bill requires electrical cooperations to collect more data on their utility equipment, ensure that costs accrued by local governments and customers during a utility initiated power shutoff are recovered through shareholder funding, and establishes a civil penalty to be imposed on electrical utilities during every hour of a deenergization event. SB 378 will also prevent utilities from opposing alternative energy service options such as the expansion of microgrids and distributed energy resources. Utilities must also notify cities and counties as early as possible of any utility initiated power shutoff, and provide all local specific information. This bill dictates that these provisions apply to electrical corporations with more than 2.5 million service connections, therefore limiting the scope of the bill to Pacific Gas and Electric (PG&E) and Southern California Edison (SCE) and excluding San Diego Gas and Electric (SDG&E).

**Bill Description:**
This bill has six major provisions:

1) Requires electrical cooperations with more than 2.5 million electrical service connections to annually report to the California Public Utilities Commission (CPUC), the Office of Emergency Services (Cal OES), the Department of Forestry and Fire Protection (CAL FIRE), the Independent System Operator (ISO), and county governments within its service territory on the condition of their electrical equipment.
   a. This report is to include inspection and maintenance records, assessments of current and future fire risk, and the investments that electric utilities have made in infrastructure improvements.

2) Prohibits electrical corporations from recovering costs associated with opposing the expansion of electrical service options through ratepayers. This bill also prohibits electrical cooperations from marketing against these service options unless done through an affiliate, funded exclusively by shareholders.
   a. The goal of these policies is to expand the scope of electrical services provided to customers through options such as self-generation, new or expanded publicly owned utilities, expansion of microgrids, distributed energy resources, and more.

3) Electrical corporations with more than 2.5 million electrical service connections will no longer be able to charge customers increased amounts after a utility initiated power shutoff to offset losses, and any profit accrued by the corporations due to the shutoff must be remitted or credited to the ratepayers.

4) Directs the CPUC and the Department of Consumer Affairs (DCA) to establish procedures by June 2021 (for electrical corporations with more than 2.5 million electrical service connections) to ensure that customers and local governments
recover costs accrued during a utility initiated power shutoffs within two weeks of
the end of the event. Electrical corporations must establish a fund, to administer
these recovery costs. Expenses paid by this fund must be exclusively from
shareholders, and cannot be recovered through rates.
5) Establishes a civil penalty that electrical corporations with more than 2.5 million
electrical service connections to be subject to for every hour that a utility initiated
power shutoff is in place. This penalty is to be no less than $500,000 multiplied
by the sum of the number of sets of 50,000 customers affected.
6) The CPUC must bi-annually report on the economic, environmental, public
health, and public safety impacts of utility initiated power shutoffs.

Background:
Many cities have been impacted by the recent and continued utility initiated power
shutoffs that are leaving millions of California residents without power. These shutoffs
are in response to the increasing severity and frequency of California’s wildfires, which
have been exacerbated by years of drought, intense weather patterns, untamed
vegetation, and climate change. These conditions create a dangerous catalyst for
wildfires caused by utilities as extreme wind and weather events make downed power
lines more of a risk. Additionally, due to inverse condemnation, utilities have a vested
interest in using utility initiated power shutoffs as a tool in avoiding the possible liability
of sparking a catastrophic wildfire. The increasing frequency and duration of these
events has caused many state and local officials to advocate for more oversight and
regulation of California’s Investor Owned Utilities (IOUs) to ensure that communities are
not left in the dark.

History of Public Safety Power Shutoffs
According to a recent report by the Legislative Analyst’s Office, IOU’s began using utility
initiated power shutoffs in the wake of the devastating wildfires that occurred in SDG&E
territory in 2007. It was in response to these fires that the CPUC determined that state
law gives IOUs authority for power shutoffs if intended for public safety. This 2008
decision, paired with climate realities that are creating a longer and dryer fire season,
has resulted in a dramatic increase of utility initiated power shut off events throughout
the state.

In 2012, the CPUC began to adopt general power shutoff requirements for all IOUs in
the state. In December of 2018, the CPUC opened a new rulemaking, R.18-12-005, to
examine IOUs power shutoff processes and practices. In May of 2019, the CPUC made
its Phase I decision, which made improvements to utility communication and notification
protocols. In August of 2019, the CPUC opened the second phase of R. 18-12-005 to
expand upon the guidelines adopted in Phase 1. The CPUC will consider how to better:
• Identify and communicate with access and functional needs populations;
• Increase communications with customers while the power is turned off;
• Better communication during reenergization;
• Implement mitigation measures;
• Coordinate with emergency responders; and
• Assess the impact and potential remedies to transmission-level de-energization.

