

# SOLANO COUNTY WATER AGENCY



## BOARD OF DIRECTORS:

### **Chair:**

*Supervisor Jim Spering*  
Solano County District 3

### **Vice Chair:**

*Mayor Harry Price*  
City of Fairfield

*Mayor Jack Batchelor*  
City of Dixon

*Director Bob Bishop*  
Solano Irrigation District

*Director Dale Crossley*  
Reclamation District No. 2068

*Mayor Osby Davis*  
City of Vallejo

*Supervisor Erin Hannigan*  
Solano County District 1

*Mayor Steve Hardy*  
City of Vacaville

*Mayor Elizabeth Patterson*  
City of Benicia

*Mayor Norm Richardson*  
City of Rio Vista

*Director Gene Robben*  
Maine Prairie Water District

*Mayor Pete Sanchez*  
City of Suisun City

*Supervisor Linda Seifert*  
Solano County District 2

*Supervisor Skip Thomson*  
Solano County District 5

*Supervisor John Vasquez*  
Solano County District 4

## GENERAL MANAGER:

*David Okita, PE*  
Solano County Water Agency

## BOARD OF DIRECTORS MEETING

**DATE:** Thursday, November 14, 2013

**TIME:** 6:30-7:00 p.m. (Note: There is a CCCC meeting this month)

**PLACE:** Berryessa Room  
Solano County Water Agency Office  
810 Vaca Valley Parkway, Suite 203  
Vacaville

### **6:30 p.m.**

#### **1. CALL TO ORDER**

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. APPROVAL OF AGENDA**

#### **4. PUBLIC COMMENT**

Limited to 5 minutes for any one item not scheduled on the Agenda.

#### **5. CONSENT ITEMS**

(A) Minutes: Approval of the Minutes of the Board of Directors meeting of October 10, 2013 is recommended.

(B) Expenditure Approvals: Approval of the October checking account register is recommended.

(C) Dixon SWP Participating Agency Contract: Authorize Chairman to execute a revised Participating Agency Contract for State Water Project water supply with City of Dixon.

(D) Purchase of Global Navigation Satellite System Surveying Equipment: Approve purchase of a Global Navigation Satellite System Surveying equipment.

810 Vaca Valley Parkway, Suite 203  
Vacaville, California 95688  
Phone (707) 451-6090 • FAX (707) 451-6099  
www.scwa2.com



(E) Agreement with Yolo County Resource Conservation District for Assisting in Administration of the Westside Integrated Regional Water Management Plan: Authorize Chairman to execute an agreement with the Yolo County Resource Conservation District, on behalf of the Westside Integrated Regional Water Management Plan (Westside IRWMP) Coordinating Committee, to assist in the administration of the Westside IRWMP.

(F) Ulati Project Grant Deed: Authorize General Manager to accept a grant deed for a portion of property along the Ulati Flood Control Project.

**6. BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

**7. GENERAL MANAGER'S REPORT**

RECOMMENDATION: For information only.

**8. 2014 WATER BOND LEGISLATION – SB 42 AND AB 1331**

RECOMMENDATIONS:

1. Support SB 42 if amended to provide for a section for funding water infrastructure projects in Delta counties that provide public benefits.
2. Support AB 1331 if amended to provide for a section for funding water infrastructure projects in Delta counties that provide public benefits.

**9. DELTA ISSUES**

RECOMMENDATIONS:

3. Hear Status Report from the Delta Water Coordination Working Group.
4. Hear report from Supervisor Thomson on activities of the Delta Counties Coalition and Delta Protection Commission.

**10. TIME AND PLACE OF NEXT MEETING**

Thursday, December 12, 2013 at 6:30 p.m. at the SCWA offices.

***The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at [www.scwa2.com](http://www.scwa2.com).***

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency's offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

# CONSENT ITEMS

**SOLANO COUNTY WATER AGENCY  
BOARD OF DIRECTORS MEETING MINUTES**

**MEETING DATE: October 10, 2013**

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Mayor Jack Batchelor, City of Dixon  
Mayor Harry Price, City of Fairfield  
Mayor Pete Sanchez, City of Suisun City  
Mayor Elizabeth Patterson, City of Benicia  
Mayor Norm Richardson, City of Rio Vista  
Mayor Steve Hardy, City of Vacaville  
Supervisor Linda Seifert, Solano County District 2  
Supervisor John Vasquez, Solano County District 4  
Director Bob Bishop, Solano Irrigation District  
Director Dale Crossley, Reclamation District 2068  
Manager Don Holdener, Maine Prairie Water District

**CALL TO ORDER**

The meeting was called to order at 7:26 P.M. by Vice Chair Price.

**APPROVAL OF AGENDA**

On a motion by Mayor Patterson and a second by Mayor Hardy the Board unanimously approved the agenda.

**PUBLIC COMMENT**

There were not public comments.

**CONSENT ITEMS**

On a motion by Supervisor Seifert and a second by Mayor Hardy the Board unanimously approved the following Consent Items.

- (A) Minutes
- (B) Expenditure Approvals

**BOARD MEMBER REPORTS**

Mayor Patterson announced that the Plenary Session for the Public Review Draft of the California Water Plan Update 2013 is October 29 – 30, 2013 at the Red Lion Hotel in Sacramento.

**GENERAL MANAGER'S REPORT**

There were no additions to the written report.

**DELTA ISSUES AND WATER BOND LEGISLATION**

Supervisor Seifert stated the Delta Water Coordination Working Group met on October 4, 2013. The Group is planning to discuss strategies on the Water Bond. Manger Okita and Patrick Leathers discussed the current status of water bond legislation. The 2014 water bond is slated to be on the ballot November 2014 unless there is intervening legislation to replace the bond with an alternate bond. Senator Wolk and Assembly Member Rendon both have bills in the legislature that would supplant the 2014 water

bond. There are three areas of interest in the water bond: Delta levees, Delta sustainability, and funding for water infrastructure projects including the public benefit portion of the North Bay Alternate Intake Project. Coordination with other Delta Counties is taking place to develop an agreed upon “ask” to be included in the water bond bill.

**TIME AND PLACE OF NEXT MEETING**

The next regularly scheduled meeting will be Thursday, November 14, 2013 at 6:30 P.M. at the Solano County Water Agency offices.

**ADJOURNMENT**

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:48 P.M.

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David B. Okita, General Manager  
and Secretary to the Board of Directors of the  
Solano County Water Agency

**ACTION OF  
SOLANO COUNTY WATER AGENCY**

**DATE:** November 14, 2013

**SUBJECT:** Expenditures Approval

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RECOMMENDATION:

Approve expenditures from the Water Agency checking accounts for the month of October, 2013.

FINANCIAL IMPACT:

All expenditures are within previously approved budget amounts.

BACKGROUND:

The Water Agency auditor has recommended that the Board of Directors approve all expenditures (in arrears). Attached is a summary of expenditures from the Water Agency's checking accounts for the month of October, 2013. Additional backup information is available upon request.

Recommended:

  
David B. Okita, General Manager

☐

Approved as  
recommended

☐

Other  
(see below)

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Modification to Recommendation and/or other actions:

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I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 14, 2013 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

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David B. Okita  
General Manager & Secretary to the  
Solano County Water Agency

**SOLANO COUNTY WATER AGENCY**  
**Cash Disbursements Journal**  
**For the Period From Oct 1, 2013 to Oct 31, 2013**

Filter Criteria includes: Report order is by Check Number. Report is printed in Detail Format.

Date	Check #	Account ID	Line Description	Debit Amount	Credit Amount
10/10/	100151	2023AC	PAYCHEX - FSA REIMBURSABLE OCTOBER 2013	120.00	
		1020SC	OKITA, DAVID B.		120.00
10/28/	10156	2020SC	Invoice: 13-10-3868	5,654.82	
		1020SC	MBK ENGINEERS		5,654.82
10/1/1	23363	2020SC	Invoice: 90501	976.50	
		1020SC	ANALYTICAL SCIENCES		976.50
10/1/1	23364	2020SC	Invoice: 684386	179.50	
		1020SC	CALIFORNIA SURVEYING & DRAFTIN		179.50
10/1/1	23365	2020SC	Invoice: FV70739	146.63	
		1020SC	CDW GOVERNMENT, INC.		146.63
10/1/1	23366	2020SC	Invoice: 240045	619.49	
		2020SC	Invoice: 240034	18,840.92	
		1020SC	CROP PRODUCTION SERVICES, INC.		19,460.41
10/1/1	23367	2020SC	Invoice: US0130906651	2,330.00	
		1020SC	ERNST & YOUNG LLP - 072		2,330.00
10/1/1	23368	2020SC	Invoice: 61448120	101.99	
		1020SC	FRESNO OXYGEN		101.99
10/1/1	23369	2020SC	Invoice: PS010686463	776.67	
		2020SC	Invoice: PS010686464	109.51	
		2020SC	Invoice: PR010097410		524.02
		2020SC	Invoice: PS010687424	84.12	
		1020SC	HOLT OF CALIFORNIA		446.28
10/1/1	23370	2020SC	Invoice: SEPTEMBER 2013	35.20	
		1020SC	ASHLEY LEMAY		35.20
10/1/1	23371	2020SC	Invoice: 13-09-3868	1,243.95	
		1020SC	MBK ENGINEERS		1,243.95
10/1/1	23372	2020SC	Invoice: MAY-SEP 2013	66.00	
		1020SC	OKITA, DAVID B.		66.00
10/1/1	23373	2020SC	Invoice: 607049	22.21	
		2020SC	Invoice: 606422	37.85	
		2020SC	Invoice: 606477	150.40	
		2020SC	Invoice: 607037	33.02	
		2020SC	Invoice: 607051	121.77	
		2020SC	Invoice: 607388	79.03	
		1020SC	PISANIS AUTO PARTS		444.28
10/1/1	23374	2020SC	Invoice: 570132	265.97	
		1020SC	PITNEY BOWES		265.97
10/1/1	23375	2020SC	Invoice: JULY-AUGUST 2013	21,780.91	
		1020SC	PUTAH CREEK COUNCIL		21,780.91
10/1/1	23376	2020SC	Invoice: 5822121	160.80	
		1020SC	QUILL CORPORATION		160.80
10/1/1	23377	2020SC	Invoice: 006492990046OCT13	634.21	
		1020SC	STANDARD INSURANCE COMPANY		634.21
10/1/1	23378	2020SC	Invoice: TURF REABTE - SYNHOR	1,000.00	
		1020SC	TURF REBATE		1,000.00

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10/1/1	23379	2020SC 2020SC 1020SC	Invoice: 76040 Invoice: 76108 GHD, INC.	1,048.00 2,615.50	3,663.50
10/1/1	23380	2020SC 1020SC	Invoice: 2013-14 DIAL-UP SITESTAR NW INTERNET	184.00	184.00
10/1/1	23381	2020SC 1020SC	Invoice: SEPTMEBR 2013 CLEAN TECH ADVOCATES	5,400.00	5,400.00
10/1/1	23382	2020SC 1020SC	Invoice: SEPTEMBER 2013 FLORENDO, ANDREW	37.29	37.29
10/1/1	23383	2020SC 1020SC	Invoice: JUL-SEP 2013 PATE, THOMAS	106.82	106.82
10/4/1	23384	2020SC 1020SC	Invoice: A000218400 ACWA/JPIA POWERS INSURANCE AUTHORITY	1,630.00	1,630.00
10/4/1	23385	2020SC 1020SC	Invoice: 1556444 AMERICAN TOWER CORPORATION	494.30	494.30
10/4/1	23386	2020SC 1020SC	Invoice: 9966007 ARAMARK REFRESHMENT SERVICES	203.27	203.27
10/4/1	23387	2020SC 1020SC	Invoice: 0068090 BSK ASSOCIATES	5,069.00	5,069.00
10/4/1	23388	2020SC 1020SC	Invoice: 9/23/13 - 10/22/13 AT&T Mobility	135.80	135.80
10/4/1	23389	2020SC 1020SC	Invoice: 5000596558 CINTAS CORPORATION	91.98	91.98
10/4/1	23390	2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 14-050-V AUG 2013 Invoice: 13-026-T OCT 2013 Invoice: 13-024-O OCT 2013 Invoice: 13-026-U OCT 2013 DEPARTMENT OF WATER RESOURCES	91,075.00 727,621.00 18,343.00 3,403.00	840,442.00
10/4/1	23391	2020SC 1020SC	Invoice: V2778102 HOLT OF CALIFORNIA	9,506.23	9,506.23
10/4/1	23392	2020SC 1020SC	Invoice: 0930130228 SHANDAM CONSULTING	2,175.00	2,175.00
10/4/1	23393	2020SC 1020SC	Invoice: 356761 STERLING MAY CO.	422.07	422.07
10/4/1	23394	2020SC 1020SC	Invoice: 32584 SUISUN VALLEY FRUIT GROWERS AS	13.49	13.49
10/4/1	23395	2020SC 1020SC	Invoice: -1 SUTTER MEDICAL FOUNDATION	90.00	90.00
10/4/1	23396	2020SC 1020SC	Invoice: TURF REBATE - COLLIF TURF REBATE	322.00	322.00
10/4/1	23397	2020SC 1020SC	Invoice: 7.01.13-09.30.13 ACWA/JPIA POWERS INSURANCE AUTHORITY	5,227.80	5,227.80
10/4/1	23398	2020SC 1020SC	Invoice: 9244913282 GRAINGER	446.53	446.53

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10/4/1	23399	2020SC 1020SC	Invoice: TURF REABTE - MONTEN TURF REBATE	1,000.00	1,000.00
10/4/1	23399V	2020SC 1020SC	Invoice: TURF REABTE - MONTEN TURF REBATE	1,000.00	1,000.00
10/4/1	23400	2020SC 1020SC	Invoice: TURF REABTE - MONTEN TURF REBATE	1,000.00	1,000.00
10/9/1	23401	2020SC 1020SC	Invoice: 1296178 AGRIFORM - WOODLAND PARTS	42.54	42.54
10/9/1	23402	2020SC 1020SC	Invoice: 578241 ALL COVERED	45.00	45.00
10/9/1	23403	2020SC 1020SC	Invoice: 151016 AYRES ASSOCIATES	1,753.86	1,753.86
10/9/1	23404	2020SC 1020SC	Invoice: HOME IMP 10/8/13 BENICIA HERALD	442.00	442.00
10/9/1	23405	2020SC 1020SC	Invoice: 3411085-0001 CRESCO EQUIPMENT RENTAL	1,466.92	1,466.92
10/9/1	23406	2020SC 1020SC	Invoice: 14-10-04S DEPT OF FORESTRY & FIRE PROTECTION	26.18	26.18
10/9/1	23407	2020SC 1020SC	Invoice: 110 ECO-TECH SERVICES	375.00	375.00
10/9/1	23408	2020N 2020N 1020SC	Invoice: 28808 Invoice: 28806 ELECTRIC & GAS INDUSTRIES ASSOC.	12,835.00 3,624.50	16,459.50
10/9/1	23409	1020SC	VOID		
10/9/1	23410	2020SC 1020SC	Invoice: 3453 EYASCO, INC.	17,805.00	17,805.00
10/9/1	23411	2020SC 2020SC 2020SC 2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 71076 Invoice: 71080 Invoice: 71075 Invoice: 71078 Invoice: 71077 Invoice: 71079 Invoice: 71081 HERUM CRABTREE	126.48 127.50 790.50 51.00 1,075.08 331.50 51.00	2,553.06
10/9/1	23412	2020SC 2020SC 1020SC	Invoice: 3010778 Invoice: 0014002 HOME DEPOT CREDIT SERVICE	20.33 134.71	155.04
10/9/1	23413	2020SC 1020SC	Invoice: 448400 M&M SANITARY LLC	176.00	176.00
10/9/1	23414	2020SC 1020SC	Invoice: INV00070698 NIAGARA CONSERVATION	3,790.04	3,790.04
10/9/1	23415	2020SC 1020SC	Invoice: 5502310247 PITNEY BOWES	112.76	112.76
10/9/1	23416	2020SC 2020SC 1020SC	Invoice: 0001557 Invoice: 0001558 SOLANO IRRIGATION DISTRICT	171.08 4,554.47	4,725.55

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10/9/1	23417	2020SC 1020SC	Invoice: 173870 TRACTOR SUPPLY CREDIT PLAN	69.86	69.86
10/9/1	23418	2020SC 1020SC	Invoice: 007059 HOWARD E. HUTCHING CO., INC.	1,402.82	1,402.82
10/9/1	23419	2020SC 1020SC	Invoice: TURF REBATE - SPENCE TURF REBATE	1,000.00	1,000.00
10/9/1	23420	2020SC 2020SC 1020SC	Invoice: 1043-20511 Invoice: 1043-20511 VOID HOME DEPOT CREDIT SERVICE	38.71	38.71
10/15/	23421	2020SC 1020SC	Invoice: OCT 2013 CORRECTION ACWA/JPIA POWERS INSURANCE AUTHORITY	2,185.70	2,185.70
10/15/	23422	2020SC 1020SC	Invoice: 685354 CALIFORNIA SURVEYING & DRAFTIN	536.72	536.72
10/15/	23423	2020SC 1020SC	Invoice: OCTOBER 2013 SABRINA COLIAS	158.64	158.64
10/15/	23424	2020SC 1020SC	Invoice: 9-(13) DENNIS GRUNSTAD	880.00	880.00
10/15/	23425	2020SC 1020SC	Invoice: CL33243 INTERSTATE OIL COMPANY	2,262.21	2,262.21
10/15/	23426	2020SC 1020SC	Invoice: 480374632 MISSION LINEN SUPPLY	89.10	89.10
10/15/	23426V	2020SC 1020SC	Invoice: 480374632 MISSION LINEN SUPPLY	89.10	89.10
10/15/	23427	2020SC 1020SC	Invoice: 480373758 MISSION LINEN SUPPLY	89.10	89.10
10/15/	23427V	2020SC 1020SC	Invoice: 480373758 MISSION LINEN SUPPLY	89.10	89.10
10/15/	23428	2020SC 1020SC	Invoice: 480374632 MISSION LINEN SUPPLY	89.10	89.10
10/15/	23428V	2020SC 1020SC	Invoice: 480374632 MISSION LINEN SUPPLY	89.10	89.10
10/15/	23429	2020SC 2020SC 2020SC 2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 148581 Invoice: 781918 Invoice: 149091 Invoice: 149072 Invoice: 148575 Invoice: 148813 Invoice: K82073 PACIFIC ACE HARDWARE	155.33 126.98 454.20 85.51 14.81 29.01 58.12	923.96
10/15/	23430	2020SC 1020SC	Invoice: 35386184 RECOLOGY VACAVILLE SOLANO	122.89	122.89
10/15/	23431	2020SC 1020SC	Invoice: 983 ROCK STEADY JUGGLING	6,500.00	6,500.00
10/15/	23432	2020SC 1020SC	Invoice: 999999 SAM'S CLUB	180.00	180.00

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10/15/	23433	2020SC 1020SC	Invoice: SEP 2013 SOLANO COUNTY FLEET OPERATIONS	708.11	708.11
10/15/	23434	2020SC 1020SC	Invoice: 0001561 SOLANO IRRIGATION DISTRICT	183,977.00	183,977.00
10/15/	23435	1020SC	VOID		
10/15/	23436	2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 480374632 Invoice: 480373758 Invoice: 480376386 Invoice: 480375506 MISSION LINEN SUPPLY	89.10 89.10 89.10 89.10	356.40
10/15/	23437	2020SC 1020SC	Invoice: 0001476 SOLANO IRRIGATION DISTRICT	125,915.67	125,915.67
10/15/	23438	2020SC 2020SC 2020SC 1020SC	Invoice: EXEC MEET OCT 2013 Invoice: DELTA WG OCT 2013 Invoice: OCT 2013 PER DIEM JACK BATCHELOR	100.00 27.12 113.56	240.68
10/15/	23439	2020SC 2020SC 2020SC 1020SC	Invoice: DELTA WG OCT 2013 Invoice: DELTA WG SEP 2013 Invoice: OCT 2013 PER DIEM BOB BISHOP	100.00 100.00 100.00	300.00
10/15/	23440	2020SC 2020SC 1020SC	Invoice: DELTA WG SEP 2013 Invoice: OCT 2013 PER DIEM DALE CROSSLEY	139.55 133.90	273.45
10/15/	23441	2020SC 1020SC	Invoice: OCT 2013 PER DIEM STEVE HARDY	100.00	100.00
10/15/	23442	2020SC 1020SC	Invoice: OCT 2013 PER DIEM DON HOLDENER	107.91	107.91
10/15/	23443	2020SC 2020SC 2020SC 1020SC	Invoice: DELTA WG SEP 2013 Invoice: DELTA WG OCT 2013 Invoice: OCT 2013 PER DIEM ELIZABETH PATTERSON	116.95 116.95 133.90	367.80
10/15/	23444	2020SC 2020SC 1020SC	Invoice: EXEC MEET OCT 2013 Invoice: OCT 2013 PER DIEM HARRY PRICE	100.00 115.82	215.82
10/15/	23445	2020SC 2020SC 2020SC 1020SC	Invoice: DELTA WG OCT 2013 Invoice: DELTA WG SEP 2013 Invoice: OCT 2013 PER DIEM LINDA SEIFERT	100.00 100.00 100.00	300.00
10/15/	23446	2020SC 1020SC	Invoice: 0001576 SOLANO IRRIGATION DISTRICT	26,991.51	26,991.51
10/15/	23447	2020SC 1020SC	Invoice: EXEC MEET OCT 2013 JAMES SPERING	100.00	100.00
10/15/	23448	2020SC 1020SC	Invoice: OCT 2013 PER DIEM JOHN VASQUEZ	100.00	100.00
10/16/	23449	2020SC 1020SC	Invoice: 1296178 THE TREMONT GROUP, INC.	42.54	42.54

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10/17/	23450	2020SC 1020SC	Invoice: 1602 PERMIT - KRUPA DEPARTMENT OF FISH AND WILDLIFE	840.25	840.25
10/17/	23451	2020SC 1020SC	Invoice: 1602 PERMIT - NAWCA DEPARTMENT OF FISH AND WILDLIFE	840.25	840.25
10/23/	23452	2020SC 2020SC 1020SC	Invoice: 4786489 Invoice: 4786490 AT&T MOBILITY	178.97 228.29	407.26
10/23/	23453	2020SC 1020SC	Invoice: 09-13 002524 BANK OF THE WEST CENTRAL ACCOUNT ANALYS	63.43	63.43
10/23/	23454	2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: BA3166 Invoice: BA3164 Invoice: BA3165 Invoice: BA3163 BLANKINSHIP & ASSOCIATES, INC.	2,066.67 1,800.00 2,083.33 2,300.00	8,250.00
10/23/	23455	2020SC 1020SC	Invoice: 9611045 CALPERS LONG-TERM CARE PROGRAM	776.70	776.70
10/23/	23456	2020SC 1020SC	Invoice: 1499 CREATIVEMARK DESIGN & PHOTOGRAPHY	600.00	600.00
10/23/	23457	2020SC 1020SC	Invoice: US0130897641 ERNST & YOUNG LLP - 072	2,330.00	2,330.00
10/23/	23458	2020SC 1020SC	Invoice: 14412 JENSEN INSTRUMENT COMPANY	2,741.77	2,741.77
10/23/	23459	2020SC 1020SC	Invoice: 31762 THE LANDMARK IMAGE	2,527.04	2,527.04
10/23/	23460	2020SC 1020SC	Invoice: 125113 LSA ASSOCIATES, INC.	30,500.50	30,500.50
10/23/	23461	2020SC 1020SC	Invoice: 29133 LUHDORFF & SCALMANINI	271.00	271.00
10/23/	23462	2020SC 1020SC	Invoice: SEPT - OCT 2013 SNYDER, MARK	18.25	18.25
10/23/	23463	2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 03004 Invoice: 03006 Invoice: 03005 Invoice: 03003 SOLANO COUNTY DEPT RESOURCE MGMT.	16,815.46 2,546.61 8,407.78 4,346.13	32,115.98
10/23/	23464	1020SC	VOID		
10/23/	23465	2020SC 1020SC	Invoice: PROP 84 REIMBURSE STOPWASTE.ORG	6,349.07	6,349.07
10/23/	23466	2020SC 2020SC 2020SC 1020SC	Invoice: 12627 Invoice: 12626 Invoice: 12628 SUMMERS ENGINEERING, INC.	1,038.19 3,329.88 10,380.31	14,748.38
10/23/	23467	2020SC 1020SC	Invoice: TIRF REBATE - BESWIC TURF REBATE	1,000.00	1,000.00
10/23/	23468	2020SC	Invoice: 00001102	55.00	

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		1020SC	VILLAGE BACKFLOW PREVENTION SERVICE		55.00
10/23/	23469	2020SC 1020SC	Invoice: 85992 WOOD RODGERS, INC.	997.50	997.50
10/25/	23470	2020SC 1020SC	Invoice: MORALES SAMPLE - OCT KIFF ANALYTICAL LLC	193.00	193.00
10/28/	23471	2020SC 1020SC	Invoice: 4402 CLEAN LAKES, INC.	13,521.18	13,521.18
10/28/	23472	2020SC 1020SC	Invoice: 2-437-28079 FEDEX EXPRESS	511.62	511.62
10/28/	23473	2020SC 1020SC	Invoice: 213445 HEDGEROW FARMS, INC.	18,398.63	18,398.63
10/28/	23474	2020SC 1020SC	Invoice: 778029257 SIMPLOT GROWER SOLUTIONS	1,699.04	1,699.04
10/28/	23475	2020SC 1020SC	Invoice: OCT 2013 ASHLEY LEMAY	112.94	112.94
10/28/	23476	2020SC 2020SC 1020SC	Invoice: 19930181 Invoice: 19931954 SBS LEASING A PROGRAM DE LAGE	980.93 77.67	1,058.60
10/28/	23477	2020SC 1020SC	Invoice: 676 SOLANO RESOURCE CONSERVATION DISTRICT	3,428.95	3,428.95
10/28/	23478	2020SC 1020SC	Invoice: 32975 SOLANO SIGNS	1,564.20	1,564.20
10/28/	23479	2020SC 1020SC	Invoice: 006492990046NOV13 STANDARD INSURANCE COMPANY	639.63	639.63
10/28/	23480	2020SC 2020SC 2020SC 1020SC	Invoice: 35643 Invoice: 58651 Invoice: 889597001 STAPLES	201.48 159.58 93.82	454.88
10/28/	23481	2020SC 1020SC	Invoice: TURF REBATE - HILLEG TURF REBATE	1,000.00	1,000.00
10/28/	23482	2020SC 1020SC	Invoice: TURF REBATE - VALDEZ TURF REBATE	650.00	650.00
10/28/	23483	2020SC 1020SC	Invoice: TURF REBATE - SCOLLES TURF REBATE	734.00	734.00
10/29/	23484	2020SC 1020SC	Invoice: 25432 FRANK'S SEPTIC	375.00	375.00
10/29/	23485	2020SC 1020SC	Invoice: CL34678 INTERSTATE OIL COMPANY	1,849.61	1,849.61
10/30/	23486	2020SC 1020SC	Invoice: 0068224 BSK ASSOCIATES	9,170.10	9,170.10
10/30/	23487	2020SC 1020SC	Invoice: 20130928 GREEN THUMB TREE CARE	3,999.87	3,999.87
10/30/	23488	2020SC	Invoice: PARKING 10/25/13	13.00	

**SOLANO COUNTY WATER AGENCY**  
**Cash Disbursements Journal**  
**For the Period From Oct 1, 2013 to Oct 31, 2013**

Filter Criteria includes: Report order is by Check Number. Report is printed in Detail Format.