Lastly, in November 2019, amid an increase of utility initiated power shutoff events statewide, the CPUC opened an investigation to examine the recent shutoffs and consider enforcement actions to ensure that utilities are held accountable for their actions during these events.

Public Safety Power Shutoff Protocol Overview

Currently, utility initiated power shutoffs are to be used as a measure of last resort, and IOUs must justify why that method was used over other options in assessing the risks that weather patterns may pose to public safety. The CPUC requires that IOUs provide advanced notice of a utility initiated power shutoff to potentially affected populations, and public safety partners. Extra steps must be taken to make contact with vulnerable populations such as sending extra notifications, setting up community resource centers, and assisting critical care facilities to identify their power and backup power needs during shutoffs.

The CPUC also requires IOUs to coordinate with state agencies, such as Cal OES. These requirements include appointing (upon request) a utility liaison to the local emergency operations center, inviting representatives from Cal OES and operators of critical infrastructure to sit in the utility emergency operations center, and providing data about the location of potential events and customers that may be affected.

Lastly, the CPUC requires that IOUs submit post-event reports within ten days of a shutoff that include the decision criteria for the event, who was contacted prior to the event, a breakdown of communication with public safety partners, and lessons learned.

Fiscal Impact:

Currently, not all of the fiscal impacts of this bill are known. However, there are several implications that should be considered:

IOU shareholders will be required to pay into a fund that will be used to cover the costs of losses accrued by local governments and customers during a utility initiated power shutoff including losses of assets, revenues, wages, medical bills, travel expenses, lodging costs, and other incidental expenses incurred as a direct result of the event. Local governments may stand to benefit from these cost recovery requirements specifically related to their planning and response activities.

Electrical corporations with more than 2.5 million electrical service connections will no longer be able to charge customers increased amounts after a utility initiated power shutoff to offset losses, and any profit accrued by the corporations due to the shutoff must be remitted or credited to the ratepayers.
This bill will have a fiscal impact on California’s IOUs as each of these utility initiated power shutoff events would result in a civil penalty of not less than $500,000 multiplied by the sum of the number of sets of 50,000 customers affected for every hour that the deenergization is in place. Rather than being able to recover these costs through their rate base, IOUs will now have to recover these costs through their corporation’s shareholders.

IOU shareholders will also be responsible for paying any marketing effort, through an affiliate to the electric utility, to oppose the consideration, formation, or implementation of a new publicly owned electric utility or electrical cooperative, microgrid, self-generation, or distributed energy resource.

There will be unknown costs to the CPUC in overseeing and implementing these new requirements, including preparing their bi-annual report of the various impacts of utility initiated power shutoffs. IOUs will also accrue unknown costs in preparing their annual report to the CPUC, Cal OES, CAL FIRE, ISO, and county governments within its service territory on the condition of their electrical equipment.

Existing League Policy:

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.”

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.”

“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.”

“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:
• **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.

• **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.

• **Public Power Options.** Support all bills that enhance the public power options available to cities and counties.”

**Climate Change**

“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.”

**Staff Comments:**

*New Amendments are Pending*

SB 378 was heard on Wednesday, January 15 in the Senate Energy, Utilities, and Energy committee. The bill took a number of amendments and was passed on a 10-1 vote. League staff will provide a supplemental document with the amendments to the committee as soon as they are in print.

*Creating Accountability and Transparency for PG&E and SCE*

In the wake of the various utility initiated power shutoffs that occurred in October, many cities expressed desires for increased amounts of data sharing and compensation for losses accrued over the course of these events. This bill seems to address most of these concerns by creating accountability and mandating transparency as IOUs plan and execute these shutoffs.

*SDG&E Exempt*

As mentioned previously in this analysis, it is important for the committee to consider that the provisions spelled out in this bill do not apply to SDG&E. Perhaps customers of SDG&E, who are also experiencing these utility initiated power shutoffs, would also enjoy the possible benefits that this bill poses to customers and city and county governments.

*Adequacy of Proposed Civil Penalty*

It is unknown if the civil penalties described in this bill are going to be an effective mechanism in determining if an IOU chooses to initiate a power shutoff of not. It is possible that this penalty is too low and will not serve as an adequate deterrent, or too high, only exacerbating IOUs existing debts, or even posing a threat to public safety by having IOUs choose not to shutoff the power in threatening conditions to avoid facing this penalty.
**Municipal Utilities**
There is one section of SB 378 that may have implications on all electrical cooperations, including municipal utilities. This section pertains to prohibiting electrical corporations from using ratepayer funding to oppose the formation and implementation of new or existing publicly owned electric utilities, and other described energy sources. While it may seem that municipal utilities would not oppose the proliferation of energy sources, it is interesting to note that this is the one section of the bill that does not specify the need for an electrical corporation to have 2.5 million service connections.

**Unknown Possibility of Rate Increases**
It is not clear if there will be rate increases as the result of this bill. It is possible, that in having IOUs pay cost recovery expenses and civil penalties that there will be unintended rate increases despite the fact that both of these costs should be borne exclusively by shareholders.

**Support and Opposition:** (as of 01/06/20)
- **Support:**
  - City of San Jose (Sponsor)
  - City of Berkeley
  - City of Danville
  - City of Dublin
  - City of Livermore
  - City of Pleasanton
  - City of San Ramon
  - Mayor London Breed, City & County of San Francisco
  - Mayor Libby Schaaf, City of Oakland
- **Opposition:**

**Staff Recommendation:**
League staff’s recommendation would be to adopt a support position on SB 378 and work with the author’s office and relevant stakeholders to address implementation challenges.

**Committee Recommendation:**

**Board Action:**
Every two years, the League updates its “summary of Existing Policies and Guiding Principles” to reflect new League policy adopted during the past two years. The purpose of this update is not to develop new League policy or revisit existing League policy. The document provides indicates new policy adopted during the past two years in **bold underlining** or **bold strikeouts**. This is new policy that has been adopted through Annual Conference Resolutions, League positions on bills approved by the League Board of Directors, or broad League policy approved by the League Board of Directors over the last two years.

Committee members should review the proposed update and consider whether it accurately reflects the actions taken by the policy committee (and League Board) over the last two years, and whether there are any missing policy items or errors in describing policy. Committee members who wish to propose new League policy or to revisit existing League policy should suggest that the issue be placed on an agenda for a future policy committee meeting, as opposed to attempting to modify the policy through this update.

**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 (Núñez), 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.

- **Green Building Guidelines.** 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.

• **Recycles 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.

• **Environmental Standards.** 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 administering 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 court’s ability to fashion a remedy that is specific to the project and limited to only those aspects of the project held invalid under CEQA.

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**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 League 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

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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/](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.
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.

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.

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.

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.

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

The League encourages the 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 publicly-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
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.


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

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 10,000 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.


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-Grunsky 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 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.

**Loss 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) 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.

**Reycled 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.


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
Environmental Quality Policy Committee
2020 Work Plan

Each year the Environmental Quality policy committee adopts a work plan that outlines what speakers and policy items the committee would like to focus on in addition to the League’s strategic priorities. The speakers and policy items are based off the Environmental Quality policy committee’s jurisdiction, which include air quality; water and water quality; climate change; CEQA; solid waste and recycling; hazardous materials; coastal issues; disasters/emergency preparedness and response; and energy and utilities. A complete summary of the Environmental Quality policy principals can be found here. Additionally, included in this packet is the work plan from last year for the committee’s reference.

In order to facilitate the creation of this year’s work plan, we are asking each policy committee member to identify three issues the EQ policy committee should focus on in 2020, with brief reason why. The work plan typically includes only three to four items as we only have two policy committee meetings to carry out the work plan. Please come prepared to share your top three important EQ issues with the committee to help develop the work plan.