Date	Check #	Account ID	Line Description	Debit Amount	Credit Amount
		1020SC	CITY OF SACRAMENTO		13.00
10/25/	CUETARA	6144AC	LOWES - SUPPLIES	155.03	
		6310AC	CHEVRON - FUEL	15.31	
		6310AC	CHEVRON - FUEL	107.64	
		6144AC	LOWES - SUPPLIES	30.10	
		1020SC	BANK OF THE WEST		308.08
10/1/1	EFT	2020SC	Invoice: OCT HEALTH 2013	13,265.99	
		1020SC	CALPERS		13,265.99
10/4/1	EFT	2020SC	Invoice: 2013100101	132.75	
		1020SC	PAYCHEX, INC.		132.75
10/4/1	EFT	2020SC	Invoice: PPE 09.28.13	9,290.44	
		2020SC	Invoice: SIP PPE 09.28.13	4,547.15	
		1020SC	CALPERS		13,837.59
10/11/	EFT	6111AC	FSA ADMIN FEES - OCT 2013	109.00	
		1020SC	PAYCHEX, INC.		109.00
10/10/	EFT	2020SC	Invoice: 9712315060	2,114.55	
		1020SC	VERIZON WIRELESS		2,114.55
10/10/	EFT	2020SC	Invoice: 39323818	258.05	
		1020SC	CHEVRON AND TEXACO		258.05
10/18/	EFT	2024AC	Employee Liabilities - PPE 10.12.13	8,799.73	
		6012AC	Employer Liabilities - PPE 10.12.13	977.40	
		1020SC	PAYROLL TAXES		9,777.13
10/17/	EFT	2020SC	Invoice: 9/11/13 - 10/9/13	1,006.79	
		1020SC	PACIFIC GAS & ELECTRIC CO,		1,006.79
10/22/	EFT	2020SC	Invoice: SIP PPE 10.12.13	4,278.00	
		2020SC	Invoice: PPE 10.12.13	9,290.44	
		1020SC	CALPERS		13,568.44
10/31/	EFT	2024AC	EMPLOYEE LIABILITIES - PPE 10/26/13	8,818.10	
		6012AC	EMPLOYER LIABILITIES - PPE 10/26/13	894.38	
		1020SC	PAYROLL TAXES		9,712.48
10/18/	EFT	2020SC	Invoice: 2013101501	151.00	
		1020SC	PAYCHEX, INC.		151.00
10/25/	FLOREND	6551AC	PAYPAL RIO VISTA - TIRF REABTE AD	400.00	
		6040AC	THE BAKERY - WATER CONS MEETING	25.85	
		1020SC	BANK OF THE WEST		425.85
10/25/	FOWLER	6230SC	SOLANO AMERICAN FUEL - SUPPLIES	50.17	
		6230SC	WALMART - SUPPLIES	59.13	
		6230SC	WALMART - SUPPLIES	12.88	
		6230SC	WALMART - SUPPLIES	51.04	
		6041AC	WALMART - SUPPLIES	26.86	
		1020SC	BANK OF THE WEST		200.08
10/25/	JONES SE	6130SC	PATS WINDSHIELD REP - REPAIR	180.00	
		6181SC	VACAVILLE TRAILER SALES - SUPPLIES	31.90	
		6179SC	VACAVILLE TRAILER SALES - SUPPLIES FOR NEW ATV	81.11	
		6179SC	VACAVILLE TRAILER SALES - SUPPLIES	8.75	
		6199SC	TOWN & COUNTRY MARKET - DRINKS	11.46	
		6199SC	SOLANO AMERICAN FUEL - PROPANE	35.13	
		6199SC	SOLANO AMERICAN FUEL - PROPANE	5.00	

**SOLANO COUNTY WATER AGENCY**  
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		1020SC	BANK OF THE WEST		353.35
10/25/	LEE SEP 2	6630SC	STEADY EDDYS COFFEE HOUSE - CDFW MEETING	31.44	
		6040AC	SAFEWAY - COOKIES WESTSIDE MEETING	9.99	
		1020SC	BANK OF THE WEST		41.43
10/25/	MAROVIC	6183SC	RELOCATABLE CONFINEMENT - BLOCKING	177.99	
		6199SC	CHILIES ROAD BEACON - FUEL #22	71.13	
		6183SC	YOLO COUNTY LANDFILL	14.00	
		6183SC	YOLO COUNTY LANDFILL	14.00	
		6199SC	AMAZON MARKETPLACE - STRAIGHT EDGE	79.87	
		6199SC	CHEVRON - FUEL #43	40.59	
		6199SC	AMAZON.COM - BOOK	16.79	
		2025SC	ACCRUED TAX - RELOCATABLE CONFINEMENT		12.99
		2025SC	ACCRUED TAX - AMAZON MARKETPLACE		5.10
		1020SC	BANK OF THE WEST		396.28
10/25/	MCLEAN S	6040AC	REMOTELINK - CONFERENCE CALL	14.86	
		6040AC	NAPOLI PIZZERIA - ADVISORY COMM	55.11	
		6040AC	TARGET - SUPPLIES	17.56	
		6040AC	REMOTELINK - EXEC MEETING	3.73	
		6040AC	HOLMESSTAMP - STAMP	40.45	
		6040AC	NUGGET MARKET - BOD COOKIES	11.98	
		6040AC	THE BAKERY - BOD SANDWICHES	38.70	
		6040AC	REMOTELINK - SWP MEETING	12.83	
		6040AC	NAPOLI PIZZERIA - BOD PIZZA	31.00	
		6040AC	REMOTELINK - WATER BOND CALL	33.85	
		1020SC	BANK OF THE WEST		260.07
10/25/	OKITA SE	6040AC	ATT WI-FI SERVICES - CONFERENCE CALL	13.95	
		6040AC	PRESS PLUS - SACRAMENTO BEE SUBSCRIPTION	69.95	
		6330AC	CITY OF SAC PARKING	12.00	
		6330AC	CITY OF SAC PARKING	8.00	
		6330AC	CITY OF SAC PARKING	18.00	
		6330AC	CITY OF SAC PARKING	9.00	
		6330AC	CITY OF SAC PARKING	4.50	
		1020SC	BANK OF THE WEST		135.40
10/25/	PATE SEP	6230SC	AMAZON MKTPLACE - BATTERY CABLE	18.80	
		6230SC	AMAZON MKTPLACE - BATTERY CABLE LUG TERMINAL	59.79	
		6230SC	AMAZON MKTPLACE - BATTERY CABLE	13.46	
		6040AC	DOS COYOTES BORDER CAFE - MEETING	33.97	
		2025SC	ACCRUED TAX - AMAZON MKTPLACE		5.22
		1020SC	BANK OF THE WEST		120.80
10/25/	PHILLIPS	6360AC	ACWA - BIKE TOUR	60.00	
		1020SC	BANK OF THE WEST		60.00
10/25/	RABIDOUX	6041AC	LOWES - SHELVING AT PIPER	58.73	
		6041AC	LOWES - SHELVING AT PIPER	10.70	
		6144N	LOWES - SUPPLIES FOR BSPP STATION	14.99	
		6041AC	LOWES - STORAGE FOR PIPER	157.28	
		6041AC	LOWES - STORAGE FOR PIPER	67.29	
		6310AC	CHEVRON - FUEL	51.20	
		1020SC	BANK OF THE WEST		360.19
10/25/	SNYDER S	6310AC	CHEVRON - FUEL	85.46	
		6310AC	LEISURE TOWN - FUEL	35.61	
		6360AC	UCD EXTENSION WEB - CEQA CLASS	330.00	
		6300AC	SHELLWORTH CHEVROLET - HARNESS	34.81	
		6300AC	NAPA STORE - SUPPLIES	32.56	

**SOLANO COUNTY WATER AGENCY**  
**Cash Disbursements Journal**  
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Date	Check #	Account ID	Line Description	Debit Amoun	Credit Amoun
		6041AC	VERIZON WIRELESS - IPHONE CASE	24.27	
		1020SC	BANK OF THE WEST		542.71
	<b>Total</b>			<b>1,573,021.95</b>	<b>1,573,021.95</b>

**ACTION OF  
SOLANO COUNTY WATER AGENCY**

**DATE:** November 14, 2013

**SUBJECT:** Dixon SWP Participating Agency Contract

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**RECOMMENDATION:**

Authorize Chairman to execute a revised Participating Agency Contract for State Water Project water supply with City of Dixon.

**FINANCIAL IMPACT:**

None.

**BACKGROUND:**

At the September 12, 2013 Board of Directors' meeting the Board approved updated Participating Agency Contracts with all seven cities for State Water Project water project water supplies. The Dixon City Attorney requested some non-substantive changes to the Contract and the City approved the Contract with those changes on October 8. The Board needs to approve the revised Contract.

Recommended: DN Okita  
David B. Okita, General Manager

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<input type="checkbox"/> Approved as recommended	<input type="checkbox"/> Other (see below)
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Modification to Recommendation and/or other actions:

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I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 14, 2013 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

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David B. Okita  
General Manager & Secretary to the  
Solano County Water Agency

**PARTICIPATING AGENCY CONTRACT BETWEEN  
SOLANO COUNTY WATER AGENCY  
AND  
THE CITY OF DIXON**

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THIS PARTICIPATING AGENCY CONTRACT (“**Contract**”) is made on \_\_\_\_\_, 2013, by and between SOLANO COUNTY WATER AGENCY, a governmental agency created and existing under and by virtue of chapter 573 of the 1989 Statutes of the State of California, as amended, hereinafter referred to as “**Agency**”, and the CITY OF DIXON, a municipal corporation of the State of California, hereinafter referred to as “**Participating Agency**”.

WHEREAS, the State of California, acting by and through its Department of Water Resources (“**State**”), and Agency have entered into and subsequently amended a water supply contract (as identified more specifically in Section 3(d) below, “**State Contract**”) whereby the State will supply certain quantities of water to Agency from the State Water Resources Development System, and providing that Agency will make certain payments to the State and setting forth the terms and conditions of such supply, and such payment; and

WHEREAS, the lands and inhabitants of the Participating Agency are in need of additional water for beneficial uses and desire to obtain a supplemental supply of water to be made available to the Agency under the State Contract; and

WHEREAS, the Agency has entered into a Settlement Agreement and Release with the State and other parties which has resulted in an amendment to the State Contract (“**Settlement Agreement**”); and

WHEREAS, Participating Agency has received a copy of the Settlement Agreement, the terms and conditions of which are incorporated herein by this reference, and provisions to implement the Settlement Agreement are included in this Contract;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **PREVIOUS CONTRACTS SUPERSEDED**

The Member Unit Contract of the parties dated December 10, 1985, and the First Amendment thereto dated February 12, 1991, are hereby superseded by this Contract.

2. **TERM OF CONTRACT**

This Contract shall become effective on the date first above written and shall remain in effect throughout the term of the State Contract and any extension thereof, provided, however, that whenever the State Contract is terminated, or suspended, in the manner and for a cause or causes specified in the State Contract, this Contract shall be similarly terminated or suspended.

### 3. **DEFINITIONS**

As used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the term(s);

- (a) Definitions in Article 1 of the State Contract have the same meanings as therein set forth.
- (b) “**Member Unit Contract**” shall mean the contract between the Solano County Flood Control and Water Conservation District and the City of Dixon dated December 10, 1985, as amended.
- (c) “**Napa**” shall mean the Napa County Flood Control and Water Conservation District.
- (d) “Participating Agency” or “**Participating Agencies**” shall mean one or all the governmental entities that enter into contracts with Agency for Project Water.
- (e) “**Project Water**” is defined in Section A.1.(j) of the State Contract and includes Annual Entitlement, Advanced Table A, Interruptible Water, Carryover and Transfer Water.
- (f) “**State Contract**” shall mean the contract for a water supply between the State of California, acting by and through its Department of Water Resources, and Agency, dated December 26, 1963, including all subsequent amendments thereto.
- (g) “**Vallejo Permit Water**” means non-Project Water the City of Vallejo possesses water rights for and approved to be transported through the North Bay Aqueduct.

### 4. **APPLICABILITY OF THE STATE CONTRACT**

- (a) All the rights and obligations of each of the parties hereto are and shall be subject to all applicable terms, conditions and limitations in the State Contract and the Settlement Agreement including all amendments thereto to date. Should the provisions of this Contract conflict with the provisions of the Settlement Agreement or the State Contract, the provisions of the latter agreements shall prevail. The Participating Agency hereby acknowledges receipt of a copy of the State Contract and the Settlement Agreement and all amendments thereto to date and expressly agrees to the provisions of those agreements imposing obligations and limitations upon it notwithstanding the above, prior to executing any future amendments to the State Contract and/or Settlement Agreement, the Agency shall meet and confer in good faith with the Participating Agency
- (b) The provisions of Articles 31, 32, 33, 34, 35, 40, 41, 42 and 44 of the State Contract, with the word “Agency” substituted for the word “State” whenever the latter appears and the words “Participating Agency” substituted for the word “Agency” whenever the latter appears, are hereby incorporated herein as though set forth in full at this point.

### 5. **LIMITATIONS ON OBLIGATIONS OF AGENCY**

CITY OF DIXON NORTH BAY AQUEDUCT PARTICIPATING AGENCY CONTRACT

(a) Agency shall be under no obligation to provide water service, or to make Project Water available to the Participating Agency from the North Bay Aqueduct except during such times and to the extent and in the quality and manner that the State makes Project Water available to Agency under the State Contract. Agency shall not be liable to the Participating Agency in the event of delay, interruption, discontinuance or quality deterioration of Project Water to be made available to Agency under the State Contract, except to the extent that such delay, interruption, discontinuance, or quality deterioration is the result of the fault of Agency.

(b) The Agency does not assume any responsibility with respect to the quality of the water to be furnished pursuant to this Contract and the Agency does not warrant the quality of such water. The Participating Agency acknowledges that such water is unfit for human consumption without treatment.

## 6. **SHORTAGES**

For the Participating Agency's Project Water identified in Table A ("**Annual Entitlement**"), if at any time and from any cause, the total quantity of these supplies made available by the State to the Agency under the State Contract is less than the total of all quantities of Annual Entitlement contracted for and requested by this Participating Agency and other Participating Agencies in any Year, the Agency may declare a shortage. During such a shortage, the Agency shall allocate the available Annual Entitlement among all Participating Agencies in proportion to the amount each Participating Agency's Annual Entitlement bears to the sum of all Participating Agencies' Annual Entitlement. The Agency shall similarly allocate available Project Water identified in Table C ("**Advanced Table A**" or "**ATA**") in proportion to the amount each Participating Agency's share of ATA bears to the sum of all Participating Agencies' ATA, *Provided*, however, that the Agency may allocate Annual Entitlement and ATA on some other basis if such is required to meet minimum demands of Participating Agencies for domestic supply, fire protection, or sanitation during the Year. If, during a shortage, any Participating Agency fails to request or does not intend to use all of its Annual Entitlement or ATA, the Agency shall have the right to temporarily reallocate that Participating Agency's unrequested or unused Annual Entitlement or ATA to other Participating Agencies in proportion to the amount each Participating Agency's share bears to the sum of all Participating Agencies' Annual Entitlement or ATA.

## 7. **WATER SERVICE TO PARTICIPATING AGENCY**

(a) Participating Agency has the right to a maximum Annual Entitlement of 1,500 acre-feet. Because Participating Agency does not currently take delivery or utilize any Annual Entitlement, the Agency has temporarily made that water available to the cities of Benicia, Fairfield, and Vallejo. However, to ensure the Annual Entitlement is available for future use by Participating Agency, the Agency has included in the Participating Agency contracts of the cities of Benicia, Fairfield and Vallejo the requirement to reduce their Annual Entitlement to provide the Annual Entitlement to Participating Agency if Participating Agency requests Annual Entitlement pursuant to the terms of subsection 7(b). Benicia, Fairfield and Vallejo are obligated to provide 37.5%, 25% and 37.5%, respectively, of the Annual Entitlement requested by Participating Agency.

(b) Should the Participating Agency desire to utilize any of its Annual Entitlement, the use is subject to each of the following conditions and limitations:

1. The request for use of Annual Entitlement shall be made at least five years prior to the effective date, which date shall be the first day of January.
2. Each subsequent request for an increase shall be made at least five years prior to the effective date of the increase, which date shall be the first date of January.
3. The increase in Annual Entitlement for any year shall be equal to or greater than 300 acre feet unless Agency consents to a smaller increase.
4. The Annual Entitlement for any year shall not be less than the Participating Agency's Annual Entitlement for the previous year.
5. The Participating Agency's maximum Annual Entitlement shall not be increased above 1,500 acre-feet

(c) The Participating Agency may acquire agreements and rights to convey other water supplies, in addition to Project Water, in the North Bay Aqueduct. In no event shall Agency be obligated to deliver any water supply through the North Bay Aqueduct to the Participating Agency in excess of the Participating Agency's proportionate share of Agency's share of the available capacity of the North Bay Aqueduct as shown in Table B. Any unutilized capacity in the North Bay Aqueduct to which the Agency has rights will be reallocated by the Agency to Participating Agencies, who have the ability to use North Bay Aqueduct capacity, in accordance with Table B. The Agency's share of the available capacity of the North Bay Aqueduct is determined by the State and/or by any future agreement between the Agency and Napa that may address capacity allocation between the Agency and Napa.

(d) The percentages in Table B were calculated by allocating North Bay Aqueduct capacity based on each Participating Agency's share of each of the following components: flow equivalent of maximum Annual Entitlement, 31.5 cubic feet per second for Vallejo Permit Water and 20 cubic feet per second for Excess Peaking Capacity referred to in subsection (c)(1) of Article 12 of the State Contract. If Participating Agency and/or City of Rio Vista exercise their right under Section 7(b) of their Participating Agency contract to start taking Project Water through the North Bay Aqueduct, the flow equivalent of their new Annual Entitlement, as well as the corresponding decrease in Annual Entitlement for Benicia, Fairfield and Vallejo, shall be included in a revised calculation for the percentages in Table B, which shall then be deemed modified without the need for amendment of this Contract.

#### 8. **ADVANCED TABLE A**

The Settlement Agreement provides for delivery by the State to Agency of Advanced Table A (ATA). Consistent with the terms of the Settlement Agreement, Agency will annually notify the Participating Agency of the amount of ATA, if any, available to the Participating Agency consistent with Table C. The allocations in Table C were calculated by allocating ATA based on each Participating

Agency's maximum Annual Entitlement. If Participating Agency and/or Rio Vista exercise their right under Section 7(b) of their Participating Agency contract to start taking deliveries of Annual Entitlement, their share of ATA, as well as the corresponding decrease in the shares of ATA for Benicia, Fairfield and Vallejo, shall be included in a revised calculation for the allocations in Table C, which shall then be deemed modified without the need for amendment of this Contract.

(a) Requests:

1. Participating Agency may submit a written request for delivery of ATA from Agency in conformance with Table C and the parameters of the Settlement Agreement within the deadline the Agency may determine pursuant to subdivision (d) of this Section 8. The request must be accompanied by a proposed monthly delivery schedule showing the intent to fully utilize all other available Project Water and anticipated ATA use.
2. Participating Agency can collaborate with other Participating Agencies to fully utilize available ATA. Collectively, all Participating Agencies' individual requests must be in conformance with the Agency's available ATA as determined by the Settlement Agreement.
3. If the Participating Agency's request for ATA is in conformance with the Settlement Agreement, Agency will make a corresponding request for ATA to the State.

(b) Participating Agency acknowledges that under the terms and conditions of the Settlement Agreement, the Agency may have an obligation to pay back ATA received. If this obligation derives from the Participating Agency's use of ATA, Agency will notify Participating Agency of any pay back obligation and Participating Agency agrees to provide Project Water to meet the pay back obligation in accordance with the Settlement Agreement. Participating Agency may also voluntarily pay back its ATA obligations earlier than prescribed in the Settlement Agreement.

(c) Agency shall maintain records of each Participating Agency's use of ATA and provide an annual report to the Participating Agency.

(d) From time to time, Agency may adopt rules and regulations to implement use and allocation of ATA among and between Participating Agencies.

9. **DELIVERIES TO PARTICIPATING AGENCY, PAYMENT FOR DELIVERY STRUCTURES AND MEASURING DEVICES, AND MEASUREMENT OF WATER DELIVERED**

(a) Project Water made available to the Participating Agency pursuant to this Contract shall be delivered to the Participating Agency at such location on the North Bay Aqueduct as is requested by the Participating Agency and approved by the State. The Participating Agency shall pay all of the costs of any new delivery structure for the delivery of Project Water to it and shall deposit with Agency, prior to the commencement of construction of the delivery structure, the amount of money estimated by the State to be sufficient to cover the costs thereof. The cost of the delivery structure will include the cost of a device for measurement of water deliveries. If the delivery structure is also used by another Participating Agency, the costs shall be allocated among the Participating Agencies on a proportionate use basis. The North Bay Aqueduct Alternate Intake Project is not a "delivery structure".

(b) The Participating Agency shall transmit to Agency schedules showing the amounts, times, and rates of delivery of Project Water desired by the Participating Agency, as and when required by Agency, to comply with section 12 of the State Contract.

(c) All water furnished pursuant to this Contract is expected to be measured by the State at each Participating Agency delivery structure established pursuant to Section 9(a) hereof. All determinations relative to the measurement of water shall be made by the State and upon request of the Participating Agency the accuracy of the measurement will be investigated by the Agency. Any error appearing therein will be adjusted. The Participating Agency, with permission of the State if necessary, may inspect such measurement equipment for the purpose of determining the accuracy thereof. If the State does not provide a measurement device at the Participating Agency's delivery structure, the Participating Agency shall install, operate and maintain, to the satisfaction of the Agency, a measurement device. Agency may inspect such measurement equipment for the purpose of determining the accuracy thereof.

10. **RESPONSIBILITY OF HANDLING WATER AND INDEMNIFICATION**

The Participating Agency shall be responsible for the carriage, handling and control of all water delivered hereunder after the water has passed the delivery structures referred to in subdivision (a) of Section 9. Neither Agency, the State, nor any of their respective officers, agents or employees shall be liable for any damage or claim of damage of any nature, including, without limitation, property damage, personal injury, or death arising out of or connected with the control, carriage, handling, use, disposal or distribution of such water beyond said delivery structures, and the Participating Agency shall indemnify and hold harmless the State and Agency and their respective officers, agents and employees from any such damages or claims of damage.

11. **PLACE OF USE**

Project Water cannot be used outside of the Agency's boundary. Participating Agency may sell, trade or exchange Project Water, on a temporary or permanent basis, with other Participating Agencies. Any such transaction of Project Water with other Participating Agencies shall be reported to Agency in writing at the time of transaction.

12. **PAYMENT FOR WATER**

(a) The Participating Agency shall pay Agency the rate for Project Water established pursuant to Section 13 hereof for all Project Water furnished to and received by the Participating Agency during each Year throughout the term of this Contract, but for not less than the Annual Entitlement that has been requested by Participating Agency pursuant to Section 7(b) hereof. The Participating Agency shall also pay Agency any applicable charge for State Water Project power pursuant to Section 14 hereof. The Participating Agency shall make said payments no later than the due date stated on Agency's invoices. The due date shall not be earlier than 30 days after the receipt of Agency's invoice by the Participating Agency nor more than 30 days prior to the date Agency is obligated to disburse said payment pursuant to the State Contract. Agency intends to invoice Participating Agency two times a year, once in April and once in October. If full payment is not received by Agency within the timeframes specified in this Section, the Participating Agency shall remain obligated to pay the full amount due, plus pay Agency interest in the full amount due at the annual interest rate equivalent to the interest earned on investments on the State of California Treasurer's Office Local Agency Investment Fund, based on the most current reported interest rate, plus two percent (2%), for the time period the payment is not paid beyond the applicable due date.

(b) The obligations of the Participating Agency arising out of or pursuant or incidental to this Contract including, without limiting the generality of the foregoing, the obligations of the Participating Agency to pay to the Agency the sums becoming due to the Agency for water furnished hereunder, shall constitute a general obligation of the Participating Agency and the Participating Agency shall use all the powers and resources available to it under the law, including but not limited to causing to be levied, imposed and collected all necessary taxes, assessments, tolls and charges, to collect the funds necessary for and to pay its obligations to the Agency under this Contract.

(c) Should the Participating Agency fail to make any payment to the Agency when the same shall become due for water to be furnished to the Participating Agency pursuant to this Contract, the Agency may thereafter withhold or suspend furnishing water pursuant to this Contract to the Participating Agency, or may impose such conditions upon the same as may be permissible under the terms of the State Contract for as long as Participating Agency remains delinquent in paying the amount due.

### 13. **PROJECT WATER RATE**

(a) The rate for Annual Entitlement shall be established by Agency for each Year. Except as provided in subsection (b) of this Section 13, the rate shall be \$20.50 per acre-foot.

(b) The rate for Annual Entitlement may be increased over the amounts established pursuant to subsection (a) of this Section 13 to the extent necessary to produce an amount of money which, when added to the water rate payments by all the other Participating Agencies and the revenue from Agency's State Water Project Tax, "**the Tax**," and Agency's State Water Project reserve fund, shall be sufficient to enable the Agency to make all payments to the State as and when they are due and payable to maintain all required reserves, and to fund other Agency costs directly related to the provisions of water supply from the State Water Project. The Agency shall not increase the rate for Annual Entitlement to fund capital improvements to the North Bay Aqueduct, where the State gives the Agency a choice of participation in such improvements, without the consent of the Participating Agency.

(c) To the extent necessary to avoid an increase in the rate for Annual Entitlement in accordance with subsection (b) of this Section 13, Agency shall levy the Tax on both secured and unsecured property during each fiscal year through the term of the State Contract at a rate of not more than two cents per \$100 of total assessed valuation in the Zone of Benefit established by Resolution 85-183 of the Solano County Flood Control and Water Conservation District, the predecessor of Agency.

(d) Nothing herein shall preclude Agency from using, or require Agency to use, taxation, assessment or other methods of finance to meet its obligations under the State Contract, or to pay other project-related costs on behalf of itself or any Participating Agency.

#### 14. **STATE WATER PROJECT POWER**

(a) The Participating Agency may enter into agreements for water supply to be transported through the North Bay Aqueduct. These agreements may include a charge to be paid to Agency by Participating Agency for State Water Project power to pump the water supply through the North Bay Aqueduct. Participating Agency also has the ability to use Interruptible Water as specified in Section 15.

(b) Agency will assess, and the Participating Agency agrees to pay, a charge per acre foot for State Water Project power for any water supplies delivered through the North Bay Aqueduct over the Participating Agency's Annual Entitlement for the year in which the water is delivered. If Carryover contributes to the amount of water over the amount of Annual Entitlement for the Year in which the water was delivered, the amount of water over the amount of Annual Entitlement to be charged shall be reduced by the amount of Carryover that is determined by the Agency to be exempt from State Water Project power charges, if any.

There are two scenarios where Carryover can be found to be exempt from State Water Project power charges based on the circumstances in the Year of Carryover generation. They are:

1. The entire amount of Carryover is exempt when, in the Year that Carryover was generated, the sum of the Annual Entitlement that is allocated by the Agency to the Participating Agency plus any other water supplies delivered to the Participating Agency through the North Bay Aqueduct that is not Annual Entitlement plus Carryover from a prior Year, is less than the Annual Entitlement for the Year.
2. A partial amount of Carryover is exempt when, in the Year that Carryover was generated, the sum of the Annual Entitlement that is allocated by the Agency to the Participating Agency plus any other water supplies delivered to the Participating Agency through the North Bay Aqueduct that is not Annual Entitlement plus Carryover from a prior Year, is greater than the Annual Entitlement. The exempt amount of Carryover is the difference between the Annual Entitlement and the sum of the Annual Entitlement that is delivered to the Participating Agency plus any other water supplies delivered to the Participating Agency that is not Annual Entitlement plus Carryover from a prior Year.

(c) The charge per acre foot to the Participating Agency for State Water Project power shall be calculated by taking the Variable Operations, Maintenance and Replacements components of the Transportation Charge and the Off Aqueduct Facility Charges as specified in the State Contract and as charged to Agency for all water transported through the North Bay Aqueduct for the Year and dividing that sum by the acre feet of all Agency water transported through the North Bay Aqueduct for the Year. The Participating Agency acknowledges that the State sometimes makes later adjustments to the Variable Operations, Maintenance and Replacement components of the Transportation Charge and the Off Aqueduct Facility Charges and that Agency will bill or credit the Participating Agency for past charges as they are assessed to Agency.

(d) From time to time the Agency may adopt rules and regulation to regulate the use and cost of State Water Project power.

#### 15. **INTERRUPTIBLE WATER**

(a) In addition to the Participating Agency's Annual Entitlement and Advanced Table A, from time to time, Agency may be entitled to receive Interruptible Water as defined and set forth in Article 21 of the State Contract.

(b) Agency will allocate any Interruptible Water made available to the Agency by the State by the following procedure:

1. Upon being advised of the availability of Interruptible Water, Agency will promptly advise all Participating Agencies who have the ability to use Project Water of its availability and Agency will obtain from Participating Agency so advised the amount of Interruptible Water which each Participating Agency requests.
2. Agency will then allocate the Interruptible Water among the Participating Agencies, who have requested Interruptible Water, in proportion to their Annual Entitlement. If any Participating Agency declines Interruptible Water, or requests less than their proportionate share, then any unrequested Interruptible Water will be reallocated by the Agency to Participating Agencies, who have requested Interruptible Water, in proportion to their Annual Entitlements.

(c) Participating Agency may agree with another Participating Agencies entitled to Project Water to sell or otherwise transfer its proportional right to Interruptible Water. If Participating Agency makes such an agreement it must notify Agency in writing.

(d) If pursuant to an annual agreement between the State and Agency, a certain percentage of the water available to the Agency pursuant to the State Contract must be used in a certain month, and if, at any time it appears that the taking of Interruptible Water by Participating Agency during such a month will result in Participating Agency not using its proportional share of Agency's

mandatory percentage for that month, then Agency may immediately suspend the use of Interruptible Water by Participating Agency.

(e) Participating Agency shall pay Agency for State Water Project power costs for Interruptible Water taken by Participating Agency, as specified in Section 14.

(f) It is understood and agreed that the City of Rio Vista and Participating Agency will not receive Project Water as Participating Agencies until a future date, and it is further understood and agreed that Participating Agency and the Cities of Rio Vista and Suisun City are presently not physically able to take Project Water. At such time as any or all of the Cities of Rio Vista, Suisun City and the Participating Agency are actually taking Project Water, they shall share in the Interruptible Water based upon their respective Annual Entitlement.

(g) It is understood and agreed by Participating Agency and Agency that the availability of Interruptible Water is not certain and that it may or may not be available at any given time or during any Year. Participating Agency expressly agrees that it will not rely upon Interruptible Water to augment its long term water supply or to allow future urban or other development within Participating Agency.

16. **CARRY-OVER ENTITLEMENT WATER (“CARRYOVER”)**

(a) Agency may be entitled to deposit and storage of Carryover as set forth in Article 56 of the State Contract. The amount of Project Water Agency can deposit to storage each year is limited to quantities specified in Article 56(c)(1) of the State Contract.

(b) Agency will allocate to Participating Agencies capacity to deposit Carryover, made available by the State to the Agency, by the following procedures:

1. Agency will allocate the available capacity to deposit Carryover to Participating Agencies in proportion to Annual Entitlement.
2. Any unutilized capacity to deposit Carryover will be reallocated by the Agency to Participating Agencies, who have the current ability to accept and treat Project Water and desire additional carryover capacity, in proportion to Annual Entitlement.

(c) Carryover may be lost by a determination of the State pursuant to Article 56(c)(3) of the State Contract. The amount of Participating Agency Carryover lost will be a proportionate share of the total of all Participating Agency Carryover in storage prior to the loss.

(d) It is understood and agreed by Participating Agency and Agency that stored Carryover may or may not be available at any given time or during any year. Participating Agency expressly agrees that it will not rely upon Carryover to augment its long term water supply or to allow future urban or other development within Participating Agency.

17. **REASONABLENESS OF DETERMINATION**

Where the terms of the Contract provide for action to be based on the opinion or determination of either party to this Contract, said terms shall not be construed as permitting such actions to be predicated upon arbitrary or unreasonable opinions or determinations.

18. **ASSIGNMENT PROHIBITED**

The provisions of this Contract shall apply to and bind the successors and assigns of the respective parties, but no assignment or transfer of this Contract, or any part thereof or interest therein, shall be valid until and unless approved by the Agency in writing.

19. **NOTICES**

All notices that are required, either expressly or by implication, to be given by any party to the other under this Contract shall be delivered or mailed, United States first-class postage prepaid, addressed as follows:

For the Agency: SOLANO COUNTY WATER AGENCY  
810 Vaca Valley Parkway, Suite 203  
Vacaville, California 95688  
Attention: General Manager

For the Participating Agency CITY OF DIXON  
600 East A Street  
Dixon, CA 95620  
Attention: City Manager

With copies to: CITY OF DIXON  
600 East A Street  
DIXON, CA 95620  
Attention: Public Works Director

And: Churchwell White LLP  
1201 K Street, Suite 710  
Sacramento, CA 95814  
Attention: Douglas L. White, Esq.

Notice shall be deemed given (a) two calendar days following mailing via regular or certified mail, returned receipt requested, (b) one business day after deposit with any one day delivery service assuring "next day" delivery, (c) upon actual receipt of notice, or (d) upon transmission, if by facsimile, whichever is earlier. The parties shall promptly give written notice to each other of any change of address and mailing or shipment to the addresses stated herein shall be deemed sufficient unless written notification of a change of address has been received; provided, however, that this Section shall not preclude the effective service of any such notice or announcement by other means.

20. **ATTORNEYS' FEES**

CITY OF DIXON NORTH BAY AQUEDUCT PARTICIPATING AGENCY CONTRACT

If any legal action is instated between Participating Agency and Agency in connection with this Contract, then the prevailing party shall be entitled to recover from the losing party all of its costs and expenses, including all costs and reasonable attorneys' fees.

21. **ENTIRE AGREEMENT**

This Contract constitutes the entire agreement between Participating Agency and the Agency and supersedes any preceding contract, any oral agreement, statement or promise between them relating to the subject matter of this Contract. Any amendment, including oral modification, must be reduced to writing and signed by both parties to be effective.

22. **SEVERABILITY**

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall remain in effect.

**IN WITNESS WHEREOF**, the parties have executed this Contract by their respective officers therewith duly authorized as of the date first above written.

SOLANO COUNTY WATER AGENCY

Attest:

\_\_\_\_\_  
David Okita, General Manager and Secretary

By \_\_\_\_\_  
James Spering, Chairman Board of Directors

CITY OF DIXON, a Municipal  
Corporation of the State of California

Attest:

\_\_\_\_\_  
Suellen Johnston, City Clerk

By \_\_\_\_\_  
Jack Batchelor, Mayor

**Table A**

**Annual Entitlements of  
Water from North Bay Aqueduct  
City of Dixon**

Maximum Annual Entitlement is 1,500 Acre Feet. Current Year Annual Entitlement is 0. Future increases in Participating Agency's Annual Entitlement will be determined as specified in Section 7 of this Contract, at which time Participating Agency's Table A and those of Benicia, Fairfield, and Vallejo will be adjusted accordingly.

**Table B**

**Proportionate Shares of  
Agency's North Bay Aqueduct Capacity  
(Percentage of Agency Capacity)**

<b>City</b>	<b>NBA Reach 1*</b>	<b>NBA Reach 1**</b>	<b>NBA Reach 2</b>
Vallejo	39	33	57
Benicia	29	25	43
Fairfield	20	27	N/A
Suisun City	2	1	N/A
Vacaville	10	14	N/A

Note: If the Participating Agency and Rio Vista should start taking Project Water through the North Bay Aqueduct, percentages will change as specified in Section 7(d).

\* Applicable prior to installation of pump referenced in Article 26.2 (c) of the State Contract.

\*\* Applicable after installation of pump referenced in Article 26.2 (c) of the State Contract.

**Table C**

**Advanced Table A Allocations**

<b>City</b>	<b>Proportion (%)</b>	<b>Annual Limit (AF)</b>	<b>Cumulative Limit (AF)</b>
Vallejo	13.3	2,000	8,000
Benicia	41.0	6,143	24,571
Fairfield	28.1	4,214	16,857
Suisun City	3.1	464	1,857
Vacaville	14.5	2,179	8,715
<b>Total:</b>	<b>100%</b>	<b>15,000</b>	<b>60,000</b>

Note: If the Participating Agency and Rio Vista should start taking Project Water, allocation will change as specified in Section 8.

**ACTION OF  
SOLANO COUNTY WATER AGENCY**

**DATE:** November 14, 2013

**SUBJECT:** Purchase of Global Navigation Satellite System Surveying Equipment

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RECOMMENDATION:

Approve purchase of a Global Navigation Satellite System (GNSS) surveying equipment.

FINANCIAL IMPACT:

The equipment will be shared between the Agency and the Solano Irrigation District with a 1/3 Agency and 2/3 SID cost share. The total cost of the system is \$31,044. The Agency will pay \$10,348 and SID will cover the remainder of \$20,696. This investment will be recovered through cost savings in not having to rent this equipment. There is also a monthly service charge of \$325/month to be shared on the same percentage basis.

There is adequate funding in the current Ulatis Flood Control Project budget for this purchase.

BACKGROUND:

Many of the SCWA projects include a surveying component. We currently use a traditional total station that requires a minimum two person crew to use. This new GPS based survey system is operated by one person, does not require location of benchmarks, and is more efficient to use than traditional survey equipment.

Recommended:  *TSK: D. 01-13A*  
David B. Okita, General Manager

☒ Continued on Next Page

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☐ Approved as  
recommended

☐ Other  
(see below)

---

Modification to Recommendation and/or other actions:

---

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 14, 2013 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

---

David B. Okita  
General Manager & Secretary to the  
Solano County Water Agency

## **Agenda Item No. 5D**

The new equipment will primarily be used on the Ulatis Flood Control Project to improve operation, maintenance, and monitoring capabilities such as:

- Pre and Post construction surveys
- Establishing and tracking changes at flow site cross-sections
- Bathymetric surveys
- Vegetation/Biological surveys
- Establishing benchmarks
- Verifying plans
- Establishing elevations for flow/stage sites

The Agency routinely rents similar equipment at a cost of \$350/day, \$1,750/week, and \$5,250/month. Sharing the cost with SID to acquire this equipment makes the purchase cost effective.

**ACTION OF  
SOLANO COUNTY WATER AGENCY**

**DATE:** November 14, 2013

**SUBJECT:** Agreement with Yolo County Resource Conservation District for Assisting in the Administration of the Westside Integrated Regional Water Management Plan

---

**RECOMMENDATION:**

Authorize Chairman to execute an agreement with the Yolo County Resource Conservation District, on behalf of the Westside Integrated Regional Water Management Plan (Westside IRWMP) Coordinating Committee, to assist in the administration of the Westside IRWMP.

**FINANCIAL IMPACT:**

Maximum cost for the contract is \$25,526. The Water Agency's cost share for the contract is 25%, or \$6,382. These funds are included in the Agency's fiscal year 2013-2014 budget for the Westside IRWMP.

**BACKGROUND:**

The Water Agency Board of Directors adopted the Westside IRWMP at their July 11, 2013 meeting.

The Water Agency Board of Directors adopted a Memorandum of Understanding (MOU) at their January 10, 2013 meeting authorizing staff to work with the other Westside agencies to implement the Westside IRWMP. As described in the governance section of the MOU, a Coordinating Committee has been appointed to manage and implement the Westside IRWMP. This Coordinating Committee will be responsible for promoting progress on Westside IRWMP objectives, conducting stakeholder meetings, engaging the public, maintaining the Westside IRWMP website, pursuing grant funds for implementation, coordinating related efforts, finance implementation

Recommended: DN Okita  
David B. Okita, General Manager

☒ Continued on Next Page

☐ Approved as  
recommended

☐ Other  
(see below)

---

Modification to Recommendation and/or other actions:

---

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 14, 2013 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

---

David B. Okita  
General Manager & Secretary to the  
Solano County Water Agency

## **Agenda Item No. 5E**

coordination activities, updating the project list, and subject to the Coordinating Committee's Governing Boards, updating the Westside IRWMP.

As allowed in the MOU, the Coordinating Committee desires to hire an outside consultant to assist the Coordinating Committee in administering the Westside IRWMP.

Administration of the Westside IRWMP will include tracking the progress of projects, programs, and objectives, outreach and education to regional stakeholders, and posting of meeting agendas, running meetings, and posting meeting summary notes.

The MOU specifies an equal cost share of the Westside IRWMP implementation activities between the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Water Resources Association of Yolo County and the Solano County Water Agency.

Name of Project: **Westside IRWMP Administration Assistance**

## **SOLANO COUNTY WATER AGENCY**

### **AGREEMENT FOR PROFESSIONAL SERVICES**

(Professional Services/Professional Liability/General Liability & Auto/no Additional Insured)

THIS AGREEMENT, **effective the date it is executed**, is between SOLANO COUNTY WATER AGENCY, a public agency existing under and by virtue of Chapter 573 of the 1989 statutes of the State of California, hereinafter referred to as "Agency," and **Yolo County Resource Conservation District**, hereinafter referred to as "Contractor."

The Agency requires services for **Westside IRWMP Administration Assistance**; and the Contractor is willing to perform these services pursuant to the terms and conditions set out in this Agreement.

IT IS MUTUALLY AGREED, as follows:

#### 1. SCOPE OF SERVICES

The Agency hereby engages the Contractor, and the Contractor agrees to perform the services for **Westside IRWMP Administration Assistance**, as described in Exhibit A, in accordance with the terms of this Agreement and any applicable laws, codes, ordinances, rules or regulations. In case of conflict between any part of this Agreement, this Agreement shall control over any Exhibit.

#### 2. COMPENSATION

Compensation for services shall be as follows: Hourly rate of personnel plus any allowed reimbursable expenses based on unit costs as indicated on any allowed reimbursable expense in Exhibit B **not to exceed \$25,525.79** for all work contemplated by this Agreement.

#### 3. METHOD OF PAYMENT

Upon submission of an invoice by the Contractor, and upon approval of the Agency's representative, the Agency shall pay the Contractor within 20 days of invoice receipt in arrears for fees and allowed expenses incurred the prior month, however in no event shall the cumulative total paid pursuant to this agreement exceed the maximum amount provided for in paragraph 2 of this Agreement. Every invoice shall specify hours worked for each task identified in Exhibit A undertaken.

Each invoice shall be accompanied by a spreadsheet showing, by month, costs incurred to date for the project broken down by the Tasks identified in Exhibit A. The spreadsheet shall show, for each task, budget amounts, total expended and remaining amounts. The spreadsheet shall show a subtotal for each fiscal year covered by the contract. Any amendments to the

contract shall be listed and incorporated into spreadsheet. An example of a typical spreadsheet shall be provided by the Agency.

4. TIME OF PERFORMANCE

This Agreement shall become effective as of the date it is executed and said services will take place between this date and **June 30, 2014** as directed by the Agency.

5. MODIFICATION AND TERMINATION

This Agreement may be modified or amended only by written instrument signed by the parties hereto, and the Contractor's compensation and time of performance of this Agreement shall be adjusted if they are materially affected by such modification or amendment.

Any change in the scope of the professional services to be done, method of performance, nature of materials or price thereof, or to any other matter materially affecting the performance of nature of the professional services will not be paid for or accepted unless such change, addition or deletion be approved in advance, in writing, by the Agency's General Manager.

This Agreement may be terminated by the Agency at any time, without cause, upon written notification to the Contractor. The Contractor may terminate this Agreement upon 30 days written notice to Solano County Water Agency, Attn: Chris Lee, 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688.

Following termination by the Agency or the Contractor, the Contractor shall be reimbursed for all expenditures made in good faith in accordance with the terms of this Agreement that are unpaid at the time of termination.

6. PERMITS

Permits required by governmental authorities will be obtained at the Contractor's expense, and the Contractor will comply with local, state and federal regulations and statutes including Cal/OSHA requirements.

7. INDEMNIFY AND HOLD HARMLESS

**When the law establishes a professional standard of care for the Contractor's services, to the fullest extent permitted by law, Contractor will defend, indemnify and hold harmless the Agency, its directors, officers, employees, and authorized volunteers from all claims and demands of all persons that arise out of, pertain to, or relate to the Contractor's negligence, recklessness, or willful misconduct in the performance (or actual or alleged non-performance) of the work under this agreement. The Contractor shall defend itself against any and all liabilities, claims, losses, damages, and costs arising out of or alleged to arise out of Contractor's performance or non-performance of the work hereunder, and**

**shall not tender such claims to Agency nor to its directors, officers, employees, or authorized volunteers, for defense or indemnity.**

**Other than in the performance of professional services, to the fullest extent permitted by law, Contractor will defend, indemnify and hold harmless the Agency, its directors, officers, employees and authorized volunteers from all claims and demands of all persons arising out of the performance of the work or furnishing of materials; including but not limited to, claims by the Contractor or Contractor's employees for damages to persons or property except for the sole negligence or willful misconduct or active negligence of the Agency, its directors, officers, employees, or authorized volunteers.**

## **8. INSURANCE**

By his/her signature hereunder, Contractor certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and that Contractor will comply with such provisions before commencing the performance of the professional services under this agreement. Contractor and sub-contractors will keep workers' compensation insurance for their employees in effect during all work covered by this agreement.