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COMMITTEE ON ENVIRONMENTAL QUALITY
2019 Work Program

2019 LEAGUE OF CITIES STRATEGIC GOALS  The Committee will work to support the 2019 strategic goals adopted by the League Board of Directors. The 2019 strategic goals include:

1. **Provide Cities Additional Funding and Tools and Preserve Local Authority to Address Housing Production, Affordability and Homelessness Challenges.**
   - Provide additional funding and preserve local mitigation fee authority to ensure cities have sufficient resources to update local plans that reflect community input, improve and expand local infrastructure, address environmental impacts and deliver services to support new housing development.
   - Restore a robust form of tax increment financing to advance transit-oriented development, build affordable and workforce housing, improve jobs/housing balances, and revitalize local neighborhoods and communities.
   - Increase resources to provide emergency shelter, alcohol and drug treatment, housing, mental health and other wrap-around services and facilities to assist people of all ages, including seniors, experiencing homelessness.
   - Provide CEQA streamlining to expedite housing construction.
   - Ensure the availability of adequate water supplies to support new growth.
   - Preserve local authority to ensure housing development is consistent with local housing elements, design requirements and other applicable criteria adopted with community input.
   - Given California’s massive identified deficit in affordable housing, the Legislature and Governor should set aside a substantial amount of the state’s budget surplus to support additional affordable and workforce housing construction and expand skilled workforce training.

2. **Improve Disaster Preparedness, Recovery and Climate Resiliency.**
   - Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
   - Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

3. **Promote Sustainability of Public Pension and Retirement Health Benefits.**
   - Continue to work with employee organizations, CalPERS, the Administration and the Legislature to drive public awareness of the fiscal challenges cities face as a direct result of growing unfunded pension liabilities and retirement health benefits.
   - Work collaboratively to achieve meaningful options and flexibility for cities to address these challenges in order to stabilize local budgets and ensure sufficient funding remains available to provide services to communities.

4. **Address Public Safety Concerns of California Cities.**
   - Reform recently enacted criminal justice laws — enacted by both statute and initiative — that have eroded public safety protections of California residents through the passage of the Police Chiefs/Grocer’s-sponsored criminal justice reform measure eligible for the November 2020 state ballot, or by equivalent reforms achieved through legislative action.
• Protect public safety by reducing access to firearms for the mentally ill.
• Protect existing city authority to deliver local emergency services.
• Support additional tools and resources to address critical community challenges such as homelessness, mental health, domestic violence, drug rehabilitation, human trafficking and workforce development for ex-offender reentry.

Additionally, the committee will look at the following issues during the 2019 year:
• Storm water and water quality;
• Solid waste and recycling markets;
• Disaster prevention; preparedness; and resiliency; and
• The California Environmental Quality Act (CEQA).
Rule 20A Proposed Revisions to the Summary of Existing Policy and Guiding Principles

Purpose:

The city of Rancho Palos Verdes submitted a resolution to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League of California Cities call upon the CPUC to increase utilities’ funding allocations for Rule 20A projects.

The Environmental Quality; Transportation, Communication, and Public Works; and the General Resolutions Committee considered the resolution at the League’s Annual Conference in October of 2019.

All three committees had robust discussions about the resolution, with consensus around the intent and urgency of the bill; however, some details were unclear and needed to be discussed and analyzed by staff further. The General Resolutions Committee took action to table the resolution at the Annual Conference and to defer the discussion and drafting new existing policy on this issue to the appropriate policy committees in January of 2020.

While the resolution has been included as an attachment for the committee’s reference, the committee will not be considering this resolution. Pursuant to the action taken by the General Resolutions Committee, League staff is proposing adopting new existing policy that encompasses the scope and intent of this resolution.

Both the Environmental Quality and Transportation, Communications, and Public Works policy committees will discuss and debate the proposed new existing policy changes.

Background:

California Wildfires and Utilities
Over the last several years, the increasing severity and frequency of California’s wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to the 2018 catastrophic wildfires, Governor Newsom established in 2019 a Strike Force
tasked with developing a “comprehensive roadmap” to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom’s Wildfire Strike Force program report concludes, “It’s not a question of “if” wildfire will strike, but “when.”

**Very High Fire Hazard Severity Zones**

California Government Code Section 51178 requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/).

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state’s population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire’s maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

**CPUC Rule 20 Program**

The CPUC’s Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

**Rule 20A**

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative

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budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around $95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government’s Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities’ service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the change from the 1990 total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the change from the 1990 total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E’s Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E’s annual allocations for Rule 20A have been around $41.3 million annually, which is between two and three percent of their total revenue.
Criteria for Rule 20A Projects
For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor’s Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness
Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total $95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over $1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found here.²

Note: The existing credit allocation formulas do not consider a municipality’s need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B
Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C
Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program
Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program.