Contractor will file with the Agency, before beginning professional services, a certificate of insurance satisfactory to the Agency evidencing professional liability coverage of not less than \$1,000,000 per claim and annual aggregate, requiring 30 days notice of cancellation (10 days for non-payment of premium) to the Agency. Any insurance, self-insurance or other coverage maintained by the Agency, its directors, officers, employees, or authorized volunteers shall not contribute to it. Coverage is to be placed with a carrier with an A.M. Best rating of no less than A-:VII, or equivalent, or as otherwise approved by the Agency. The retroactive date (if any) is to be no later than the effective date of this agreement. In the event that the Contractor employs other contractors (sub-contractors) as part of the work covered by this agreement, it shall be the Contractor's responsibility to require and confirm that each sub-contractor meets the minimum insurance requirements specified above.

Contractor will file with the Agency, before beginning professional services, certificates of insurance satisfactory to the Agency evidencing general liability coverage of not less than \$1,000,000 per occurrence (\$2,000,000 general and products-completed operations aggregate (if used)) for bodily injury, personal injury and property damage; auto liability of at least \$1,000,000 for bodily injury and property damage each accident limit; workers' compensation (statutory limits) and employer's liability (\$1,000,000) (if applicable); requiring 30 days (10 days for non-payment of premium) notice of cancellation to the Agency. Any insurance, self-insurance or other coverage maintained by the Agency, its directors, officers, employees, or authorized volunteers shall not contribute to it. Coverage is to be placed with a carrier with an A.M. Best rating of no less than A- :VII, or equivalent, or as otherwise approved by the Agency. In the event that the Contractor employs other contractors (sub-contractors) as part of the work covered by this agreement, it shall be the Contractor's responsibility to require and confirm that each sub-contractor meets the minimum insurance requirements specified above.

If any of the required coverages expire during the term of this agreement, the Contractor shall deliver the renewal certificate(s) including the general liability additional insured endorsement to the Agency at least ten (10) days prior to the expiration date.

9. COMPLIANCE WITH LAW

The Contractor shall be subject to and comply with all federal, state and local laws and regulations applicable with respect to its performance under this Agreement, including but not limited to, licensing, employment and purchasing practices; and wages, hours and conditions of employment.

10. RECORD RETENTION

Except for materials and records, delivered to the Agency, the Contractor shall retain all materials and records prepared or obtained in the performance of this Agreement, including financial records, for a period of at least three years after the Contractor's receipt of the final payment under this Agreement. Upon request by the Agency, the Contractor shall make such materials and records available to the Agency at no additional charge and without restriction or limitation to State and federal governments at no additional charge.

11. OWNERSHIP OF DOCUMENTS

All materials and records of a finished nature, such as final plans, specifications, reports and maps, prepared or obtained in the performance of this Agreement, shall be delivered to and become the property of the Agency. All materials of a preliminary nature, such as survey notes, sketches, preliminary plans, computations and other data, prepared or obtained in the performance of this Agreement, shall be made available, upon request, to the Agency at no additional charge and without restriction or limitation on their use.

12. SUBCONTRACT AND ASSIGNMENT

This Agreement binds the heirs, successors, assigns and representatives of the Contractor. The Contractor shall not enter into subcontracts for any work contemplated under this Agreement and shall not assign this Agreement or monies due or to become due, without the prior written consent of the General Manager of the Agency or his designee, subject to any required state or federal approval. *(Note: list any subcontractors here)*

13. NONRENEWAL

The Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by the Contractor under this Agreement will be purchased by the Agency under a new agreement following expiration or termination of this Agreement, and waives all rights or claims to notice or hearing respecting any failure to continue purchase of all or any such services from the Contractor.

14. NOTICE

Any notice provided for herein are necessary to the performance of this Agreement and shall be given in writing by personal delivery or by prepaid first-class mail addressed as follows:

AGENCY

David Okita, General Manager  
Solano County Water Agency  
810 Vaca Valley Parkway, Suite 203  
Vacaville, CA 95688

CONTRACTOR

Jeanette Wrysinski, Executive Director  
Yolo County Resource Conservation District  
6350 Nautilus Drive  
Boulder, CO 80301

-----  
The parties have executed this Agreement the day and year first above written. If the Contractor is a corporation, documentation must be provided that the person signing below for the Contractor has the authority to do so.

Solano County Water Agency  
a Public Agency

By: \_\_\_\_\_  
Jim Spering, Chair  
Board of Directors

By: \_\_\_\_\_  
Jeanette Wrysinski,  
Executive Director

**EXHIBIT A**

**SEE ATTACHED FOR SCOPE OF SERVICES**



## **Yolo County Resource Conservation District**

221 West Court Street, Suite 1  
Woodland, CA 95695  
[yolorcd@yolorcd.org](mailto:yolorcd@yolorcd.org)

phone (530) 662-2037  
fax (530) 662-4876  
[www.yolorcd.org](http://www.yolorcd.org)

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### **Proposal for Assistance in Administering the Westside IRWMP for Fiscal Year 2013-14**

The Yolo County Resource Conservation District (YCRCD or RCD) proposes to assist the Coordinating Committee in administering the Westside Integrated Regional Water Management Plan (IRWMP). We feel we are uniquely qualified and situated to support this program because of our position in the region, our experience administering numerous previous and current grants and contracts, the varied forms of outreach we have employed, our participation in and familiarity with the Westside IRWMP, and our history of managing and facilitating other groups with similar needs.

Yolo County is one of the 5 counties –Colusa, Lake, Yolo, Napa and Solano - that participated in the Westside IRWM Plan development. The YCRCD is a member of the Water Resources Association of Yolo County, a key facilitator of the IRWM Plan development, and participates actively in its Technical Committee. The YCRCD, whose district boundaries cover the majority of Yolo County, was an active participant throughout the development of the plan, attending and participating in the majority of the meetings, public workshops, information and project submissions, and provided review of and comments on the final document. We were also an active participant in the development of Yolo County's IRWMP, completed in 2007. The RCD Board of Directors is currently in the process of reviewing and discussing the Westside IRWMP in anticipation of ratification in the near future. This combined exposure to the IRWMP plan and process gives us significant background knowledge of the plan, the participating agencies, the challenges and opportunities, the other entities engaged, the projects and priorities, and is an indication of our investment in the plan.

YCRCD Executive Directors have been actively engaged in the Yolo Natural Heritage Program (HCP/NCCP) development over nearly 10 years, serving on the Advisory Committee and working on topic-area sub-committees for development of content. That program plan effort has recently been halted and re-formed by the governing Joint Powers Agency and a decision is imminent regarding moving forward to a final draft.

The RCD has been actively managing grants and contracts since 1994 when its first grant was awarded and now has 19 years of experience working with state, federal and local grants, as well as small contracts and fee-for-service work. We actively promote and sponsor partnerships through our grant proposals, as demonstrated in our California Department of Conservation Watershed Coordinator Programs and our multi-partner-funded restoration projects. We bring together diverse opinions and interests through groups we facilitate such as the Weed Management Area and the Cache Creek Watershed Forum, which crosses county lines and includes agencies, environmental groups, conservancies and county governments. The following table provides a short list of projects that are active or completed. All RCD projects have been completed within budget and on time, or with grantor approved time extensions. Additional examples can be provided if desired.

### Summary of Selected RCD Projects

Funding Source	Project Description	Department	Contract Amount	Start Date
State of California	Willow Slough Watershed Coordination	Dept. of Conservation	\$147,647	6/30/2008
State of California	Hungry Hollow Watershed Coordination	Dep. Of Conservation	\$112,793	1/15/2008
City of Woodland	Storz Pond Weed/vegetation	Public Works	\$11,380	renews on 7/1
City of Woodland	East Regional Retention Pond-implementation	Public Works	\$202,975	8/28/2011
City of Woodland	East Regional Retention Pond-maintenance	Public Works	\$56,674	upon completion of implementation
State of California	Cache Creek Tamarisk and Arrundo removal	Department of Food & Ag	\$32,060	8/22/2011
State of California	Working Waterways Directed Action	Department of Fish & Game	\$643,936	12/19/2012
State of California	Putah Creek Parkway - Downtown Davis Greening	Strategic Growth Council - Urban Greening	\$311,373	12/20/2012
State of California	I-5 interchange tree/shrub planting - Woodland to County	CalTrans	\$499,986	6/24/2009
State of California	North Davis Channel Riparian Revegetation	Strategic Growth Council - Urban Greening	\$219,017	11/15/2012

Our proposal to complete the suggested Scope of Work is based on assumptions, which are described within each task section 1 through 5, discussed below, on which our budget is based. We consider it to be a “not-to-exceed” budget, meaning that time and materials charges are reimbursable, and that only actual costs will be charged (i.e. if actual costs are less than estimated, less will be billed). Some notes are included on the budget.

### Capabilities to complete Scope of Work

#### 1. Meeting Facilitation and Support:

The YCRCDC has at least 3 staff members with training and experience in meeting facilitation. These include two of our Project Managers, and the Executive Director. Facilitation training was provided by the State Department of Conservation through their Watershed Coordinator Program via Dennis Bowker and the Elkhorn Slough Coastal Training Program’s Facilitation for Natural Resource Managers program. Many of our grant funded projects include activities that require conducting partner meetings, landowner workshops, or facilitated meetings with the public. Preparation and follow up for these meetings includes solicitation of agenda topics; coordinating meeting dates, times and locations; assembling agendas and developing additional materials; managing the meetings so that they are organized and productive; taking notes and distributing notes post-meeting.

We have performed these activities for groups such as the Cache Creek Watershed Forum (>10 years), a 4-session public workshop series on water conservation with City of Woodland (3<sup>rd</sup> season upcoming), a public-input process for an urban-edge, grant-funded restoration with the City of Davis and Putah Creek Council (3 meetings to-date, ongoing), the Hungry Hollow Watershed Stakeholders Group (3+ year process), the Colusa Basin Watershed Management planning process (3+ years), and public-input meetings on conservation priorities held in partnership with the USDA-Natural Resources Conservation Service (annually for several decades). The number of attendees at these meetings ranges from approximately 8 to 85 per session. Examples of materials from some of these meetings are provided in Appendix 1 – Meeting Materials Examples.

The RCD also has a Board of Directors, appointed by our County Board of Supervisors, which holds monthly, Brown Act meetings that include publicly noticed agendas, distribution of Board packets of

meeting materials, adopted minutes, official actions such as resolutions, and interaction with county government and other local and regional agencies to conduct business.

This breadth of experience demonstrates our ability to provide the needed services and to adapt to a variety of meeting formality needs.

Assumptions made for budget development – Task 1:

- Three quarters remaining in the 2013-14 fiscal year = up to 4 meetings to facilitate,
- Meetings rotating locations: one each in a conveniently located city within the participating counties,
- Meeting duration of 2 – 4 hours each, with round-trip travel time in addition
- Meeting attendance by one to two representatives to the Coordinating Committee (CC) from each of the 4 participating Regional Public Agencies, for a maximum of 8 CC attendees,
- Two RCD staff persons attending each meeting, one to facilitate, one on logistics

## 2. Public Outreach

The RCD has been conducting public outreach in a variety of ways since the early 1990's. Our workshops, news releases, newsletters, development of educational pamphlets, books and other publications, and our current electronic outreach through Constant Contact have given us experience in developing and managing a variety of outreach materials and distribution lists - small and large. Though we previously developed printed quarterly newsletters for US Mail distribution using programs such as Adobe Creative Suite (previously PageMaker and Photoshop) we now use electronic media such as our website, facebook and monthly Constant Contact email blasts to distribute event announcements and other conservation-oriented news and articles. An example of one of our recent email newsletters, sent out via Constant Contact, can be seen in Appendix 2, RCD e-Newsletter Example.

We currently maintain electronic mailing lists for US Mail and email for a variety of RCD purposes. For privacy purposes, I am not providing an example of one of our mailing lists with this proposal, but can provide documentation if requested. We are fully capable of maintaining stakeholder distribution lists of dozens or thousands, as needed, and having produced quarterly newsletters in the past for our own organization, have ample experience with that as well.

Assumptions made for budget development – Task 2:

- Stakeholder list of 200 – 300
- 3 to 4 newsletters (quarterly + 1 extra), sent electronically
- Up to 8 monthly email blasts and 15 – 20 additional announcements

## 3. Data Management

We have significant experience working with Microsoft Excel as a spreadsheet program, adapting it for multiple uses. We have used it for developing grant budgets, project implementation materials orders, financial tracking, task timelines, timesheets, graph and chart development, and even schematic drawings. We utilize formula development within cells to complete calculations, link cells within a worksheet, and develop links between worksheets. Some examples of these are provided in Appendix 3 - Excel Use Examples

The Coordinating Committee's preference for the format and appearance of the objectives and project tracking spreadsheet will be determined as part of administrative support work. The 141 projects listed will be tracked for progress and/or completion, which will be contribute to fulfillment of the 24 objectives. This is expected to be a "living" document, subject to continued updating over time.

Assumptions made for budget development – Task 3:

- Two tracking sheets: Objectives and Projects
- Tracking sheets developed in Microsoft Excel, according to CC guidance; exact specifications not yet available.

4. Funding Updates

Typical RCD management practices entail updating of payroll and materials expenses to projects on a monthly basis. These charges will be summarized as revenue and expense printouts for the Coordinating Committee on a quarterly basis, but could be brought to a fully updated status at any time in between if needed.

- Assumptions made for budget development – Task 4:
  - Three quarters remaining in the 2013-14 fiscal year = up to 4 statements to prepare, including a final.

5. Other Duties as needed

We understand that not all administrative needs can be anticipated. We have budgeted approximately 15% of the total budget submitted to these yet unspecified tasks.

**EXHIBIT B**

**AEE ATTACHED FOR RATE OF COMPENSATION**

**YCRCD Budget - Westside Sac IRWMP Facilitation Support for Remainder of 2013-14 <sup>1</sup>**

Task	Item	Qty (hrs/events)	Units	Unit Cost \$/unit	Or Estimate	Total Cost
<b>1 MEETING FACILITATION AND SUPPORT <sup>2</sup></b>						(FYE 6/30/14)
<b>Development of meeting agendas and supporting materials (up to 4 meetings):</b>						
	Executive Director	8	hr	\$88.00		\$704.00
	Project Manager	6	hr	\$67.00		\$402.00
	Financial Manager/Administr	15	hr	\$74.00		\$1,110.00
<b>Labor</b>						<b>\$2,216.00</b>
	Printing				\$200.00	\$200.00
	Certificate of Insurance				\$200.00	\$200.00
	Office supplies				\$200.00	\$200.00
<b>Materials <sup>3</sup></b>						<b>\$600.00</b>
<b>Facilitation support at meetings (up to 4 meetings) <sup>4</sup></b>						
	Executive Director	20	hr	\$88.00		\$1,760.00
	Project Manager	10	hr	\$67.00		\$670.00
	Financial Manager/Administr	20	hr	\$74.00		\$1,480.00
<b>Labor</b>						<b>\$3,910.00</b>
	Laptop/Software <sup>5</sup>				\$1,000.00	\$1,000.00
	Meeting Refreshments	4	mtg	\$35.00		\$140.00
<b>Materials</b>						<b>\$1,140.00</b>
	Mileage rate for Vehicles <sup>6</sup>	500	mi	\$0.565		\$282.50
<b>Travel</b>						<b>\$282.50</b>
<b>Preparation of meeting summaries and distribution for comment</b>						
	Executive Director	4	hr	\$88.00		\$352.00
	Project Manager	3	hr	\$67.00		\$201.00
	Financial Manager/Administr	8	hr	\$74.00		\$592.00
<b>Labor</b>						<b>\$1,145.00</b>
<b>Task Subtotal</b>						<b>\$9,293.50</b>
<b>2 PUBLIC OUTREACH <sup>7</sup></b>						
<b>Maintain stakeholder distribution lists and send email notifications</b>						
	Executive Director	6	hr	\$88.00		\$528.00
	Project Manager	6	hr	\$67.00		\$402.00
	Financial Manager/Administr	20	hr	\$74.00		\$1,480.00
<b>Labor</b>						<b>\$2,410.00</b>
	IT Support/Computer	8	mo	\$50.00		\$400.00
<b>Materials</b>						<b>\$400.00</b>
<b>Quarterly newsletters</b>						
	Executive Director	8	hr	\$88.00		\$704.00
	Project Manager	16	hr	\$67.00		\$1,072.00
	Financial Manager/Administr	12	hr	\$74.00		\$888.00
<b>Labor</b>						<b>\$2,664.00</b>
	Constant Contact	8	mo	\$10.00		\$80.00
<b>Materials</b>						<b>\$80.00</b>
<b>Task Subtotal</b>						<b>\$5,554.00</b>
<b>3 DATA MANAGEMENT <sup>8</sup></b>						
<b>Develop/maintain IRWMP objectives and project tracking spreadsheet/tool</b>						
	Executive Director	8	hr	\$88.00		\$704.00
	Project Manager	20	hr	\$67.00		\$1,340.00
	Financial Manager/Administr	30	hr	\$74.00		\$2,220.00
<b>Labor</b>						<b>\$4,264.00</b>
<b>Task Subtotal</b>						<b>\$4,264.00</b>
<b>4 FUNDING UPDATES</b>						
<b>Provide periodic funding updates at quarterly meetings</b>						
	Executive Director	4	hr	\$88.00		\$352.00
	Project Manager	12	hr	\$67.00		\$804.00
	Financial Manager/Administr	24	hr	\$74.00		\$1,776.00
<b>Labor</b>						<b>\$2,932.00</b>
<b>Task Subtotal</b>						<b>\$2,932.00</b>
<b>5 OTHER DUTIES AS NEEDED TO SUPPORT THE CC</b>						
<b>Support the CC in Administering the Westside IRWMP</b>						
	Executive Director	12	hr	\$88.00		\$1,056.00
	Project Manager	12	hr	\$67.00		\$804.00
	Financial Manager/Administr	16	hr	\$74.00		\$1,184.00
<b>Labor</b>						<b>\$3,044.00</b>
	Mileage rate for Vehicles	360	mi	\$0.565		\$203.40
<b>Travel</b>						<b>\$203.40</b>
<b>Task Subtotal</b>						<b>\$3,247.40</b>
<b>Subtotal</b>						<b>\$25,290.90</b>
Administration (15%)					15%	\$234.89
<b>Grand Total</b>						<b>\$25,525.79</b>

Budget Notes

**1) This is a "not-to-exceed" budget (only actual expenses will be charged)**

- 2) We estimate more hours may be needed than estimated in RFP
- 3) Provide 10 packets of materials per meeting, amount of materials currently unknown
- 4) Up to 4 hours per meeting + 2 hrs round trip travel, both facilitator and note taker/logistics person
- 5) Laptop for meeting notes, projection, mobility to meetings
- 6) Round trip mileage to: Napa - 112; Clearlake - 142; Fairfield - 80; Davis - 26 = 360 total
- 7) We estimate more hours may be needed to develop new e-mail distribution list than estimated in RFP and possibly many more hours for newsletter, depending on design/layout specifications
- 8) We allow for possibility of more time to develop new tracking tool than estimated in RFP

ACTION OF  
SOLANO COUNTY WATER AGENCY

DATE: November 14, 2013  
SUBJECT: Ulatis Project Grant Deed

RECOMMENDATION:

Authorize General Manager to accept a grant deed for a portion of property along the Ulatis Flood Control Project.

FINANCIAL IMPACT:

None.

BACKGROUND:

SCWA holds an easement over New Alamo Channel east of Leisuretown Road. The adjacent property is being developed by Meritage Homes as the Southtown Commons development in Vacaville. The fee owner, A & P Children Investments, of land under the Agency’s easement, originate on the north side of the channel extending across the Project’s south bank access road. A remnant piece of land exists between the Agency’s easement and Meritage’s property and is owned by A&P Childrens Investment. Meritage must acquire the remnant to construct their project but does not need it afterwards. Meritage proposes to acquire the land and have A&P grant it to the Agency. Staff supports the acquisition and recommends accepting the grant deed for the strip parcel described in the attached documents.

Recommended:   
David B. Okita, General Manager

<input type="checkbox"/> Approved as recommended	<input type="checkbox"/> Other (see below)
--	--

Modification to Recommendation and/or other actions:

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 14, 2013 by the following vote.

Ayes:  
Noes:  
Abstain:  
Absent:

David B. Okita  
General Manager & Secretary to the  
Solano County Water Agency

**EXHIBIT A**

**Legal Description of Property**

FINAL AND CORRECT LEGAL DESCRIPTION TO BE VERIFIED BY TITLE COMPANY

**EXHIBIT A  
LEGAL DESCRIPTION**

REAL PROPERTY SITUATE IN THE COUNTY OF SOLANO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL ONE AS SAID PARCEL IS DESCRIBED IN THE DEED TO A & P CHILDREN INVESTMENTS, RECORDED AS DOCUMENT NO. 2006-99903, OFFICIAL RECORDS OF SOLANO COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THAT PORTION OF SAID PARCEL ONE LYING SOUTHERLY OF THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO SOLANO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (SCFC&WCD), RECORDED IN BOOK 1415, PAGE 46, OFFICIAL RECORDS OF SOLANO COUNTY.

CONTAINING 0.63 ACRES MORE OR LESS.

SEE EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

END OF DESCRIPTION

THIS DESCRIPTION WAS PREPARED BY OR UNDER THE DIRECTION OF:



ALVIN LEUNG, PLS

APRIL 8, 2013  
DATE



A & P CHILDREN INVESTMENTS  
(2006-99903)

LEISURE TOWN ROAD

20'± WIDE PERPETUAL SEWER EASEMENT (PARCEL 6, 1993-37319)

SCFC&WCD (120'± WIDE)  
(PARCEL 1 1415 OR 46)

A & P CHILDREN INVESTMENTS (0.63 ACRE±)  
(PORTION OF PARCEL ONE, 2006-99903)

DESCRIBED AREA

VANDEN RANCH LLC  
(2012-100513)

SID  
(1173 OR 314)

SCALE 1"=200'



SOUTHERN PACIFIC RAILROAD (193 DEEDS 10)  
SOUTHERN PACIFIC RAILROAD (A1 DEEDS 31)



EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION

# SOLANO COUNTY WATER AGENCY



## MEMORANDUM

Agenda Item No. 7

**TO:** Board of Directors

**FROM:** David B. Okita, General Manager

**DATE:** November 14, 2013

**SUBJECT:** November General Manager's Report

---

The November Board meeting will be short as the City County Coordinating Council will be meeting at 7:00 PM. Our short agenda will be Delta focused on Water Bond legislation and updates on Delta matters.

The public draft Bay Delta Conservation Plan and its accompanying EIR/EIS has been delayed due to the Federal Government shutdown and is now expected to be released on December 13. There will be a four month public comment period ending on April 14. Documents are very large and cover a wide range of issues. The SCWA Delta Coordination Working Group has recommended a coordinated response to the documents among Solano public agencies. SCWA staff is working with other Solano public agency staff in a coordinated plan for commenting that will be discussed at the Delta Coordination Working Group at the December 9 meeting. The Working Group will be reporting to the SCWA Board at the December 12 meeting.

If you have any questions, please contact me at 455-1103 or [dokita@scwa2.com](mailto:dokita@scwa2.com).

Nov.2013.It7.mem.doc

P.O. Box 349 • 6040 Vaca Station Road, Building 84  
Elmira, California 95625-0349  
Phone (707) 451-6090 • FAX (707) 451-6099  
[www.scwa2.com](http://www.scwa2.com)



**ACTION OF  
SOLANO COUNTY WATER AGENCY**

**DATE:** November 14, 2013

**SUBJECT:** 2014 Water Bond Legislation – SB 42 and AB 1331

---

RECOMMENDATIONS:

1. Support SB 42 if amended to include provide for a section for funding water infrastructure projects in Delta counties that provide public benefits.
2. Support AB 1331 if amended to include provide for a section for funding water infrastructure projects in Delta counties that provide public benefits.

FINANCIAL IMPACT:

None for this action, but a Water Bond could provide funding for projects such as the North Bay Aqueduct Alternate Intake Project.

BACKGROUND:

On March 14, 2013, the Board supported SB 42, Safe Drinking Water, Water Quality, and Flood Protection Act of 2014, which at that time was a “spot bill”. The bill has been amended twice and is now a \$6,475,000,000 bond act with specific provisions.

AB 1331, the Climate Change Response for Clean and Safe Drinking Water Act of 2014, is the Assembly version of a 2014 water bond. That bill has been amended five times and is now a \$6,500,000,000 bond act with specific provisions.

The Board had given direction to SCWA staff and our Legislative Advocate to seek Water Bond funding for projects such as the North Bay Aqueduct Alternate Intake Project. Amended language in both bills is necessary to make funding for these types of projects more likely.

Recommended:   
David B. Okita, General Manager

---

<input type="checkbox"/> Approved as recommended	<input type="checkbox"/> Other (see below)
--	--

---

Modification to Recommendation and/or other actions:

---

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 14, 2013 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

---

David B. Okita  
General Manager & Secretary to the  
Solano County Water Agency

AMENDED IN SENATE SEPTEMBER 11, 2013

AMENDED IN SENATE AUGUST 15, 2013

**SENATE BILL**

**No. 42**

---

**Introduced by Senator Wolk**

December 11, 2012

---

An act to repeal and add Division 26.7 (commencing with Section 79700) of the Water Code, and to repeal Section 2 of Chapter 3 of the Seventh Extraordinary Session of the Statutes of 2009, relating to a safe drinking water, water quality, and flood protection program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as amended, Wolk. Safe Drinking Water, Water Quality, and Flood Protection Act of 2014.

(1) Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Existing law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

This bill would repeal these provisions.

(2) Under existing law, various measures have been approved by the voters to provide funds for water supply and protection facilities and programs.

This bill would enact the Safe Drinking Water, Water Quality, and Flood Protection Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in the amount of ~~-\$5,600,000,000~~ \$6,475,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water, water quality, and flood protection program.

The bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 26.7 (commencing with Section 79700)  
2 of the Water Code, *as added by Section 1 of Chapter 3 of the*  
3 *Seventh Extraordinary Session of the Statutes of 2009*, is repealed.

4 SEC. 2. Division 26.7 (commencing with Section 79700) is  
5 added to the Water Code, to read:

6  
7 DIVISION 26.7. THE SAFE DRINKING WATER, WATER  
8 QUALITY, AND FLOOD PROTECTION ACT OF 2014  
9

10 CHAPTER 1. SHORT TITLE

11  
12 79700. This division shall be known and may be cited as the  
13 Safe Drinking Water, Water Quality, and Flood Protection Act of  
14 2014.

15  
16 CHAPTER 2. DEFINITIONS

17  
18 79710. Unless the context otherwise requires, the definitions  
19 set forth in this section govern the construction of this division, as  
20 follows:

21 (a) "Commission" means the California Water Commission.

22 (b) "Committee" means the Safe Drinking Water, Water Quality,  
23 and Flood Protection Finance Committee created by Section 79824.

24 (c) "Delta" means the Sacramento-San Joaquin Delta as defined  
25 in Section 12220.

(d) “Department” means the Department of Water Resources.

(e) “Director” means the Director of Water Resources.

(f) “Disadvantaged community” has the same meaning as set forth in subdivision (a) of Section 79505.5.

(g) “Fund” means the Safe Drinking Water, Water Quality, and Flood Protection Fund of 2014 created by Section 79770.

(h) “Integrated regional water management plan” means a comprehensive plan for a defined geographic area that meets the requirements of Part 2.2 (commencing with Section 10530) of Division 6, as that part may be amended.

(i) “Nonprofit organization” means an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.

(j) “Public agency” means a state agency or department, public water system, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.

(k) “Secretary” means the Secretary of the Natural Resources Agency.

(l) “*Severely disadvantaged community*” has the same meaning as set forth in subdivision (n) of Section 116760.20 of the Health and Safety Code.

~~(t)~~

(m) “State board” means the State Water Resources Control Board.

~~(m)~~

(n) “State General Obligation Bond Law” means the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code).

### CHAPTER 3. SAFE DRINKING WATER PROJECTS

79720. (a) It is the intent of the Legislature that this chapter provide funds to address the most critical water needs of the state, including the provision of safe drinking water to all Californians and the improvement of safe drinking water supply reliability.

(b) The sum of ~~one billion five hundred million dollars (\$1,500,000,000)~~ *two billion dollars (\$2,000,000,000)* shall be available for the purposes of this chapter.

1 79722. From the funds described in Section 79720, five  
2 hundred million dollars (\$500,000,000) shall be available to the  
3 state board for projects to address immediate safe drinking water  
4 needs as follows:

5 (a) The sum of one hundred million dollars (\$100,000,000) shall  
6 be available for grants and direct expenditures to finance ~~public~~  
7 ~~health emergencies and urgent~~ *urgent public health emergency*  
8 actions to ensure that safe drinking water supplies are available to  
9 all Californians. Eligible ~~projects~~ *actions* include, but are not  
10 limited to, the following:

11 (1) Providing interim water supplies, including, but not limited  
12 to, bottled water, where necessary to protect public health.

13 (2) Improvements in existing water systems ~~necessary to~~  
14 ~~identify, plan, design, and construct projects that will provide safe,~~  
15 ~~reliable, accessible, and affordable drinking water, provide other~~  
16 ~~sources of safe drinking water, including, but not limited to,~~  
17 ~~replacement wells, and prevent contamination, including, but not~~  
18 ~~limited to, planning, design, and construction of improvements~~  
19 *necessary to resume delivery of safe drinking water.*

20 (3) Establishing connections to an adjacent water system.

21 (4) Design, purchase, installation, and ~~initial operating costs for~~  
22 *operation and maintenance of interim* water treatment equipment  
23 and systems.

24 (b) The sum of four hundred million dollars (\$400,000,000)  
25 shall be available for grants *and loans* for public water system  
26 infrastructure improvements and related actions to meet safe  
27 drinking water standards and ensure affordable drinking water.  
28 Priority shall be given to projects that ~~serve small disadvantaged~~  
29 ~~communities and to projects that address~~ *provide treatment for*  
30 *contamination or access to alternative drinking water sources for*  
31 *small water systems or state small water systems serving*  
32 *disadvantaged communities whose drinking water source is*  
33 *impaired by chemical and nitrate contaminants and other health*  
34 *hazards identified by the state board.* Eligible recipients ~~serve~~  
35 *either operate small or state small water systems in* disadvantaged  
36 communities and are public agencies or incorporated mutual water  
37 companies *or are public agencies or nonprofit organizations*  
38 *authorized to act on behalf of small or state small water systems*  
39 *in disadvantaged communities.* The state board may make grants  
40 for the purpose of financing feasibility studies and to meet the

eligibility requirements for a construction grant. ~~Priority Eligible~~  
~~expenses may include initial operation and maintenance costs for~~  
~~systems serving disadvantaged communities. Special consideration~~  
will be given to projects that provide shared solutions for multiple  
communities, at least one of which is a disadvantaged community  
~~served by a small or state small water system or private well and~~  
that lacks safe, affordable drinking water. Construction grants shall  
be limited to five million dollars (\$5,000,000) per project, except  
that the state board may set a limit of not more than ~~20~~ twenty  
million dollars (\$20,000,000) for projects that provide regional or  
shared solutions among multiple entities, at least one of which is  
a small disadvantaged community. Not more than 25 percent of a  
grant may be awarded in advance of actual expenditures.

(c) The state board may expend up to twenty-five million dollars  
(\$25,000,000) of the funds allocated in subdivision (b) for technical  
assistance to eligible communities.

(d) At least 10 percent of the funds available pursuant to this  
section shall be allocated for projects serving severely  
disadvantaged communities.

(e) ~~Of the funds available pursuant to subdivision (b), the state~~  
~~board may expend up to ten million dollars (\$10,000,000) to~~  
~~finance development and demonstration of new technologies and~~  
~~related facilities for water contaminant removal and treatment~~  
~~appropriate for use by small and state small water systems.~~

79724. (a) From the funds described in Section 79720, one  
~~billion dollars (\$1,000,000,000) five hundred million dollars~~  
~~(\$1,500,000,000)~~ shall be available to the department for ~~allocation~~  
~~to regions pursuant to Section 79726 grants~~ for projects that  
develop, improve, or implement an adopted integrated regional  
water management plan consistent with Part 2.2 (commencing  
with Section 10530) of Division 6, as that part may be amended,  
and improve the quality or supply of safe drinking water, reduce  
the amount of water imported to the region, or address any of the  
following other critical water supply reliability issues:

(1) Groundwater clean up or pollution prevention in sources of  
drinking water.

(2) Advanced water treatment technology projects to remove  
contaminants from drinking water, water recycling, and related  
projects, such as distribution or groundwater recharge  
infrastructure.

1 (3) Urban and agricultural water conservation and water use  
2 efficiency projects.

3 (4) Other integrated water infrastructure projects that address  
4 one or more water management activities and improve the  
5 reliability or quality of regional water supplies, *including the repair*  
6 *or replacement of aging water management infrastructure.*

7 (b) Projects funded pursuant to this section shall require a local  
8 match of not less than 50 percent of project costs, except the  
9 department may suspend or reduce cost share requirements for  
10 projects serving disadvantaged communities or that result in a  
11 direct reduction in water imported from the Delta.

12 (c) To be eligible for funding under this section, a region shall  
13 comply with the following requirements:

14 (1) Have an adopted integrated regional water management plan  
15 ~~approved by the department.~~

16 (2) Each urban and agricultural water supplier that would benefit  
17 from a project shall adopt and submit an urban or agricultural water  
18 management plan in accordance with the Urban Water Management  
19 Planning Act (*Part 2.6 (commencing with Section 10610) of*  
20 *Division 6*) or the Agricultural Water Management Planning Act  
21 (*Part 2.8 (commencing with Section 10800) of Division 6*). ~~That~~  
22 ~~urban~~ Urban or agricultural water management plan shall be  
23 ~~approved plans shall be certified~~ by the department as meeting the  
24 requirements of *the Urban Water Management Planning Act (Part*  
25 *2.6 (commencing with Section 10610) of Division 6) or the*  
26 *Agricultural Water Management Planning Act (Part 2.8*  
27 *(commencing with Section 10800) of Division 6), and Sections*  
28 *10608.56 and 10631.5.*

29 ~~(3) Have a groundwater management plan for each major~~  
30 ~~groundwater basin that meets the requirements of Each local~~  
31 ~~agency whose service area includes a groundwater basin that~~  
32 ~~would benefit from a groundwater management project shall adopt~~  
33 ~~and submit a groundwater management plan in accordance with~~  
34 ~~Part 2.75 (commencing with Section 10750) of Division 6.~~

35 (4) Have a water budget that describes local and imported water  
36 supplies and uses in sufficient detail to inform long-term efforts  
37 towards sustainable water management, and, where applicable,  
38 include a description of any measures anticipated to reduce the  
39 amount of water imported to the region in the future.

(5) Where applicable, an integrated water management plan shall be consistent with and implement Section 85021.

(d) Where applicable, funding pursuant to this section shall be made available to water agencies to assist in directly reducing the amount of water imported from the Delta.

79725. *The California Water Commission shall review the implementation of Section 79724 and shall certify that requirements for grant eligibility pursuant to that section are met prior to the department making final grant awards.*

79726. ~~Funds~~ *Of the funds available pursuant to Section 79724, one billion four hundred million (\$1,400,000,000) shall be allocated to each hydrologic region regions identified for purposes of integrated regional water management planning by the department based 75 percent on population and 25 percent on geographical size of the region, in accordance with the following schedule:*

- (1) *North Coast: \$66,000,000.*
- (2) *San Francisco Bay: \$196,000,000.*
- (3) *Central Coast: \$85,000,000.*
- (4) *Los Angeles subregion: \$267,000,000.*
- (5) *Santa Ana subregion: \$191,000,000.*
- (6) *San Diego subregion: \$146,000,000.*
- (7) *Sacramento River: \$117,000,000.*
- (8) *San Joaquin River: \$96,000,000.*
- (9) *Tulare/Kern (Tulare Lake): \$97,000,000.*
- (10) *North/South Lahontan: \$72,000,000.*
- (11) *Colorado River Basin: \$67,000,000.*

79728. (a) From the funds described in Section 79724, one hundred million dollars (\$100,000,000) shall be available for grants ~~by the department for the development and implementation of innovative projects to advance sustainable water management. for~~ *projects that significantly advance the application and effectiveness of innovative integrated regional water management strategies, including, but not limited to, the following:*

- (1) *Innovative decision support tools to model future regional climate change impacts.*
- (2) *Groundwater management plans and projects that further sustainable groundwater management.*
- (3) *Other projects determined by the department to advance innovative strategies for the integration of water management.*

1     **(b) The department shall give priority to projects that address**  
2 *groundwater overdraft and related impacts, including, but not*  
3 *limited to, subsidence.*

4  
5     CHAPTER 4. WATER QUALITY AND WATERSHED PROTECTION  
6                                     PROJECTS  
7

8     79730. (a) It is the intent of the Legislature that this chapter  
9 provide funds to protect water quality in the rivers, lakes, streams,  
10 and coastal waters of the state, to assist in meeting the Federal  
11 Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.) and  
12 other state and federal requirements for the protection of water  
13 quality, public health, and endangered species, and to protect or  
14 restore natural systems that contribute to water supply, water  
15 quality, or flood management.

16     (b) ~~The sum of one billion eight hundred million dollars~~  
17 ~~(\$1,800,000,000)~~ *two billion one hundred million dollars*  
18 *(\$2,100,000,000)* shall be available for the purposes of this chapter.

19     79732. (a) From the funds described in Section 79730, four  
20 hundred million dollars (\$400,000,000) shall be available to the  
21 state board for deposit in the Small Communities Grant Subaccount  
22 for grants for wastewater treatment projects to keep contaminants  
23 out of rivers, lakes, streams, groundwater, and coastal waters, and  
24 for other projects to protect the public and fish and wildlife from  
25 contaminated sources of water. Priority shall be given to projects  
26 that serve disadvantaged communities and severely disadvantaged  
27 communities, and to projects that address public health hazards.  
28 Special consideration shall be given to small communities with  
29 limited financial resources. Projects shall include, but not be limited  
30 to, projects that identify, plan, design, and implement regional  
31 mechanisms to consolidate wastewater systems or provide  
32 affordable treatment technologies.

33     (b) From the funds available pursuant to subdivision (a), ~~ten~~  
34 ~~million dollars (\$10,000,000)~~ *twenty million dollars (\$20,000,000)*  
35 shall be allocated to the state board for deposit into the Private  
36 Well and Septic Systems Investment Fund, which is hereby created  
37 in the State Treasury. Moneys in the fund shall be available, upon  
38 appropriation by the Legislature, for the purpose of ~~addressing the~~  
39 ~~needs of private well and septic owners~~ *providing grants and loans*

1 *to private well and septic owners to protect drinking water sources*  
2 *and ensure safe and affordable drinking water for all Californians.*

3 79734. From the funds described in Section 79730, ~~nine~~  
4 ~~hundred million dollars (\$900,000,000)~~ *one billion one hundred*  
5 *million dollars (\$1,100,000,000)* shall be available for water quality  
6 and watershed protection projects ~~of statewide significance~~ as  
7 follows:

8 (a) The sum of six hundred million dollars (\$600,000,000) shall  
9 be available to the Delta Conservancy for water quality, ecosystem  
10 restoration, and community sustainability projects that benefit the  
11 Delta, including, but not limited to, the following:

12 (1) Projects to improve water quality facilities or projects that  
13 contribute to improvements in water quality in the Delta.

14 (2) Habitat restoration, *conservation, and enhancement* projects  
15 to improve the condition of special status, at risk, endangered, or  
16 threatened species in the Delta and the Delta counties, including  
17 projects to eradicate invasive species, and projects that support the  
18 beneficial reuse of dredged material for habitat restoration and  
19 levee improvements.

20 (3) Projects to assist in preserving economically viable and  
21 sustainable agriculture and other economic activities in the Delta,  
22 including *local infrastructure projects* and projects to mitigate the  
23 economic and community impacts of any conversion of agricultural  
24 land to habitat funded by this section.

25 (4) Multibenefit recycled water projects that improve  
26 groundwater management and Delta tributary ecosystems.

27 (5) *Scientific studies and assessments that support the Delta*  
28 *Science Program as described in Section 85280 or projects*  
29 *authorized under this section.*

30 (b) The sum of ~~three hundred million dollars (\$300,000,000)~~  
31 *five hundred million dollars (\$500,000,000)* shall be available to  
32 ~~the Natural Resources Agency, the Wildlife Conservation Board,~~  
33 ~~or to state conservancies,~~ for water quality, river, and watershed  
34 protection and restoration projects of statewide importance outside  
35 of the Delta. Eligible projects include those that reduce pollution  
36 or contamination of major water bodies of the state, assist in the  
37 protection or recovery of ~~endangered or threatened~~ *endangered,*  
38 *threatened, wetland, or migratory* species, or protect or restore  
39 natural system functions that contribute to water supply, water  
40 quality, or flood management.

1 79736. (a) From the funds described in Section 79730, ~~five~~  
2 ~~hundred six hundred~~ million dollars ~~(\$500,000,000)~~ *(\$600,000,000)*  
3 shall be available for ~~regional~~ watershed protection and water  
4 quality projects outside the Delta ~~pursuant to Section 79738~~.  
5 ~~Eligible projects include those that reduce that do any of the~~  
6 ~~following:~~

7 (1) *Reduce* pollution or contamination of rivers, lakes, streams,  
8 or coastal waters, including prevention and remediation of mercury  
9 contamination from legacy ~~mines~~, *assist mines*.

10 (2) ~~Assist in the protection or recovery of endangered or~~  
11 ~~threatened species, or protect, threatened, or migratory species by~~  
12 *improving watershed health, in-stream flows, fish passage, coastal*  
13 *or inland wetland restoration, or other means, including natural*  
14 *community conservation plan and habitat conservation plan*  
15 *implementation.*

16 (3) *Protect* or restore natural system functions that contribute  
17 to water supply, water quality, or flood management.

18 (4) *Restore river parkways throughout the state, including, but*  
19 *not limited to, projects supported by the Urban Streams Restoration*  
20 *Program established pursuant to Section 7048 and the California*  
21 *River Parkway Act of 2004 (Chapter 3.8 (commencing with Section*  
22 *5750) of Division 5 of the Public Resources Code).*

23 (5) *Protect and restore aquatic, coastal, wetland, and migratory*  
24 *bird ecosystems, including fish and wildlife corridors.*

25 (6) *Implement fuel treatment projects to reduce wildfire risks*  
26 *and associated risks to water supply facilities, and post-fire*  
27 *restoration projects to improve watershed health, water quality,*  
28 *and flood control capacity.*

29 (7) *Implement adaptation projects that improve the ability of*  
30 *California's watersheds, wetlands, forests, and floodplains to*  
31 *reduce the impacts of climate change on California's communities*  
32 *and ecosystems.*

33 (b) *Of the funds described in subdivision (a), at least five*  
34 *hundred million dollars (\$500,000,000) shall be available for*  
35 *water quality, flood control, watershed restoration, or other*  
36 *watershed improvement projects implemented by state*  
37 *conservancies.*

38 (c) *In order to guide the expenditure of funds described in this*  
39 *section, the Natural Resources Agency shall develop a statewide*  
40 *natural resource protection plan to identify priorities consistent*

1 *with the purposes of this section. All expenditures by state*  
2 *conservancies and state agencies of funds described in this section*  
3 *shall advance the priorities set forth in the statewide natural*  
4 *resource protection plan.*

5 *(d) In coordination with the Natural Resources Agency, all state*  
6 *conservancies expending funds provided pursuant to subdivision*  
7 *(b) shall provide biannual written reports to the Natural Resources*  
8 *Agency on expenditures made and how those expenditures advance*  
9 *the statewide priorities set forth in the statewide natural resource*  
10 *protection plan developed pursuant to subdivision (c). The Natural*  
11 *Resources Agency shall produce and make available to the public*  
12 *biannual written reports on total expenditures made and progress*  
13 *towards meeting statewide priorities.*

14 ~~79738. Funds available pursuant to Section 79736 shall be~~  
15 ~~allocated to each hydrologic region identified for purposes of~~  
16 ~~integrated regional water management planning by the department~~  
17 ~~based on the geographic size and population of the region, giving~~  
18 ~~equal weight to each factor. These funds shall be available to state~~  
19 ~~conservancies operating within the region or, for areas in which~~  
20 ~~no state conservancy operates, to the Wildlife Conservation Board~~  
21 ~~for grants or for direct expenditures consistent with the purposes~~  
22 ~~of this chapter and consistent with the conservation plans developed~~  
23 ~~pursuant to Section 79740.~~

24 ~~79740. The Natural Resources Agency shall develop and adopt~~  
25 ~~a statewide resource protection plan to identify priorities for~~  
26 ~~expending funds provided in subdivision (b) of Section 79734 that~~  
27 ~~includes priorities for the State Coastal Conservancy and the~~  
28 ~~Wildlife Conservation Board. Conservation plans developed and~~  
29 ~~adopted by state conservancies shall be consistent with statewide~~  
30 ~~priorities adopted by the Natural Resources Agency and shall~~  
31 ~~govern the expenditure of funds available pursuant to Section~~  
32 ~~79736.~~

33  
34 CHAPTER 5. FLOOD CONTROL AND STORMWATER MANAGEMENT  
35

36 79750. (a) It is the intent of the Legislature that this chapter  
37 provide funds for disaster preparedness, flood control, and  
38 stormwater management in a manner that leverages the maximum  
39 amount of federal and local matching funds and that prioritizes

1 project selection and encourages multibenefit project design to  
2 achieve the maximum public benefits.

3 (b) The sum of one billion ~~three hundred million dollars~~  
4 ~~(\$1,300,000,000)~~ *three hundred seventy-five million dollars*  
5 *(\$1,375,000,000)* shall be available for the purposes of this chapter.

6 79752. From the funds described in Section 79750, five  
7 hundred million (\$500,000,000) shall be available to the department  
8 to implement the Central Valley Flood Protection Plan, including  
9 the following:

10 (a) The evaluation, repair, rehabilitation, or replacement of  
11 levees, weirs, bypasses, or other facilities, *and for multiple benefit*  
12 *projects. Multiple benefit projects are flood control projects that*  
13 *provide water supply, water quality, ecosystem, public access, and*  
14 *recreation benefits, or any combination thereof.* Projects of the  
15 Central Valley Flood Protection Plan shall be designed for multiple  
16 benefits, wherever feasible, ~~in order to maximize water supply,~~  
17 ~~water quality, and ecosystem benefits. Investments necessary to~~  
18 ~~achieve multiple benefits shall be eligible expenditures feasible,~~  
19 *and, for the purposes of implementing this subdivision, priority*  
20 *shall be given to multiple benefit projects.* The department shall  
21 develop and implement mitigation through regional advance  
22 mitigation plans, wherever feasible, to lower the cost, decrease  
23 delay, and improve the conservation benefits of mitigation.

24 (b) Increasing the level of flood protection of urban and  
25 urbanizing areas including state participation in federal and state  
26 authorized flood control projects, feasibility studies, design of  
27 federal flood damage reduction, and related projects, and reservoir  
28 reoperation and groundwater flood storage projects that improve  
29 flood protection.

30 (c) *The development of local maps and technical information*  
31 *by Sacramento-San Joaquin Valley cities and counties necessary*  
32 *to make a finding consistent with Section 65865.5 of the*  
33 *Government Code.*

34 79753. From the funds described in Section 79750, *seventy-five*  
35 *million dollars (\$75,000,000)* shall be available to the Natural  
36 Resources Agency for flood control projects on public lands that  
37 provide critical flood, water quality, and wetland ecosystem  
38 benefits to the San Francisco Bay region.