60
According to SDG&E the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E’s Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

**Comments:**

**CPUC Currently Exploring Revisions to Rule 20**

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

**Beyond Rule 20A: Additional Options for Funding Undergrounding Projects**

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

**Rule 20D Expansion**

The City of Berkley in a 2018 study titled “Conceptual Study for Undergrounding Utility Wires in Berkley,” found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.
One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

**Franchise Surcharge Fees**

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E’s revenue projections, the increase would result in an additional surcharge revenue amount of approximately $36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately $3.00 to a typical residential customer’s electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

**Existing League Policy:**

**Public Safety:**

“The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions.”

“The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities’ authority and discretion to provide all emergency services to their communities.”
Transportation, Communication, and Public Works:
“Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding.”

“The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs.”

“The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding.”

Environmental Quality
“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.”

“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.”

“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.”

Community Services
“The League supports measures that provide resources for local governments to coordinate services to assist displaced residents and communities recover from wildfires, earthquakes and other natural disasters.”

2019 Strategic Priority
Improve Disaster Preparedness, Recovery and Climate Resiliency.
- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

2020 Strategic Priority
Strengthen community and disaster preparedness, public safety, and resiliency.
Improve community resiliency to disasters and environmental threats, and strengthen infrastructure stability and control, through expanding partnerships, including state and federal agencies, and securing additional resources and support for climate change adaptation, planning, preparedness, response, recovery, and sustainability in our cities.
Proposed Changes:

The League supports the inclusion of wildfire mitigation as an eligible project to receive the California Public Utilities’ Rule 20 funds and efforts to expand funding for Rule 20.

Staff Comments:

The proposed policy seeks to incorporate two main elements: adding wildfire mitigation as an eligible project to receive rule 20 funds; and expand funding for rule 20 projects to support those wildfire mitigation efforts.

During the discussion around the resolution, deciding on which map or designation to follow for determining what was “high risk” or “very high risk” was difficult. The proposed policy does not determine who can access these funds, instead any city in the rule 20 program would to be able to use rule 20 funds for wildfire mitigation.

Staff Recommendation:

League staff recommends the committee APPROVE the proposed changes to League existing policy.
1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes
Concurrence of five or more cities/city officials: Cities: Hidden Hills; La Canada Flintridge; Laguna Beach; Lakeport; Malibu; Nevada City; Moorpark; Palos Verdes Estates; Rolling Hills; Rolling Hills Estates; Ventura
Referred to: Environmental Quality and Transportation, Communication and Public Works Policy Committees

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, some cities would like to use private firms to design, inspect and construct Rule 20A projects; and

WHEREAS, expanding Rule 20A criteria to facilitate undergrounding projects that prevent fires, and expanding the Rule 20D program to all utility providers would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for new Rule 20A projects and allowing excess funds to be
transferred between cities would lead to more undergrounding projects that help prevent fires; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects that help prevent fires to the list of criteria for eligibility, to increase funding allocations for Rule 20A projects, to increase flexibility for cities utilizing Rule 20, and to expand the Rule 20D program to all utility providers.
January 15, 2020

Environmental Quality Policy Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear Members of the Committee:

The City of Rancho Palos Verdes thanks you for your thoughtful consideration last October of our conference resolution regarding the expansion of California’s Rule 20 program, and your constructive amendments.

We are unable to attend the January 24 meeting, but wish to restate our support for all of the revisions that were agreed upon by the policy and General Resolutions committees, which strengthened the proposed policy by broadening the language to go beyond the Rule 20A program and the Very High Fire Hazard Severity Zone designation.

We ask that you advance the proposed policy to the League’s Board of Directors for consideration as a formal policy. The League already has a seat at the table in the rulemaking process with the California Public Utilities Commission, so now is the time for our cities to advocate for these changes.

We again thank you for your support and solidarity on this issue and look forward to working collaboratively to ensure a future where it is possible for more fire-prone communities to put power lines underground.