39 79754. From the funds described in Section 79750, ~~four~~  
40 ~~hundred million dollars (\$400,000,000)~~ *three hundred seventy-five*

1 million dollars (\$375,000,000) shall be available to the state board  
2 for competitive grants and loans for stormwater management  
3 projects pursuant to this section.

4 ~~(a) Eligible projects shall assist in compliance with total~~  
5 ~~maximum daily load implementation plans and be consistent with~~  
6 ~~all applicable waste discharge requirements.~~

7 ~~(b) Eligible projects are facilities and infrastructure to reduce,~~  
8 ~~manage, treat, and capture for water supply stormwater, and urban~~  
9 ~~runoff, including, but not limited to:~~

- 10 ~~(1) Detention and retention basins.~~  
11 ~~(2) Dry weather diversion facilities, trash filters, and screens.~~  
12 ~~(3) Treatment wetlands creation and enhancement.~~  
13 ~~(4) Stormwater runoff reduction projects, including permeable~~  
14 ~~surface installation, cisterns, and collection and treatment facilities~~  
15 ~~for groundwater recharge.~~  
16 ~~(5) Other stormwater management infrastructure for low-impact~~  
17 ~~development.~~

18 *(a) Eligible projects shall assist in compliance with total*  
19 *maximum daily load implementation plans or other regional*  
20 *stormwater management plans, or in the development of enhanced*  
21 *watershed management plans designed to achieve integrated,*  
22 *multiple benefit stormwater management objectives. Eligible*  
23 *projects include any of the following:*

24 *(1) Projects that reduce, manage, treat, or capture stormwater*  
25 *to improve water quality and, wherever possible, improve water*  
26 *supply.*

27 *(2) Stormwater resource management plans and related*  
28 *enhanced watershed management plans.*

29 *(3) Decision support tools to evaluate the benefits and costs of*  
30 *multiple benefit stormwater projects.*

31 *(4) Projects that, in addition to improving water quality, provide*  
32 *public benefits, such as augmentation of water supply, flood*  
33 *control, open space and recreation, and projects designed to mimic*  
34 *or restore natural watershed functions.*

35 *(b) The state board shall grant special consideration to plans*  
36 *or projects that provide multiple benefits such as water quality,*  
37 *water supply, flood control, natural lands, or recreation.*

38 *(c) The state board shall require not less than a 50-percent local*  
39 *cost share for grant funds, but may suspend or reduce the matching*  
40 *requirements for disadvantaged communities.*

1 ~~(d) The state board shall award grants on a competitive basis~~  
2 ~~considering the following criteria:~~

3 ~~(1) Water quality benefits of the project, such as the project's~~  
4 ~~ability to reduce impairment of the receiving water body.~~

5 ~~(2) Cost-effectiveness.~~

6 ~~(3) Public health benefits of the project.~~

7 ~~(4) Flood management benefits.~~

8 ~~(5) Water supply benefits.~~

9 ~~(6) Demonstrated contribution to reducing reliance on imported~~  
10 ~~water.~~

11 ~~(e)~~

12 ~~(d) Eligible recipients shall be local public agencies or nonprofit~~  
13 ~~organizations in partnership with local public agencies.~~

14 ~~(f)~~

15 ~~(e) Eligible projects must be outside of the area of the Central~~  
16 ~~Valley Flood Protection Plan and must be consistent with an~~  
17 ~~applicable integrated regional water management plan.~~

18 ~~79756. Notwithstanding Section 79754, fifty million dollars~~  
19 ~~(\$50,000,000) From the funds described in Section 79750,~~  
20 ~~twenty-five million dollars (\$25,000,000) shall be available to the~~  
21 ~~Department of Conservation from the funds described in Section~~  
22 ~~79754 for competitive grants for resource conservation districts~~  
23 ~~and other qualified special districts and nonprofit organizations~~  
24 ~~for projects that reduce or manage runoff from irrigated agricultural~~  
25 ~~lands for the benefit of surface and groundwater quality.~~

26 ~~79758. From the funds described in Section 79750, four~~  
27 ~~hundred million dollars (\$400,000,000) shall be available to reduce~~  
28 ~~the risk of levee failure and flood in the Delta for any of the~~  
29 ~~following:~~

30 ~~(a) Local assistance under the Delta levee maintenance~~  
31 ~~subventions program under Part 9 (commencing with Section~~  
32 ~~12980) of Division 6, as that part may be amended.~~

33 ~~(b) Special flood protection projects under Chapter 2~~  
34 ~~(commencing with Section 12310) of Part 4.8 of Division 6, as~~  
35 ~~that chapter may be amended.~~

36 ~~(c) Levee improvement projects that increase the resiliency of~~  
37 ~~levees within the Delta to withstand earthquake, flooding, or sea~~  
38 ~~level rise.~~

39 ~~(d) Emergency response and repair projects.~~

1 CHAPTER 6. WATER SYSTEM OPERATIONAL IMPROVEMENTS

2  
3 79760. The sum of one billion dollars (\$1,000,000,000) shall  
4 be available to the commission for water system operational  
5 improvements that meet the requirements of this section, including  
6 all of the following:

7 (a) Projects shall be selected by the commission through a  
8 competitive public process that ranks projects based on the  
9 expected public benefits received for public investment.

10 (b) Eligible projects consist only of the following:

11 (1) Surface storage projects identified in the CALFED Bay-Delta  
12 Programmatic Record of Decision, dated August 28, 2000, except  
13 that projects at Lake Shasta shall not be eligible.

14 (2) Groundwater storage projects and groundwater  
15 contamination prevention or remediation projects that augment  
16 groundwater supplies, and improve the long-term sustainability  
17 of groundwater resources, including reducing overdraft.

18 (3) Conjunctive use and reservoir reoperation projects including  
19 associated infrastructure.

20 (4) Projects that restore the capacity of reservoirs currently  
21 impaired by sediment buildup or other impairment.

22 (5) Projects that result in a permanent reduction of water  
23 exported from the Delta and a transfer of the equivalent water right  
24 to instream flow pursuant to Section 1707. Priority shall be given  
25 to projects that also result in the permanent elimination of irrigation  
26 runoff contributing to salinity in the San Joaquin Valley.

27 (6) Recycled water storage facilities.

28 (c) A project shall not be funded unless it provides measurable  
29 improvements to the Delta ecosystem.

30 (d) Funds allocated pursuant to this section may be expended  
31 solely for the following public benefits:

32 (1) Ecosystem improvements, including, but not limited to,  
33 changing timing of diversions, improvement in flow conditions,  
34 temperature, or other benefits that contribute to restoration of  
35 aquatic ecosystems and native fish and wildlife.

36 (2) Water quality improvements in the Delta or in other river  
37 systems that provide significant public trust resources or that clean  
38 up and restore groundwater resources.

1 (3) Flood control benefits, including, but not limited to, increases  
2 in flood reservation space in existing reservoirs by exchange for  
3 existing or increased water storage benefits.

4 (e) The commission, in consultation with the Department of  
5 Fish and Wildlife, the state board, and the department, shall  
6 develop and adopt, by regulation, methods for quantification and  
7 management of public benefits. The regulations shall include  
8 priorities and relative environmental value of ecosystem benefits  
9 provided by the Department of Fish and Wildlife and the priorities  
10 and relative environmental value of water quality benefits as  
11 provided by the state board.

12 (f) Funds shall not be expended pursuant to this chapter for the  
13 costs of environmental mitigation measures or compliance  
14 obligations except for those associated with providing the public  
15 benefits as described in subdivision (d).

16 79762. No funds available pursuant to Section 79760 may be  
17 allocated to a project until the commission approves the project  
18 based on the following determinations:

19 (a) The commission has adopted the regulations specified in  
20 Section 79760 and specifically quantified and made public the cost  
21 of the public benefits associated with the project.

22 (b) The department has entered into a contract with each party  
23 that will derive benefits, other than public benefits, from the project  
24 that ensures the party will pay its share of the total costs of the  
25 project. The benefits available to a party shall be consistent with  
26 that party's share of total project costs.

27 (c) The department has entered into a contract with the  
28 Department of Fish and Wildlife and the state board, after those  
29 agencies have made a finding that the public benefits of the project  
30 for which that agency is responsible meet all the requirements of  
31 this chapter, to ensure that public contributions of funds pursuant  
32 to this chapter achieve the public benefits identified for the project.

33 (d) The commission has held a public hearing for the purposes  
34 of providing an opportunity for the public to review and comment  
35 on the information required to be prepared pursuant to this section.

36 (e) All of the following conditions are met:

37 (1) Feasibility studies have been completed.

38 (2) The commission has found and determined that the project  
39 is feasible, is consistent with all applicable laws and regulations,  
40 and will advance the long-term objectives of restoring ecological

1 health and improving water management, including the beneficial  
2 uses of the Delta.

3 (3) All environmental documentation has been completed and  
4 all other federal, state, and local approvals, certifications, and  
5 agreements required to be completed have been obtained.

6 (f) The commission shall submit to the fiscal committees and  
7 the appropriate policy committees of the Legislature its findings  
8 for each criteria identified in this section for any project funded  
9 pursuant to this chapter.

10 79764. (a) The public benefit cost share of a project funded  
11 pursuant to this chapter may not exceed 50 percent of the total cost  
12 of the project.

13 (b) No project may be funded unless it provides ecosystem  
14 improvements that are at least 50 percent of the public benefits of  
15 the project funded under this chapter.

16  
17 CHAPTER 7. GENERAL PROVISIONS  
18

19 79770. The proceeds of bonds issued and sold pursuant to this  
20 division shall be deposited in the Safe Drinking Water, Water  
21 Quality, and Flood Protection Fund of 2014, which is hereby  
22 created in the State Treasury. Moneys in the fund shall be available,  
23 upon appropriation by the Legislature, in the manner and for the  
24 purposes set forth in this division.

25 79772. An amount that equals not more than 5 percent of the  
26 funds allocated for a program pursuant to this division may be  
27 used to pay the administrative costs of that program.

28 79774. Up to 10 percent of funds allocated for each program  
29 funded by this division may be used to finance planning and  
30 monitoring necessary for the successful design, selection, and  
31 implementation of the projects authorized under that program.  
32 This section shall not otherwise restrict funds ordinarily used by  
33 an agency for “preliminary plans,” “working drawings,” and  
34 “construction” as defined in the annual Budget Act for a capital  
35 outlay project or grant project. Water quality monitoring shall be  
36 integrated into the surface water ambient monitoring program  
37 administered by the state board.

38 79776. Chapter 3.5 (commencing with Section 11340) of Part  
39 1 of Division 3 of Title 2 of the Government Code does not apply  
40 to the development or implementation of programs or projects

1 authorized or funded under this division other than Chapter 6  
2 (commencing with Section 79760).

3 79778. (a) Prior to disbursing grants pursuant to this division,  
4 each state agency that is required to administer a competitive grant  
5 program under this division shall develop project solicitation and  
6 evaluation guidelines. The guidelines may include a limitation on  
7 the dollar amount of grants to be awarded.

8 (b) Prior to disbursing grants, the state agency shall conduct  
9 three public meetings to consider public comments prior to  
10 finalizing the guidelines. The state agency shall publish the draft  
11 solicitation and evaluation guidelines on its Internet Web site at  
12 least 30 days before the public meetings. One meeting shall be  
13 conducted at a location in northern California, one meeting shall  
14 be conducted at a location in the central valley of California, and  
15 one meeting shall be conducted at a location in southern California.  
16 Upon adoption, the state agency shall transmit copies of the  
17 guidelines to the fiscal committees and the appropriate policy  
18 committees of the Legislature.

19 (c) Projects funded with proceeds from this division shall  
20 promote state planning priorities consistent with the provisions of  
21 Section 65041.1 of the Government Code and sustainable  
22 communities strategies consistent with the provisions of  
23 subparagraph (B) of paragraph (2) of subdivision (b) of Section  
24 65080 of the Government Code.

25 (d) To the extent feasible, in implementing subdivision (a) of  
26 Section 79734, the Delta Conservancy shall seek to achieve wildlife  
27 conservation objectives through projects on public lands or  
28 voluntary projects on private lands. Funds available pursuant to  
29 subdivision (a) of Section 79734 may be used, in consultation with  
30 the Department of Fish and Wildlife, for payments to landowners  
31 for the creation of measurable habitat improvements or other  
32 improvements to the condition of endangered or threatened species.  
33 The Delta Conservancy may develop and implement a competitive  
34 habitat credit exchange mechanism in order to maximize voluntary  
35 landowner participation in projects that provide measurable habitat  
36 or species improvements in the Delta. These funds shall not be  
37 used to subsidize or decrease the mitigation obligations of any  
38 party.

39 (e) In implementing subdivision (a) of Section 79734, the Delta  
40 Conservancy shall coordinate, cooperate, and consult with the city

1 or county in which a grant is proposed to be expended or an interest  
2 in real property is proposed to be acquired and with the Delta  
3 Protection Commission. Acquisitions pursuant to subdivision (a)  
4 of Section 79734 shall be from willing sellers only.

5 (f) In implementing subdivision (a) of Section 79734, the Delta  
6 Conservancy shall require grantees to demonstrate how local  
7 economic impacts, including impacts related to the loss of  
8 agricultural lands, will be mitigated.

9 (g) Funds provided by this division shall not be used to acquire  
10 land via eminent domain. Funds from this division may be used  
11 to acquire property from willing sellers.

12 (h) Restoration and ecosystem protection projects funded by  
13 ~~Section 79736~~ *this division* shall use the services of the California  
14 Conservation Corps or *certified* community conservation corps,  
15 *as defined in Section 14507.5 of the Public Resources Code*,  
16 whenever feasible.

17 ~~(i) In implementing Section 79740, the Natural Resources~~  
18 ~~Agency shall prioritize existing obligations for state watershed~~  
19 ~~restoration investments, including, but not limited to, dam removal~~  
20 ~~and related activities on the Klamath River, San Joaquin River~~  
21 ~~restoration and restoration, of migratory bird habitat on the Salton~~  
22 ~~Sea.~~

23 (i) *In implementing subdivision (b) of Section 79734, priority*  
24 *shall be given to projects that fulfill the obligations of the State of*  
25 *California in complying with the terms of any of the following:*

26 (1) *The February 18, 2010, Klamath Basin Restoration*  
27 *Agreement.*

28 (2) *Quantification Settlement Agreement, as defined in*  
29 *subdivision (a) of Section 1 of Chapter 617 of the Statutes of 2002.*

30 (3) *The San Joaquin River Restoration Settlement, as described*  
31 *in Part I of Subtitle A of Title X of Public Law 111-11.*

32 (4) *Refuge water supply acquisition pursuant to the Central*  
33 *Valley Project Improvement Act, as defined in Section 3404(d)(3)*  
34 *of Title 34 of Public Law 102-575.*

35 (5) *Other state settlements and interstate compacts.*

36 (j) *In implementing Section 79752, the department may authorize*  
37 *the establishment of a trust fund, consistent with Section 79044,*  
38 *for the purposes of maintaining any lands acquired for the purposes*  
39 *of Section 79752.*

1     (k) *It is the intent of the Legislature that California's working*  
2 *agricultural landscapes be preserved wherever possible. To the*  
3 *extent feasible, watershed objectives included in this division*  
4 *should be achieved through use of conservation easements and*  
5 *voluntary landowner participation, including, but not limited to,*  
6 *the use of easements pursuant to Division 10.4 (commencing with*  
7 *Section 10330) and Division 10.2 (commencing with Section*  
8 *10200) of the Public Resources Code and voluntary habitat credit*  
9 *exchange mechanisms.*

10    (l) *Funds allocated pursuant to subdivision (b) of Section 79734*  
11 *to meet California's responsibilities under the bi-state compact*  
12 *identified in Title 7.4 (commencing with Section 66800) of the*  
13 *Government Code shall be appropriated pursuant to Title 7.42*  
14 *(commencing with Section 66905) of the Government Code.*

15    79780. It is the intent of the people ~~that the~~ that:

16    (a) *The investment of public funds pursuant to this division*  
17 *result in public benefits.*

18    (b) *Special consideration be given to projects that employ new*  
19 *or innovative technology or practices, including decision support*  
20 *tools that demonstrate the multiple benefits of integration of*  
21 *multiple jurisdictions, including, but not limited to, water supply,*  
22 *flood control, land use, and sanitation.*

23    79782. The State Auditor shall annually conduct a  
24 programmatic review and an audit of expenditures from the fund.  
25 The State Auditor shall report its findings annually on or before  
26 March 1 to the Governor and the Legislature, and shall make the  
27 findings available to the public.

28    79784. Funds provided by this division shall not be used to  
29 support or pay for the costs of environmental mitigation measures  
30 or compliance obligations of any party except as part of the  
31 environmental mitigation costs of projects financed by this division.  
32 Funds provided by this division may be used for environmental  
33 enhancements or other public benefits.

34    79786. Funds provided by this division shall not be expended  
35 to pay costs associated with design, construction, operation,  
36 maintenance, or mitigation of new Delta conveyance facilities.

37    79788. The Legislature may enact legislation necessary to  
38 implement programs funded by this division.

39    79790. Eligible applicants under this division are public  
40 agencies, nonprofit organizations, public utilities, and mutual water

1 companies. To be eligible for funding under this division, a project  
2 proposed by a public utility that is regulated by the Public Utilities  
3 Commission or a mutual water company shall have a clear and  
4 definite public purpose and shall benefit the customers of the water  
5 system.

6 79792. (a) This division does not diminish, impair, or  
7 otherwise affect in any manner whatsoever any area of origin,  
8 watershed of origin, county of origin, or any other water rights  
9 protections, including, but not limited to, rights to water  
10 appropriated prior to December 19, 1914, provided under the law.  
11 This division does not limit or otherwise affect the application of  
12 Article 1.7 (commencing with Section 1215) of Chapter 1 of Part  
13 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461,  
14 11462, and 11463, and Sections 12200 to 12220, inclusive.

15 (b) For the purposes of this division, an area that utilizes water  
16 that has been diverted and conveyed from the Sacramento River  
17 hydrologic region, for use outside the Sacramento River hydrologic  
18 region or the Delta, shall not be deemed to be immediately adjacent  
19 thereto or capable of being conveniently supplied with water  
20 therefrom by virtue or on account of the diversion and conveyance  
21 of that water through facilities that may be constructed for that  
22 purpose after January 1, 2014.

23 (c) Nothing in this division supersedes, limits, or otherwise  
24 modifies the applicability of Chapter 10 (commencing with Section  
25 1700) of Part 2 of Division 2, including petitions related to any  
26 new conveyance constructed or operated in accordance with  
27 Chapter 2 (commencing with Section 85320) of Part 4 of Division  
28 35.

29 (d) Unless otherwise expressly provided, nothing in this division  
30 supersedes, reduces, or otherwise affects existing legal protections,  
31 both procedural and substantive, relating to the state board's  
32 regulation of diversion and use of water, including, but not limited  
33 to, water right priorities, the protection provided to municipal  
34 interests by Sections 106 and 106.5, and changes in water rights.  
35 Nothing in this division expands or otherwise alters the state  
36 board's existing authority to regulate the diversion and use of water  
37 or the courts' existing concurrent jurisdiction over California water  
38 rights.

(e) Nothing in this division limits or otherwise affects the application of Chapter 2 (commencing with Section 85320) of Part 4 of Division 35.

(f) *Nothing in this division shall be construed to affect the California Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code) and funds available pursuant to this division shall not be available for any project that could have an adverse effect on the free flowing condition of a wild and scenic river or any other river afforded protections pursuant to the California Wild and Scenic Rivers Act.*

#### CHAPTER 8. FISCAL PROVISIONS

79820. (a) Bonds in the total amount of ~~five billion six hundred million dollars (\$5,600,000,000)~~ *six billion four hundred seventy-five million dollars (\$6,475,000,000)*, or so much thereof as is necessary, not including the amount of any refunding bonds, ~~or so much thereof as is necessary,~~ *bonds issued in accordance with Section 79840* may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) *The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.*

79822. The bonds authorized by this ~~chapter~~ *division* shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division, except *subdivisions (a) and (b) of Section 16727 of the Government Code*

1 ~~shall not apply to the extent that it is inconsistent with any other~~  
2 ~~provision of this division.~~

3 79824. (a) Solely for the purpose of authorizing the issuance  
4 and sale pursuant to the State General Obligation Bond Law  
5 (Chapter 4 (commencing with Section 16720) of Part 3 of Division  
6 4 of Title 2 of the Government Code) of the bonds authorized by  
7 this division, the Safe Drinking Water, Water Quality, and Flood  
8 Protection Finance Committee is hereby created. For purposes of  
9 this division, the Safe Drinking Water, Water Quality, and Flood  
10 Protection Finance Committee is “the committee” as that term is  
11 used in the State General Obligation Bond Law. The committee  
12 consists of the Director of Finance, the Treasurer, the Controller,  
13 the Director of Water Resources, and the Secretary of the Natural  
14 Resources Agency, or their designated representatives. The  
15 Treasurer shall serve as chairperson of the committee. A majority  
16 of the committee may act for the committee.

17 (b) For purposes of the State General Obligation Bond Law, the  
18 Department of Water Resources is designated the “board.”

19 79826. The committee shall determine whether or not it is  
20 necessary or desirable to issue bonds authorized pursuant to this  
21 division in order to carry out the actions specified in this division  
22 and, if so, the amount of bonds to be issued and sold. Successive  
23 issues of bonds may be authorized and sold to carry out those  
24 actions progressively, and it is not necessary that all of the bonds  
25 authorized to be issued be sold at any one time.

26 79828. There shall be collected each year and in the same  
27 manner and at the same time as other state revenue is collected,  
28 in addition to the ordinary revenues of the state, a sum in an amount  
29 required to pay the principal of, and interest on, the bonds each  
30 year. It is the duty of all officers charged by law with any duty in  
31 regard to the collection of the revenue to do and perform each and  
32 every act that is necessary to collect that additional sum.

33 79830. Notwithstanding Section 13340 of the Government  
34 Code, there is hereby appropriated from the General Fund in the  
35 State Treasury, for the purposes of this division, an amount that  
36 will equal the total of the following:

37 (a) The sum annually necessary to pay the principal of, and  
38 interest on, bonds issued and sold pursuant to this division, as the  
39 principal and interest become due and payable.

(b) The sum necessary to carry out Section 79832, appropriated without regard to fiscal years.

79832. For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division *less any amount borrowed pursuant to Section 79807*. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund from proceeds received from the sale of bonds for the purpose of carrying out this division.

79834. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, *except that amounts derived from premium may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund*.

79836. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid out of the bond ~~proceeds~~. ~~These costs proceeds, including premium, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, the cost shall be shared proportionally by each program funded through this bond act division by the applicable bond sale.~~

79838. ~~The Department of Water Resources board~~ may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, ~~including other authorized forms of interim financing that include, but are not limited to, commercial paper,~~ in accordance with Section 16312 of the ~~Government Code~~, *Code for purposes the purpose* of carrying out this division *less any amount withdrawn pursuant to Section 79832*. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this division. The ~~Department of Water Resources board~~ shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated ~~by the board~~ in accordance with this division.

1     79840. The bonds *issued and sold pursuant to this division*  
2 may be refunded in accordance with Article 6 (commencing with  
3 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of  
4 the Government Code, which is a part of the State General  
5 Obligation Bond Law. Approval by the voters of the state for the  
6 issuance of the bonds ~~described in~~ *under this division* ~~includes~~  
7 *shall include* the approval of the issuance of any bonds issued to  
8 refund any bonds originally issued under this division or any  
9 previously issued refunding bonds.

10    79842. Notwithstanding any other provision of this division,  
11 or of the State General Obligation Bond Law, if the Treasurer sells  
12 bonds pursuant to this division that include a bond counsel opinion  
13 to the effect that the interest on the bonds is excluded from gross  
14 income for federal tax purposes, ~~subject to~~ *under* designated  
15 conditions *or is otherwise entitled to any federal tax advantage*,  
16 the Treasurer may maintain separate accounts for the investment  
17 of bond proceeds and for the investment of earnings on those  
18 proceeds. The Treasurer may use or direct the use of those proceeds  
19 or earnings to pay any rebate, penalty, or other payment required  
20 under federal law or take any other action with respect to the  
21 investment and use of those bond proceeds required or desirable  
22 under federal law to maintain the tax exempt status of those bonds  
23 and to obtain any other advantage under federal law on behalf of  
24 the funds of this state.