Thank you,

John Cruikshank
Mayor

cc: Derek Dolfie, Legislative Representative, League of California Cities
Jason Rhine, Assistant Legislative Director, League of California Cities
Ara Mihranian, Interim City Manager
Kit Fox, Interim Deputy City Manager
Rancho Palos Verdes City Council
Environmental Quality Interest Bills
January 2020 Policy Committee, as of 1/17/2020

**AB 100**  (Committee on Budget)  Drinking water.
The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms.

League Position: Support          Primary Lobbyist: Dolfie, Derek          Policy Committee : EQ

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League Position Letter(s) & City Sample Letter(s):
AB 100 Coalition SUPPORT Sen Budget 6.21.19

Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of $3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildlife prevention, safe drinking water, drought preparation, and flood protection program. The bill would provide for the submission of these provisions to the voters at the November 3, 2020, statewide general election. The bill would provide that its provisions are severable.

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

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**AB 740** (Burke D) Property insurance: fire hazard severity zones.

The California FAIR Plan Association is a joint reinsurance association formed by state insurers licensed to write and engaged in writing basic property insurance within this state to assist persons in securing basic property insurance and to formulate and administer a program and FAIR Plan for the equitable apportionment among insurers of basic property insurance. Existing law requires each insurer to participate in the writings, expenses, and profits and losses of the association in the proportion that its premiums written bear to the aggregate premiums written by all insurers in the program, as specified, but requires the plan to provide for a method for insurers who voluntarily write basic property insurance on risks located in areas designated as brush hazard areas to be proportionately relieved of the liability to participate in the plan. This bill would add to the insurers that are proportionately relieved of the liability to participate in the FAIR Plan those voluntarily writing basic property insurance on risks in high or very high fire hazard severity zones, as determined and mapped by the Department of Forestry and Fire Protection.

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

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**AB 755** (Holden D) California tire fee: Stormwater Permit Compliance Fund.

Would require the California Department of Tax and Fee Administration to collect the California tire fee and would repeal the provision authorizing the Department of Resources Recycling and Recovery to solicit and use the expertise of, and contract or cooperate with, other state agencies. The bill would increase the California tire fee by $1.50. The bill would require the California Department of Tax and Fee Administration to transfer the additional moneys to the Stormwater Permit Compliance Fund, which would be established by the bill, and would make the moneys available to the State Water Resources Control Board. The bill would continuously appropriate moneys in the fund for competitive grants for projects and programs for municipal storm sewer system permit compliance requirements that would prevent or remediate pollutants, including zinc, caused by tires in the state and for an annual audit of the fund. Money in the fund would be available upon appropriation for the administrative expenses of the fund, not to exceed 5% of the overall revenue annually deposited in the fund, except as specified. The bill would also make conforming changes. This bill contains other related provisions and other existing laws.

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

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League Position Letter(s) & City Sample Letter(s):  
**AB 755 (Holden) Assembly Floor Alert - Support 5.22.19**  
**AB 755 (Holden) Support, Asm. Appropriations, 5-8-19**

**AB 995** (Garcia, Cristina D) Hazardous waste.

This bill 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.

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

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Would enact the Climate Resiliency, Fire Risk Reduction, Recycling, Groundwater and Drinking Water Supply, Clean Beaches, and Jobs Infrastructure Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a climate resiliency, fire risk reduction, recycling, groundwater and drinking water supply, clean beaches, and jobs infrastructure program. The bill would require the bond act to be submitted to the voters at the November 3, 2020, statewide general election.

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

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AB 1506  (McCarty D)  Solid waste: commercial and organic waste: recycling bins.

Current law requires a business that generates 4 cubic yards or more of commercial solid waste or organic waste per week to arrange for recycling services, as specified. Existing law requires a business subject to either of those requirements to provide, on or before July 1, 2020, customers with a recycling bin or container for that waste stream that complies with prescribed requirements. Current law exempts full-service restaurants, as defined, from the requirement to provide customers with a recycling bin or container if the full-service restaurant, on or before July 1, 2020, provides its employees a recycling bin or container for that waste stream to collect material purchased on the premises and implements a program to collect that waste stream. This bill would specify that, with respect to a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction, or similar facility that is subject to either of those requirements, the requirement to provide customers with a recycling bin or container only applies to permanent, nonmobile food service facilities with dedicated seating areas that are not full-service restaurants.

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

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Would, on or before December 31, 2021, require the Strategic Growth Council, in consultation with stakeholders and relevant permitting agencies, to prepare and submit to the Legislature a report that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets and would require the scoping plan to include, among other things, recommendations on policy and funding support for the beneficial reuse of organic waste.

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

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**AB 1839  (Bonta D)  Climate change: California Green New Deal.**

Current law establishes various environmental and economic policies. This bill would create the California Green New Deal Council with a specified membership appointed by the Governor. The bill would require the California Green New Deal Council to submit a specified report to the Legislature no later than January 1, 2022. The bill also would make various findings and declarations.

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

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**AB 1840  (Ting D)  Recycling: reports.**

Would require the Department of Resources Recycling and Recovery, on or before January 1, 2022, to make recommendations to the Legislature on how to improve the California Beverage Container Recycling and Litter Reduction Act to increase recycling of beverage container materials within the state and increase consumer redemption convenience.

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

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**AB 1915  (Chu D)  Electrical corporations: deenergization events.**

Would, if the Public Utilities Commission approves a wildfire mitigation plan that authorizes an electrical corporation to deenergize portions of the electrical grid, this bill would require the commission to adopt rules setting forth the circumstances under which a deenergization event may be undertaken and continued in effect and the appropriate geographic range of a deenergization event. Following a deenergization event, the bill would require the commission to determine whether the electrical corporation complied with the rules and also determine if the entire duration and geographic range of the deenergization event was reasonable, as specified.

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

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**AB 1916  (Chu D)  Deenergization: notification: languages.**

Would require an electrical corporation, by July 1, 2021, to conduct a survey of its customers asking each customer the language in which the customer prefers to receive direct communications from the electrical corporation and to list any medical needs that would require accommodation during a deenergization event. The bill would require the electrical corporation to provide direct communications and updates regarding the intentional deenergization of the electrical corporation’s distribution and transmission system to each affected customer in the preferred language of that customer.

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

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**AB 1920**  (Boerner Horvath D)  Climate change: California Climate Adaptation Center and Regional Support Network.

Would declare the intent of the Legislature to enact subsequent legislation that would establish the California Climate Adaptation Center and Regional Support Network to provide technical support and information to local governments on adapting to climate change impacts, including, but not limited to, sea level rise.

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

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**ACA 17**  (Gray D)  Energy: hydroelectric generation facilities.

Would require that the state’s programs relating to renewable energy and climate change include hydroelectric generation facilities as renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources, and would require that those programs not differentiate between the electricity generated by hydroelectric facilities and the electricity generated by other renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources. The measure would require that hydroelectric generation facilities be considered renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources for licensing and certification purposes.

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

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Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of $4,189,000,000 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: Pending  Primary Lobbyist: Dolfie, Derek  Policy Committee: EQ

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SB 54  (Allen D)  Solid waste: packaging and products.

Would enact the California Circular Economy and Pollution Reduction Act, which would impose a comprehensive regulatory scheme on producers, retailers, and wholesalers of single-use packaging, as defined, and priority single-use products, as defined, to be administered by the Department of Resources Recycling and Recovery. As part of that regulatory scheme, the bill would require the department, before January 1, 2024, to adopt regulations that require producers, as defined, (1) to source reduce, to the maximum extent feasible, single-use packaging and priority single-use products, and (2) to ensure that all single-use packaging and priority single-use products that are manufactured on or after January 1, 2030, and that are offered for sale, sold, distributed, or imported in or into California are recyclable or compostable.

League Position:  Support  Primary Lobbyist:  Dolfie, Derek  Policy Committee:  EQ

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League Position Letter(s) & City Sample Letter(s):
SB 54 Coalition Floor Alert 9-13-19
SB 54 (Allen) Local Gov. Floor Alert Support 9-12-19
SB 54 (Allen) Local Gov. Floor Alert Support 9-10-19
SB 54 (Allen) Support, Asm. Approps. 8-20-19
SB 54 (Allen) Support, City Sample Asm. Approps, 7-9-19
SB 54 (Allen) Support, Asm. Approps, 7-9-19
SB 54 (Allen) Support, Asm. Natural Resources, 6-26-19
SB 54 (Allen) Sample Support, Asm. Natural Resources, 6-26-19
SB 54 (Allen) Local Gov. Floor Alert Support 5-28-19
SB 54 (Allen) CITY SAMPLE Support Letter Author 5-20-19
SB 54 (Allen) Local Gov. Floor Alert Support 5-20-19
SB 54 (Allen) CITY SAMPLE Support Letter Sen Approps 4-30-19
SB 54 (Allen) Support Letter 4-30-19

SB 101  (Committee on Budget and Fiscal Review)  Drinking water.