25    79844. ~~The Legislature hereby finds and declares that,~~  
26 ~~inasmuch as the~~ *The* proceeds from the sale of bonds authorized  
27 by this division are not “proceeds of taxes” as that term is used in  
28 Article XIII B of the California Constitution, *and* the disbursement  
29 of these proceeds is not subject to the limitations imposed by that  
30 article.

31    SEC. 3. Section 2 of Chapter 3 of the Seventh Extraordinary  
32 Session of the Statutes of 2009, as amended by Section 1 of  
33 Chapter 74 of the Statutes of 2012, is repealed.

34    SEC. 4. Section 2 of this act shall be submitted to the voters  
35 at the November 4, 2014, statewide general election in accordance  
36 with provisions of the Government Code and the Elections Code  
37 governing the submission of a statewide measure to the voters.

38    SEC. 5. Section 2 of this act shall take effect upon the approval  
39 by the voters of the Safe Drinking Water, Water Quality, and Flood

1 Protection Act of 2014, as set forth in that section at the November  
2 4, 2014, statewide general election.

3 SEC. 6. This act is an urgency statute necessary for the  
4 immediate preservation of the public peace, health, or safety within  
5 the meaning of Article IV of the Constitution and shall go into  
6 immediate effect. The facts constituting the necessity are:

7 In order to fund safe drinking water, water quality, and flood  
8 protection at the earliest possible date, it is necessary that this act  
9 take effect immediately.

AMENDED IN SENATE SEPTEMBER 11, 2013

AMENDED IN SENATE AUGUST 26, 2013

AMENDED IN ASSEMBLY MAY 21, 2013

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1331**

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**Introduced by ~~Committee on Water, Parks and Wildlife~~ (Assembly Members ~~Rendon~~ (Chair), ~~Blumenfield~~, ~~Bocanegra~~, ~~Fong~~, ~~Frazier~~, ~~Gatto~~, ~~Gomez~~, ~~Gray~~, and ~~Yamada~~) Assembly Member *Rendon***

February 22, 2013

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An act to repeal and add Division 26.7 (commencing with Section 79700) of the Water Code, and to repeal Section 2 of Chapter 3 of the Seventh Extraordinary Session of the Statutes of 2009, relating to a climate change response for clean and safe drinking water program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1331, as amended, ~~Committee on Water, Parks and Wildlife~~ *Rendon*. Climate Change Response for Clean and Safe Drinking Water Act of 2014.

(1) Existing law, the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, if approved by the voters, would authorize the issuance

of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Existing law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

This bill would repeal these provisions.

(2) Under existing law, various measures have been approved by the voters to provide funds for water supply and protection facilities and programs.

This bill would enact the Climate Change Response for Clean and Safe Drinking Water Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law to finance a climate change response for clean and safe drinking water program.

This bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 26.7 (commencing with Section 79700)  
2 of the Water Code, as added by Section 1 of Chapter 3 of the  
3 Seventh Extraordinary Session of the Statutes of 2009, is repealed.

4 SEC. 2. Division 26.7 (commencing with Section 79700) is  
5 added to the Water Code, to read:

6  
7 DIVISION 26.7. THE CLIMATE CHANGE RESPONSE FOR  
8 CLEAN AND SAFE DRINKING WATER ACT OF 2014.

9  
10 CHAPTER 1. SHORT TITLE

11  
12 79700. This division shall be known, and may be cited, as the  
13 ~~Clean and Safe Drinking Water and Climate Change Response~~  
14 *Climate Change Response for Clean and Safe Drinking Water Act*  
15 of 2014.

CHAPTER 2. DEFINITIONS

79701. The people of California find and declare all of the following:

(a) Safeguarding supplies of clean and safe drinking water to California's homes, businesses, and farms is an essential responsibility of government, and critical to protecting the quality of life for Californians.

(b) Every Californian should have access to clean, safe, and reliable drinking water, consistent with the human right to water and Section 106.3. Providing adequate supplies of clean, safe, and reliable drinking water is vital to keeping California's economy growing and strong.

(c) Climate change has impaired California's capacity to ensure clean, safe, and reliable drinking water, as droughts have become more frequent and more severe, and ecosystems have become stressed. Higher temperatures mean less snow pack, which is the state's largest water reservoir. Scientists project a loss of at least 25 percent of the snow pack in the Sierra Nevada Mountains by 2050. *The Colorado River basin, which provides drinking water to southern California, has experienced prolonged drought and the federal government projects a continuing decline in water availability.*

(d) California's water infrastructure continues to age and deteriorate. More than 50 years ago, Californians approved the construction of the State Water Project. In the decades that followed, California's water leaders developed the most sophisticated system of state, federal, regional, and local water infrastructure anywhere in the world. In recent decades, however, that water infrastructure and the water environment on which it depends have deteriorated.

(e) In the years since the voters approved the state water project, California's population has continued to grow, from less than 16 million in 1960 to more than 37 million in 2010. A growing population and a growing economy have put greater stress on California's natural resources, including water. Contamination of groundwater aquifers from a vibrant economy has threatened vital drinking water supplies. *The Department of Finance projects that California's population will reach 50 million by 2049.*

1     (f) *A growing population and a growing economy have put*  
2     *greater stress on California's natural resources, including water.*  
3     *Contamination of groundwater aquifers from economic activity*  
4     *in the agricultural and industrial sectors has threatened vital*  
5     *drinking water supplies.*

6     (⊕)

7     (g) As California and its water infrastructure have grown,  
8     increasing demands on California's limited water supplies and  
9     deteriorating aquatic ecosystems have led to intense conflict,  
10    further threatening the reliability of clean and safe drinking water.

11    79702. The people of California find and declare all of the  
12    following:

13    (a) A sustainable water future can provide the means for  
14    California to maintain vibrant communities, globally competitive  
15    agriculture, and ~~healthy~~ *healthy* ecosystems, which are all a part  
16    of the quality of life that attracts so many to live in California.

17    (b) Responding to climate change, ensuring clean and safe  
18    drinking water, and preparing for California's continued growth  
19    will require a diversified portfolio of strategies and investments  
20    to address the many water challenges facing California.

21    (c) Improving water quality offers one of the most immediate  
22    steps to ensuring a clean and safe drinking water supply. California  
23    needs water quality improvements at all parts of the hydrologic  
24    cycle, from source water in the watersheds where the state's  
25    drinking water supplies originate to wastewater treatment to  
26    improve surface water quality for those who live downstream.

27    (d) Addressing the challenges to the sustainability of the Delta,  
28    the heart of the California water system, will help resolve some  
29    of the conflicts that impede progress in improving the statewide  
30    water system.

31    (e) Enhancing regional water self-reliance offers a key strategy  
32    for addressing climate change and improving water supply  
33    reliability. It helps the Delta and it helps local communities to  
34    address their own water challenges. Water conservation and water  
35    recycling form one part of the regional water self-reliance strategy  
36    and are commonsense methods to make more efficient use of  
37    existing water supplies.

CHAPTER 3. DEFINITIONS

79703. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this division, as follows:

(a) “CALFED Bay-Delta Program” means the program described in the Record of Decision dated August 28, 2000.

(b) “Commission” means the California Water Commission.

(c) “Committee” means the Climate Change Response for Clean and Safe Drinking Water Finance Committee created by Section 79802.

(d) “Delta” means the Sacramento-San Joaquin Delta, as defined in Section 85058.

(e) “Delta conveyance facilities” means facilities that convey water directly from the Sacramento River to the State Water Project or the federal Central Valley Project pumping facilities in the south Delta.

(f) “Delta counties” means the Counties of Solano, Yolo, Sacramento, Contra Costa, and San Joaquin.

(g) “Department” means the Department of Water Resources.

(h) “Director” means the Director of Water Resources.

(i) “Disadvantaged community” has the meaning set forth in subdivision (a) of Section 79505.5.

(j) “Economically distressed area” means a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less, with an annual median household income that is less than 85 percent of the statewide median household income, and with one or more of the following conditions as determined by the department:

(1) Financial hardship.

(2) Unemployment rate at least 2 percent higher than the statewide average.

(3) Low population density.

(k) “Fund” means the Climate Change Response for Clean and Safe Drinking Water Fund of 2014 created by Section 79717.

(l) “Integrated regional water management plan” has the meaning set forth in Section 10534.

(m) “Nonprofit organization” means an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.

(n) “Public agency” means a state agency or department, district, joint powers authority, city, county, city and county, or other political subdivision of the state.

(o) “Rainwater” has the meaning set forth in subdivision (c) of Section 10573.

(p) “*Severely disadvantaged community*” has the meaning set forth in subdivision (n) of Section 116760.20 of the Health and Safety Code.

(q) “*Small community water system*” means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

~~(p)~~

(r) “State General Obligation Bond Law” means the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code).

~~(q)~~

(s) “*State small water system*” has the meaning set forth in subdivision (n) of Section 116275 of the Health and Safety Code.

(t) “Stormwater” has the meaning set forth in subdivision (e) of Section 10573.

#### CHAPTER 4. GENERAL PROVISIONS

79705. An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this division may be used to pay the administrative costs of that program.

79706. Up to 10 percent of funds allocated for each program funded by this division may be expended for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for “preliminary plans,” “working drawings,” and “construction” as defined in the annual Budget Act for a capital outlay project or grant project. Water quality monitoring shall be integrated into the surface water ambient monitoring program administered by the State Water Resources Control Board.

1 Watershed monitoring shall be integrated into the statewide  
2 watershed program administered by the Department of  
3 Conservation.

4 79707. Chapter 3.5 (commencing with Section 11340) of Part  
5 1 of Division 3 of Title 2 of the Government Code does not apply  
6 to the development or implementation of programs or projects  
7 authorized or funded under this division other than Chapter 9  
8 (commencing with Section 79760).

9 79708. (a) Prior to disbursing grants or loans pursuant to this  
10 division, each state agency that receives an appropriation from the  
11 funding made available by this division to administer a competitive  
12 grant or loan program under this division shall develop and adopt  
13 project solicitation and evaluation guidelines. The guidelines shall  
14 include monitoring and reporting requirements and may include  
15 a limitation on the dollar amount of grants or loans to be awarded.

16 (b) Prior to disbursing grants or loans, the state agency shall  
17 conduct three public meetings to consider public comments prior  
18 to finalizing the guidelines. The state agency shall publish the draft  
19 solicitation and evaluation guidelines on its Internet Web site at  
20 least 30 days before the public meetings. One meeting shall be  
21 conducted at a location in northern California, one meeting shall  
22 be conducted at a location in the central valley of California, and  
23 one meeting shall be conducted at a location in southern California.  
24 Upon adoption, the state agency shall transmit copies of the  
25 guidelines to the fiscal committees and the appropriate policy  
26 committees of the Legislature.

27 79709. It is the intent of the people that:

28 (a) The investment of public funds pursuant to this division will  
29 result in public benefits *that address the most urgent needs for*  
30 *public funding*.

31 (b) Beneficiaries pay for the benefits they receive from projects  
32 funded pursuant to this division.

33 (c) Any relevant statute enacted before voters approve this bond  
34 shall be considered in the appropriation and expenditure of the  
35 funding authorized by this division.

36 (d) In the appropriation and expenditure of funding authorized  
37 by this division, priority shall be given to projects that leverage  
38 private, federal, or local funding or produce the greatest public  
39 benefit.

1 (e) A funded project advances the purposes of the chapter from  
2 which the project received funding.

3 (f) In making decisions regarding water resources, state and  
4 local water agencies use the best available science to inform those  
5 decisions.

6 (g) Special consideration will be given to projects that employ  
7 new or innovative technology or practices, including decision  
8 support tools that demonstrate the multiple benefits of integrating  
9 multiple jurisdictions, including, but not limited to, water supply,  
10 flood control, land use, and sanitation.

11 *(h) Projects funded with proceeds from this division shall be*  
12 *consistent with Section 65041.1 of the Government Code and any*  
13 *adopted, approved sustainable communities strategy consistent*  
14 *with subparagraph (B) of paragraph (2) of subdivision (b) of*  
15 *Section 65080 of the Government Code.*

16 79710. (a) The California State Auditor shall annually conduct  
17 a programmatic review and an audit of expenditures from the fund.

18 (b) Notwithstanding Section 10231.5 of the Government Code,  
19 the California State Auditor shall report its findings annually on  
20 or before March 1 to the Governor and the Legislature, and shall  
21 make the findings available to the public.

22 *(c) If an audit of a public agency that receives funding*  
23 *authorized by this division is conducted pursuant to state law and*  
24 *reveals any impropriety, the California State Auditor or the*  
25 *Controller may conduct a full audit of any or all of the activities*  
26 *of the public agency.*

27 *(d) The state agency issuing any grant or loan with funding*  
28 *authorized by this division shall require adequate reporting of the*  
29 *expenditures of the funding from the grant or loan.*

30 79711. Funds provided by this division shall not be expended  
31 to support or pay for the costs of environmental mitigation  
32 measures or *environmental* compliance obligations of any party  
33 except as part of the environmental mitigation costs of projects  
34 financed by this division. Funds provided by this division may be  
35 used for environmental enhancements or other public benefits.

36 79712. Funds provided by this division shall not be expended  
37 to pay the costs of the design, construction, operation, or  
38 maintenance of Delta conveyance facilities. Those costs shall be  
39 the responsibility of the water agencies that benefit from the design,  
40 construction, operation, or maintenance of those facilities.

79713. (a) This division does not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law. This division does not limit or affect the application of Article 1.7 (commencing with Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections 12200 to 12220, inclusive.

(b) For the purposes of this division, an area that utilizes water that has been diverted and conveyed from the Sacramento River hydrologic region, for use outside the Sacramento River hydrologic region or the Delta, shall not be deemed to be immediately adjacent thereto or capable of being conveniently supplied with water therefrom by virtue or on account of the diversion and conveyance of that water through facilities that may be constructed for that purpose after January 1, 2014.

(c) Nothing in this division supersedes, limits, or otherwise modifies the applicability of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2, including petitions related to any new conveyance constructed or operated in accordance with Chapter 2 (commencing with Section 85320) of Part 4 of Division 35.

(d) Unless otherwise expressly provided, nothing in this division supersedes, reduces, or otherwise affects existing legal protections, both procedural and substantive, relating to the state board's regulation of diversion and use of water, including, but not limited to, water right priorities, the protection provided to municipal interests by Sections 106 and 106.5, and changes in water rights. Nothing in this division expands or otherwise alters the state board's existing authority to regulate the diversion and use of water or the courts' existing concurrent jurisdiction over California water rights.

(e) Nothing in this division shall be construed to affect any contract ~~related to water in any way connected to the Delta entered into before January 1, 2013, between the State of California and one or more of the delta water agencies pursuant to the authority granted under Chapter 283 of the Statutes of 1973, Chapter 1089 of the Statutes of 1973, or Chapter 1133 of the Statutes of 1973, as those chapters may have been amended.~~

(f) Nothing in this division shall be construed to affect the California Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code) and funds authorized pursuant to this division shall not be available for any project that could have an adverse effect on the free flowing condition of a wild and scenic river.

79714. Eligible applicants under this division are public agencies, *agencies and nonprofit organizations, public utilities, and mutual water companies. To be eligible for funding under this division, a project proposed by a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system.* organizations. A public agency may use funding authorized by this division to benefit recipients of water from public utilities or mutual water companies that operate a public water system if the funding provides public benefits.

79715. The Legislature may enact legislation necessary to implement programs funded by this division.

79716. (a) Unless otherwise specified, any state agency may be eligible for appropriations from the funding made available by this division.

(b) *Funds authorized in this division may be expended to pay for the services of the California Conservation Corps in implementation of funded projects.*

79717. The proceeds of bonds issued and sold pursuant to this division shall be deposited in the Climate Change Response for Clean and Safe Drinking Water Fund of 2014, which is hereby created in the State Treasury.

## CHAPTER 5. WATER QUALITY AND CLEAN AND SAFE DRINKING WATER

79720. The sum of one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature from the fund, for expenditures, grants, and loans for projects that improve water quality or help provide clean and safe drinking water to all Californians.

1     79721. The projects eligible for funding pursuant to this chapter  
2 shall help improve water quality for ~~all~~ *a* beneficial ~~uses~~ *use*. The  
3 purposes of this chapter are to:

4     (a) Reduce contaminants in drinking water supplies regardless  
5 of the source of the water or the contamination, including the  
6 assessment and prioritization of the risk to the safety of drinking  
7 water supplies.

8     (b) Address the critical and immediate needs of disadvantaged,  
9 rural, or small communities that suffer from contaminated drinking  
10 water supplies, including, but not limited to, projects that address  
11 a public health emergency.

12     (c) Leverage other private, federal, state, and local drinking  
13 water quality and wastewater treatment funds.

14     (d) Reduce contaminants in discharges to, and improve the  
15 quality of, surface water streams.

16     (e) Improve water quality of surface water streams, including  
17 *multibenefit* stormwater quality *projects*.

18     (f) Prevent further contamination of drinking water supplies.

19     (g) Provide disadvantaged communities with public drinking  
20 water infrastructure that provides clean and safe drinking water  
21 supplies that the community can sustain over the long term.

22     (h) Ensure access to clean ~~and~~, safe, *and affordable* drinking  
23 water for California's communities.

24     79722. (a) A project that receives funding under this chapter  
25 shall be selected by a competitive grant or loan process with added  
26 consideration for those projects that leverage private, federal, or  
27 local funding. ~~Special consideration shall also be given to a project~~  
28 ~~focused on groundwater clean up. This subdivision shall not apply~~  
29 ~~to projects for the purposes of Section 79727 that address a public~~  
30 ~~health priority for which no other source of funding can be~~  
31 ~~identified.~~

32     (b) An agency administering grants or loans for the purposes  
33 of this chapter shall assess the capacity of a community to pay for  
34 the operation and maintenance of the facility to be funded.

35     (c) *A project that receives funding authorized by this chapter*  
36 *may be implemented by any public water system or other public*  
37 *water agency.*

38     79723. An applicant for a project to clean up a groundwater  
39 aquifer shall demonstrate that a public agency has authority to  
40 manage the water resources in that aquifer in order to be eligible

1 for funding pursuant to this chapter. This section does not apply  
2 to projects that install treatment facilities at the wellhead, customer  
3 connection, or the tap.

4 79724. The contaminants that may be addressed with funding  
5 pursuant to this chapter may include, but shall not be limited to,  
6 nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic,  
7 ~~salinity~~ selenium, hexavalent chromium, mercury, PCE  
8 (perchloroethylene), TCE (trichloroethylene), DCE  
9 (dichloroethene), DCA (dichloroethane), 1, 2, 3 TCP  
10 (trichloropropane), and carbon tetrachloride.

11 79725. (a) Of the funds authorized in Section 79720, ~~up to not~~  
12 ~~less than~~ one hundred million dollars (\$100,000,000) shall be  
13 available for deposit in the State Water Pollution Control Revolving  
14 Fund Small Community Grant Fund created pursuant to Section  
15 13477.6 for grants for wastewater treatment projects. Priority shall  
16 be given to projects that serve disadvantaged communities and  
17 severely disadvantaged communities, and to projects that address  
18 public health hazards. ~~Special consideration shall be given to small~~  
19 ~~communities with limited financial resources.~~ Projects shall  
20 include, but not be limited to, projects that identify, plan, design,  
21 and implement regional mechanisms to consolidate wastewater  
22 systems or provide affordable treatment technologies.

23 (b) Of the funds authorized in Section 79720, up to two hundred  
24 fifty million dollars (\$250,000,000) shall be available to support  
25 projects that address the management of stormwater quality,  
26 *including projects described in subdivision (f) of Section 79743.*

27 79726. (a) *Of the funds authorized in Section 79720, one*  
28 *hundred million dollars (\$100,000,000) shall be available for*  
29 *deposit in the Emergency Clean Water Grant Fund, established*  
30 *pursuant to Section 116475 of the Health and Safety Code, for*  
31 *grants and direct expenditures to finance public health emergencies*  
32 *and urgent actions, as may be determined by the Legislature, to*  
33 *ensure that safe drinking water supplies are available to all*  
34 *Californians. Eligible projects include, but are not limited to, the*  
35 *following:*

36 (1) *Providing interim water supplies, including, but not limited*  
37 *to, bottled water, where necessary to protect public health.*

38 (2) *Identifying, planning, designing, and constructing projects*  
39 *that improve existing water systems to provide safe, reliable,*  
40 *accessible, and affordable drinking water, provide other sources*

1 of safe drinking water, including, but not limited to, replacement  
2 wells, and prevent contamination.

3 (3) Establishing connections to an adjacent water system.

4 (4) The design, purchase, installation, and initial operating  
5 costs for interim water treatment equipment and systems.

6 (b) The administering entity may expend up to ten million dollars  
7 (\$10,000,000) for grants and loans to address the water quality  
8 needs of private well owners that have no other source of funding  
9 and serve members of a disadvantaged community.

10 79727. (a) Of the funds authorized in Section 79720, four  
11 hundred million dollars (\$400,000,000) shall be available for  
12 grants and loans for public water system infrastructure  
13 improvements and related actions to meet safe drinking water  
14 standards, ensure affordable drinking water, or both. Priority  
15 shall be given to projects that provide treatment for contamination  
16 or access to an alternate drinking water source or sources for  
17 small community water systems or state small water systems in  
18 disadvantaged communities whose drinking water source is  
19 impaired by chemical and nitrate contaminants and other health  
20 hazards identified by the implementing agency. Eligible recipients  
21 serve disadvantaged communities and are public agencies or  
22 incorporated mutual water companies. The implementing agency  
23 may make grants for the purpose of financing feasibility studies  
24 and to meet the eligibility requirements for a construction grant.  
25 Eligible expenses may include initial operation and maintenance  
26 costs for systems serving disadvantaged communities. Special  
27 consideration shall be given to projects that provide shared  
28 solutions for multiple communities, at least one of which is a  
29 disadvantaged community that lacks safe, affordable drinking  
30 water and is served by a small community water system, state small  
31 water system, or a private well. Construction grants shall be limited  
32 to five million dollars (\$5,000,000) per project, except that the  
33 implementing agency may set a limit of not more than twenty  
34 million dollars (\$20,000,000) for projects that provide regional  
35 or shared among multiple entities, at least one of which shall be  
36 a small disadvantaged community. Not more than 25 percent of a  
37 grant may be awarded in advance of actual expenditures.

38 (b) The administering entity may expend up to twenty-five  
39 million dollars (\$25,000,000) of the funds allocated in subdivision

40 (a) for technical assistance to eligible communities.

1     79728. *Of the funds authorized in Section 79720, two hundred*  
2 *fifty million dollars (\$250,000,000) shall be available for improving*  
3 *groundwater quality.*

4     ~~79726. For~~

5     79729. (a) *For the purposes of awarding funding under this*  
6 *chapter, a local cost share of not less than 50 percent of the total*  
7 *costs of the project shall be required. The cost-sharing requirement*  
8 *may be waived or reduced for projects that directly benefit a*  
9 *disadvantaged community or an economically distressed area.*

10    (b) *At least 10 percent of the funds available pursuant to this*  
11 *chapter shall be allocated for projects serving severely*  
12 *disadvantaged communities.*

13    (c) *Funding authorized pursuant to this chapter shall include*  
14 *funding for technical assistance to disadvantaged communities.*  
15 *The agency administering this funding shall operate a*  
16 *multidisciplinary technical assistance program for small and*  
17 *disadvantaged communities.*

18  
19           CHAPTER 6. PROTECTING RIVERS, LAKES, STREAMS, AND  
20                                 WATERSHEDS

21  
22     79730. The sum of one billion five hundred million dollars  
23 (\$1,500,000,000) shall be available, upon appropriation by the  
24 Legislature from the fund, in accordance with this chapter, for  
25 expenditures and grants for ecosystem and watershed protection  
26 and restoration projects, including, but not limited to, for all of the  
27 following watersheds:

- 28    (a) The San Joaquin River watershed.  
29    (b) The Kern River and Tulare Basin watersheds.  
30    (c) The Salton Sea and Colorado River watersheds.  
31    (d) The Los Angeles River watershed.  
32    (e) The San Gabriel River watershed.  
33    (f) The Santa Ana River watershed.  
34    (g) The Klamath River watershed, including the Trinity, Scott,  
35 and Shasta Rivers and watersheds.  
36    (h) The North Coast watersheds.  
37    (i) The San Francisco Bay watersheds.  
38    (j) The Central Coast watersheds.  
39    (k) The South Coast watersheds.  
40    (l) The Lake Tahoe Basin watershed.