The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms.

League Position:  Watch  Primary Lobbyist:  Carrigg, Dan  Policy Committee:  RT

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73
SB 111  (Committee on Budget and Fiscal Review)  Wildfire agencies: public utilities: safety and insurance.

Would create in state government the California Catastrophe Response Council to oversee the CEA and the Wildfire Fund Administrator, who this bill would require the council to appoint. The council would be composed of the Governor, the Treasurer, the commissioner, and the Secretary of the Natural Resources Agency, or their designees, and 3 members of the public appointed by the Governor, one member appointed by the Senate Committee on Rules, and one member appointed by the Speaker of the Assembly, who would serve 4-year staggered terms.

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

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SB 372  (Wieckowski D)  Beverage Container Recycling Act of 2020.

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

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

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Would require each electrical corporation with more than 2,500,000 electrical service connections in California to annually submit a report to the Public Utilities Commission, the Office of Emergency Services, the Department of Forestry and Fire Protection, the Independent System Operator, and county governments within its service territory that includes the age, useful life, and condition of the electrical corporation’s equipment, inspection dates, and maintenance records for its equipment, investments to maintain and improve the operation of its transmission and distribution facilities, and an assessment of the current and future fire and safety risk posed by the equipment.

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

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**SB 634** (Glazer D) The California Beverage Container Recycling and Litter Reduction Act.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to annually designate convenience zones and requires that at least one certified recycling center that meets certain requirements be located within every convenience zone. This bill would increase the total number of exemptions that may be granted to 40% of the number identified as eligible. The bill would require the department to review exemptions every 2 years to determine if each exemption still meets the prescribed exemption criteria. This bill contains other existing laws.

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

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**SB 669** (Caballero D) Water quality: Safe Drinking Water Fund.

Would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified.

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

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**League Position Letter(s) & City Sample Letter(s):**

SB 669 (Caballero) CITY SAMPLE Support, Sen. Approps., 5-9-19  
SB 669 (Caballero) Support, Sen. Approps., 5-9-19  
SB 669 (Caballero) Support, Sen. Gov Organization, 4-19-19  
SB 669 (Caballero) CITY SAMPLE Support Sen GO 4.10.19  
SB 669 (Caballero) Sen EQ 4.8.19

**SB 724** (Stern D) The California Beverage Container Recycling and Litter Reduction Act.

Current law authorizes the Department of Resources Recycling and Recovery to grant a convenience zone an exemption from certain redemption requirements, including certain dealer and recycling center redemption requirements, based on certain factors. Current law limits the total number of exemptions that may be granted to 35% of the total number of convenience zones identified as having one or more of those factors applicable. This bill would increase the total number of exemptions that may be granted to 50% of the number identified as eligible. The bill would require the department to review exemptions every 5 years to determine if each exemption still meets the prescribed exemption criteria.

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

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SB 739  (Stern D)  Fire prevention: defensible space and home hardening training.

Would require the Department of Forestry and Fire Protection to develop and implement a training program, as provided, to train individuals to support and augment the department in its defensible space and home hardening assessment and education efforts. The bill would require the department to issue a certification of completion to individuals who have successfully completed the training program. The bill would repeal these provisions on January 1, 2025.

League Position: Watch

Primary Lobbyist: Dolfie, Derek

Policy Committee: EQ

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Would require an electrical corporation to deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance if the customer meets those conditions.

League Position: Watch

Primary Lobbyist: Dolfie, Derek

Policy Committee: EQ

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SB 802  (Glazer D)  Emergency backup generators: health facilities: permit operating condition exclusion.

Would require an air district to adopt a rule or revise its existing rules, consistent with federal law, to allow a health facility that has received a permit from the district to construct and operate an emergency backup generator to use that emergency backup generator during a deenergization event without having that usage count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of that permit. By requiring air districts to adopt or revise its rules, the bill would impose a state-mandated local program.

League Position: Watch

Primary Lobbyist: Dolfie, Derek

Policy Committee: EQ

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SB 862  (Dodd D)  Planned power outage: public safety.

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 caused by, among other things, fire, storm, or riot. This bill would additionally include a planned deenergization event, as defined, within those conditions constituting a state of emergency and a local emergency.

League Position: Watch

Primary Lobbyist: Dolfie, Derek

Policy Committee: EQ

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Total Measures: 27