1 (m) The Sacramento River watershed, including the Yolo  
2 Bypass.

3 (n) The San Diego County coastal watersheds.

4 (o) The Ventura River watershed.

5 (p) The Sierra Nevada Mountain watersheds.

6 (q) The Mojave River watershed.

7 (r) The Owens River watershed.

8 (s) The Santa Monica Bay watershed.

9 (t) The watersheds of Marin County.

10 (u) The watersheds of Orange County.

11 79731. In protecting and restoring California rivers, lakes,  
12 streams, and watersheds, the purposes of this chapter are to:

13 (a) Protect and increase the economic benefits arising from  
14 healthy watersheds, fishery resources, and instream flow.

15 (b) Help watershed ecosystems adapt to climate change.

16 (c) Restore river parkways throughout the state, including, but  
17 not limited to, projects *pursuant to the California River Parkway*  
18 *Act of 2004 (Chapter 3.8 (commencing with Section 5750) of*  
19 *Division 5 of the Public Resources Code)*, in the Urban Streams  
20 Restoration Program established pursuant to Section 7048, *and*  
21 *urban river greenways*.

22 (d) Protect and restore aquatic, wetland, and migratory bird  
23 ecosystems, including fish and wildlife corridors *and the*  
24 *acquisition of water rights for instream flow pursuant to Section*  
25 *1707*.

26 (e) Fulfill the obligations of the State of California in complying  
27 with the terms of ~~multi-party~~ *multiparty* settlement agreements  
28 related to water resources.

29 (f) Remove barriers to fish passage.

30 (g) Collaborate with federal agencies in the protection of fish  
31 native to California *and wetlands in the central valley of California*.

32 (h) Implement fuel treatment projects to reduce wildfire risks,  
33 protect watersheds tributary to water storage facilities, and promote  
34 watershed health.

35 (i) Protect and restore *rural and urban* watershed health to  
36 improve watershed storage capacity, forest health, protection of  
37 life and property, *stormwater resource management*, and  
38 greenhouse gas reduction.

1 (j) *Promote access and recreational opportunities to watersheds*  
2 *and waterways that are compatible with habitat values and water*  
3 *quality objectives.*

4 (k) *Promote educational opportunities to instruct and inform*  
5 *Californians, including young people, about the value of*  
6 *watersheds.*

7 79732. For restoration and ecosystem protection projects under  
8 this chapter, the services of the California Conservation Corps or  
9 ~~community~~ *a local conservation corps certified by the California*  
10 *Conservation Corps* shall be used whenever feasible.

11 79733. (a) ~~Of~~ *Notwithstanding Section 79711, of the funds*  
12 *authorized in Section 79730, five hundred million dollars*  
13 *(\$500,000,000) shall be available to fulfill the obligations of the*  
14 *State of California in complying with the terms of any of the*  
15 *following:*

16 (1) The February 18, 2010, Klamath Basin Restoration  
17 Agreement.

18 (2) The ~~Qualification~~ *Quantification* Settlement Agreement, as  
19 defined in subdivision (a) of Section 1 of Chapter 617 of the ~~Statutes~~  
20 *Statutes* of 2002.

21 (3) The San Joaquin River Restoration Settlement, as described  
22 in Part I of Subtitle A of Title X of Public Law 111-11.

23 (4) *Section 3406(d) of Title 34 of Public Law 102-575.*

24 (b) Of the funds authorized in Section 79730, two hundred fifty  
25 million dollars (\$250,000,000) shall be available to the Natural  
26 Resources Agency to support projects of a state conservancy as  
27 provided in the conservancy's strategic plan.

28 79734. For the purposes of this chapter, the terms "protection"  
29 and "restoration" have the meanings set forth in Section 75005 of  
30 the Public Resources Code.

31  
32 CHAPTER 7. CLIMATE CHANGE PREPAREDNESS FOR REGIONAL  
33 WATER SECURITY  
34

35 79740. The sum of one billion five hundred million dollars  
36 (\$1,500,000,000) shall be available, upon appropriation by the  
37 Legislature from the fund, for expenditures and competitive grants  
38 and loans to eligible projects that are included in, and implement  
39 an adopted integrated regional water management plan consistent  
40 with Part 2.2 (commencing with Section 10530) of Division 6.

1     79741. In order to improve regional water self-reliance security  
2 and adapt to the effects on water supply arising out of climate  
3 change, the purposes of this chapter are to:

4     (a) Help water infrastructure systems adapt to climate change,  
5 *including, but not limited to, sea-level rise.*

6     (b) Incentivize water agencies throughout each watershed to  
7 collaborate in managing the region's water resources and setting  
8 regional priorities for water infrastructure.

9     (c) Improve regional water self-reliance, including projects that  
10 reduce reliance on the Delta in meeting California's future water  
11 supply needs, consistent with Section 85021.

12     (d) Fund the increment of project costs related to the project's  
13 public benefits.

14     79742. (a) In selecting among proposed projects in a  
15 watershed, the scope of the adopted integrated regional water  
16 management plan may be considered by the administering state  
17 agency, with priority going to projects in plans that cover a greater  
18 portion of the watershed. If a plan covers substantially all of the  
19 watershed, then the plan's project priorities shall be given  
20 deference.

21     (b) An urban water supplier that does not prepare, adopt, and  
22 submit its urban water management plan in accordance with the  
23 Urban Water Management Planning Act (Part 2.6 (commencing  
24 with Section 10610) of Division 6) is ineligible to ~~receive~~ *apply*  
25 *for* funds made available pursuant to this chapter until the urban  
26 water management plan is prepared and submitted in accordance  
27 with the requirements of that act.

28     (c) An agricultural water supplier that does not prepare, adopt,  
29 and submit its agricultural water management plan in accordance  
30 with the Agricultural Water Management Planning Act (Part 2.8  
31 (commencing with Section 10800) of Division 6) is ineligible to  
32 ~~receive~~ *apply for* funds made available pursuant to this chapter  
33 until the agricultural water management plan is prepared and  
34 submitted in accordance with the requirements of that act.

35     (d) *A local agency that does not prepare, adopt, and submit its*  
36 *groundwater management plan in accordance with Part 2.75*  
37 *(commencing with Section 10750) of Division 6 is ineligible to*  
38 *apply for funds made available pursuant to this chapter until the*  
39 *plan is prepared and submitted in accordance with the*  
40 *requirements of that part.*

1     ~~(d)~~

2     (e) For the purposes of awarding funding under this chapter, a  
3     ~~local~~ cost share *from nonstate sources* of not less than 50 percent  
4     of the total costs of the project shall be required. The cost sharing  
5     requirement may be waived or reduced for projects that directly  
6     benefit a disadvantaged community or an economically distressed  
7     area.

8     ~~(e)~~

9     (f) Not less than 10 percent of the funds authorized by this  
10    chapter shall be allocated to projects that directly benefit  
11    disadvantaged communities.

12    ~~(f)~~

13    (g) For the purposes of awarding a grant under this chapter, the  
14    applicant shall demonstrate that the integrated regional water  
15    management plan the applicant's project implements addresses  
16    the risks in the region to water supply and water infrastructure  
17    arising from climate change.

18    (h) *Projects that achieve multiple benefits shall receive special*  
19    *consideration.*

20    79743. Subject to the determination of regional priorities by  
21    the regional water management group, eligible projects may  
22    include, but are not limited to, projects that promote any of the  
23    following:

24    (a) ~~Water-re-use~~ *reuse* and recycling.

25    (b) Water-use efficiency and water conservation.

26    (c) Local and regional surface and underground water storage,  
27    *including groundwater aquifer cleanup or recharge projects.*

28    (d) Regional water conveyance facilities that improve integration  
29    of separate water systems.

30    (e) Watershed protection, restoration, and management projects.

31    (f) Stormwater resource management, including, but not limited  
32    to, the following:

33    (1) Projects to reduce, manage, treat, or capture rainwater or  
34    stormwater.

35    (2) Projects that provide multiple benefits such as water quality,  
36    water supply, flood control, or open space.

37    (3) Decision support tools that evaluate the benefits and costs  
38    of ~~multi-benefit~~ *multibenefit* stormwater projects.

(4) Projects to implement a stormwater resource plan developed in accordance with Part 2.3 (commencing with Section 10560) of Division 6.

(g) Conjunctive use of surface and groundwater storage facilities.

(h) Water desalination *projects, including* projects that incorporate renewable energy generation and reduce Delta exports.

(i) *Decision support tools to model regional water management strategies to account for climate change and other changes in regional demand and supply projections.*

79744. (a) Of the funds authorized in Section 79740, one billion dollars (\$1,000,000,000) shall be allocated to the hydrologic regions as identified in the California Water Plan in accordance with this section. For the South Coast hydrologic region, the department shall establish three funding areas that reflect the watersheds of San Diego County (designated as the San Diego subregion), the Santa Ana River watershed and southern Orange County (designated as the Santa Ana subregion), and the Los Angeles and Ventura County watersheds (designated as the Los Angeles subregion), and shall allocate funds to those areas in accordance with this subdivision. The North and South Lahontan hydrologic regions shall be treated as one area for the purpose of allocating funds. For purposes of this subdivision, the Sacramento River hydrologic region does not include the Delta. For purposes of this subdivision, the Mountain Counties Overlay is not eligible for funds from the Sacramento River hydrologic region or the San Joaquin River hydrologic region. Multiple integrated regional water management plans may be recognized in each of the areas allocated funding.

(b) Funds made available by this chapter shall be allocated as follows:

- (1) North Coast: \$45,000,000.
- (2) San Francisco Bay: \$132,000,000.
- (3) Central Coast: \$58,000,000.
- (4) Los Angeles subregion: \$198,000,000.
- (5) Santa Ana subregion: \$128,000,000.
- (6) San Diego subregion: \$87,000,000.
- (7) Sacramento River: \$76,000,000.
- (8) San Joaquin River: \$64,000,000.
- (9) Tulare/Kern: \$70,000,000.

1 (10) North/South Lahontan: \$51,000,000.

2 (11) Colorado River Basin: \$47,000,000.

3 (12) Mountain Counties Overlay: \$44,000,000.

4 79745. (a) Of the funds authorized by 79740 up to two hundred  
5 fifty million dollars (\$250,000,000) may be used for direct  
6 expenditures, grants, and loans for water conservation and water  
7 use efficiency plans, projects, and programs, including either of  
8 the following:

9 (1) Urban water conservation plans, projects, and programs,  
10 including regional projects and programs, implemented to achieve  
11 urban water use targets developed pursuant to Section 10608.20.  
12 Priority for funding shall be given to programs that do any of the  
13 following:

14 (A) Assist water suppliers and regions to implement  
15 conservation programs and measures that are not locally  
16 cost-effective.

17 (B) Support water supplier and regional efforts to implement  
18 programs targeted to enhance water use efficiency for commercial,  
19 industrial, and institutional water users.

20 (C) Assist water suppliers and regions with programs and  
21 measures targeted toward realizing the conservation benefits of  
22 implementation of the provisions of the state landscape model  
23 ordinance.

24 (2) Agricultural water management plans or agricultural water  
25 use efficiency projects and programs developed pursuant to Part  
26 2.8 (commencing with Section 10800) of Division 6.

27 (b) Section 1011 applies to all conservation measures that an  
28 agricultural water supplier or an urban water supplier implements  
29 with funding under this chapter. This subdivision does not limit  
30 the application of Section 1011 to any other measures or projects  
31 implemented by a water supplier.

32 79746. Of the funds authorized by 79740, the sum of five  
33 hundred million dollars (\$500,000,000) shall be available, upon  
34 appropriation by the Legislature from the fund, for grants and loans  
35 for water recycling and advanced treatment technology projects,  
36 including all of the following:

37 (a) Water recycling projects.

38 (b) Contaminant and salt removal projects, including, but not  
39 limited to, groundwater and seawater desalination.

1 (c) Dedicated distribution infrastructure for recycled water and  
2 commercial and industrial end-user retrofit projects to allow use  
3 of recycled water.

4 (d) Pilot projects for new salt and contaminant removal  
5 technology.

6 (e) Groundwater recharge infrastructure related to recycled  
7 water.

8 (f) Technical assistance and grant writing assistance for  
9 disadvantaged communities.

10 (g) For projects funded pursuant to this section, at least a 50  
11 percent local cost share shall be required. That cost share may be  
12 suspended or reduced for disadvantaged communities and  
13 economically distressed areas.

14 (h) Projects funded pursuant to this section shall be selected on  
15 a competitive basis, considering all of the following criteria:

16 (1) Water supply reliability improvement.

17 (2) Water quality and ecosystem benefits related to decreased  
18 reliance on diversions from the Delta or instream flows.

19 (3) Public health benefits from improved drinking water quality.

20 (4) Cost effectiveness.

21 (5) Energy efficiency and greenhouse gas emission impacts.

22 (i) *For the purposes of this section, a plan or strategy by one*  
23 *or more regional water agencies to incorporate water recycling*  
24 *into the region's water supplies shall satisfy the requirements for*  
25 *an integrated regional water management plan, consistent with*  
26 *Part 2.2 (commencing with Section 10530) of Division 6.*

27 79747. In order to receive funding authorized by this chapter  
28 to address groundwater quality or supply in an aquifer, the  
29 applicant shall demonstrate that a public agency has authority to  
30 manage the water resources in that aquifer. *A groundwater*  
31 *management plan adopted and approved pursuant to Part 2.75*  
32 *(commencing with Section 10750) of Division 6 shall be deemed*  
33 *sufficient to satisfy the requirements of this section.*

34  
35 CHAPTER 8. SACRAMENTO-SAN JOAQUIN DELTA  
36 SUSTAINABILITY  
37

38 79750. (a) The sum of one billion (\$1,000,000,000) shall be  
39 available, upon appropriation by the Legislature from the fund,

1 for grants and direct expenditures to improve the sustainability of  
2 the Delta.

3 (b) This chapter provides state funding for public benefits  
4 associated with projects needed to assist in the Delta's  
5 sustainability as a vital resource for fish, wildlife, water quality,  
6 water supply, agriculture, and recreation.

7 79751. In order to promote the sustainability and resiliency of  
8 the Delta, the purposes of this chapter are to:

9 (a) Protect, restore, and enhance the Delta ecosystem.

10 (b) Maintain and improve existing Delta levees.

11 (c) Promote the sustainability of the Delta.

12 79752. The funds authorized in Section 79750 shall not be  
13 used to pay the costs of exercising eminent domain.

14 79753. Any project funded by this chapter shall include a  
15 partner *that is a resident, landowner, public agency, or*  
16 *organization* from one or more of the five Delta counties. *For the*  
17 *purposes of this chapter, a partner from a Delta county shall have*  
18 *a significant role in the development and implementation of the*  
19 *funded project.*

20 79754. Funding authorized by this chapter for the purpose of  
21 subdivision (a) of Section 79751 may include, but is not limited  
22 to, the following:

23 (a) Projects to protect and restore native fish and wildlife  
24 dependent on the Delta ecosystem, including improvement of  
25 aquatic or terrestrial habitat or the removal or reduction of  
26 undesirable invasive species.

27 (b) Projects to reduce greenhouse gas emissions from exposed  
28 Delta soils.

29 (c) Scientific studies and assessments that support the projects  
30 authorized under this section.

31 79755. (a) Funding authorized by this chapter for the purpose  
32 of subdivision (b) of Section 79751 shall reduce the risk of levee  
33 failure and flood in the Delta and may be expended, *consistent*  
34 *with the Delta levee investment priorities recommended pursuant*  
35 *to Section 85306*, for any of the following:

36 ~~(a)~~

37 (1) Local assistance under the Delta levee maintenance  
38 subventions program under Part 9 (commencing with Section  
39 12980) of Division 6, as that part may be amended.

40 ~~(b)~~

1 (2) Special flood protection projects under Chapter 2  
2 (commencing with Section 12310) of Part 4.8 of Division 6, as  
3 that chapter may be amended.

4 ~~(e)~~

5 (3) Levee improvement projects that increase the resiliency of  
6 levees within the Delta to withstand earthquake, flooding, or sea  
7 level rise.

8 ~~(d)~~

9 (4) Emergency response and repair projects.

10 (b) *All projects funded pursuant to this section shall be subject*  
11 *to Section 79050.*

12  
13 CHAPTER 9. WATER STORAGE FOR CLIMATE CHANGE

14  
15 79760. (a) Notwithstanding Section 162, the commission may  
16 make the determinations, findings, and recommendations required  
17 of it by this chapter independent of the views of the director. All  
18 final actions by the commission in implementing this chapter shall  
19 be taken by a majority of the members of the commission at a  
20 public meeting noticed and held pursuant to the Bagley-Keene  
21 Open Meeting Act (Article 9 (commencing with Section 11120)  
22 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
23 Code).

24 (b) Notwithstanding Section 13340 of the Government Code,  
25 the sum of one billion five hundred million dollars  
26 (\$1,500,000,000) is hereby continuously appropriated from the  
27 fund, without regard to fiscal years, to the commission for public  
28 benefits associated with water storage projects that improve the  
29 operation of the state water system, are cost effective, and provide  
30 a net improvement in ecosystem and water quality conditions, in  
31 accordance with this chapter. Funds authorized for, or made  
32 available to, the commission pursuant to this chapter shall be  
33 available and expended only for the purposes provided in this  
34 chapter, and shall not be subject to appropriation or transfer by the  
35 Legislature or the Governor for any other purpose.

36 (c) Projects shall be selected by the commission through a  
37 competitive public process that ranks potential projects based on  
38 the expected return for public investment as measured by the  
39 magnitude of the public benefits provided, pursuant to criteria  
40 established under this chapter.

(d) Any project constructed with funds provided by this chapter shall be subject to Section 11590.

79761. In order to expand the state's water storage capacity to address the impacts of climate change on the snow pack in the Sierra Nevada Mountains and water storage resources, the purposes of this chapter are to:

(a) Construct new surface water storage projects.

(b) Restore and expand groundwater aquifer storage capacity.

(c) Restore water storage capacity of existing surface water storage reservoirs.

79762. Projects for which the public benefits are eligible for funding under this chapter consist of only the following:

(a) Surface storage projects identified in the CALFED Bay-Delta Program, except for projects prohibited by Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code.

(b) Groundwater storage projects and groundwater contamination prevention or remediation projects that provide water storage benefits.

(c) Conjunctive use and reservoir reoperation projects.

(d) Local and regional surface storage projects that improve the operation of water systems in the state and provide public benefits.

(e) Projects that remove sediment, improve dam stability in seismic events or otherwise restore water storage capacity in existing water storage reservoirs.

79763. A project shall not be funded pursuant to this chapter unless it provides measurable improvements to the Delta ecosystem or to the tributaries to the Delta.

79764. (a) Funds allocated pursuant to this chapter may be expended solely for the following public benefits associated with water storage projects:

(1) Ecosystem improvements, including changing the timing of water diversions, improvement in flow conditions, temperature, or other benefits that contribute to restoration of aquatic ecosystems and native fish and wildlife, including those ecosystems and fish and wildlife in the Delta *or the Delta tributaries*.

(2) Water quality improvements in the Delta, or in other river systems, that provide significant public trust resources, or that clean up and restore groundwater resources.

1 (3) Flood control benefits, including, but not limited to, increases  
2 in flood reservation space in existing reservoirs by exchange for  
3 existing or increased water storage capacity in response to the  
4 effects of changing hydrology and decreasing snow pack on  
5 California's water and flood management system.

6 (4) Emergency response, including, but not limited to, securing  
7 emergency water supplies and flows for dilution and salinity  
8 repulsion following a natural disaster or act of terrorism.

9 (5) Recreational purposes, including, but not limited to, those  
10 recreational pursuits generally associated with the outdoors.

11 (b) Funds shall not be expended pursuant to this chapter for the  
12 costs of environmental mitigation measures or compliance  
13 obligations except for those associated with providing public  
14 benefits as described in subdivision (a).

15 79765. In consultation with the Department of Fish and Game,  
16 the State Water Resources Control Board, and the department, the  
17 commission shall develop and adopt, by regulation, methods for  
18 quantification and management of public benefits described in  
19 Section 79764 by December 15, 2014. The regulations shall include  
20 the priorities and relative environmental value of ecosystem  
21 benefits as provided by the Department of Fish and Game and the  
22 priorities and relative environmental value of water quality benefits  
23 as provided by the State Water Resources Control Board.

24 79766. (a) Except as provided in subdivision (c), no funds  
25 allocated pursuant to this chapter may be allocated for a project  
26 before December 15, 2014, and until the commission approves the  
27 project based on the commission's determination that all of the  
28 following have occurred:

29 (1) The commission has adopted the regulations specified in  
30 Section 79765 and specifically quantified and made public the cost  
31 of the public benefits associated with the project.

32 (2) The department has entered into a contract with each party  
33 that will derive benefits, other than public benefits, as defined in  
34 Section 79764, from the project that ensures the party will pay its  
35 share of the total costs of the project. The benefits available to a  
36 party shall be consistent with that party's share of total project  
37 costs.

38 (3) The department has entered into a contract with each public  
39 agency identified in Section 79765 that administers the public  
40 benefits, after that agency makes a finding that the public benefits

1 of the project for which that agency is responsible meet all the  
2 requirements of this chapter, to ensure that the public contribution  
3 of funds pursuant to this chapter achieves the public benefits  
4 identified for the project.

5 (4) The commission has held a public hearing for the purposes  
6 of providing an opportunity for the public to review and comment  
7 on the information required to be prepared pursuant to this  
8 subdivision.

9 (5) All of the following additional conditions are met:

10 (A) Feasibility studies have been completed.

11 (B) The commission has found and determined that the project  
12 is feasible, is consistent with all applicable laws and regulations,  
13 and will advance the long-term objectives of restoring ecological  
14 health and improving water management for beneficial uses of the  
15 Delta.

16 (C) All environmental documentation associated with the project  
17 has been completed, and all other federal, state, and local approvals,  
18 certifications, and agreements required to be completed have been  
19 obtained.

20 (b) The commission shall submit to the Legislature its findings  
21 for each of the criteria identified in subdivision (a) for a project  
22 funded pursuant to this chapter.

23 (c) Notwithstanding subdivision (a), funds may be made  
24 available under this chapter for the completion of environmental  
25 documentation and permitting of a project.

26 79767. (a) The public benefit cost share of a project funded  
27 pursuant to this chapter, other than a project described in  
28 subdivision (c) of Section 79762, may not exceed 50 percent of  
29 the total costs of any project funded under this chapter.

30 (b) No project may be funded unless it provides ecosystem  
31 improvements as described in paragraph (1) of subdivision (a) of  
32 Section 79764 that are at least 50 percent of total public benefits  
33 of the project funded under this chapter.

34 (c) In order to receive funding authorized by this chapter to  
35 improve groundwater storage in an aquifer, the applicant shall  
36 demonstrate that a public agency has authority to manage the water  
37 resources in that aquifer.

38 79768. (a) A project is not eligible for funding under this  
39 chapter unless, by January 1, 2018, all of the following conditions  
40 are met:

1 (1) All feasibility studies are complete and draft environmental  
2 documentation is available for public review.

3 (2) The commission makes a finding that the project is feasible,  
4 and will advance the long-term objectives of restoring ecological  
5 health and improving water management for beneficial uses of the  
6 Delta.

7 (3) The director receives commitments for not less than 75  
8 percent of the nonpublic benefit cost share of the project.

9 (b) If compliance with subdivision (a) is delayed by litigation  
10 or failure to promulgate regulations, the date in subdivision (a)  
11 shall be extended by the commission for a time period that is equal  
12 to the time period of the delay, and funding under this chapter that  
13 has been dedicated to the project shall be encumbered until the  
14 time at which the litigation is completed or the regulations have  
15 been promulgated.

16  
17 CHAPTER 10. FISCAL PROVISIONS  
18

19 79800. (a) Bonds in the total amount of six billion five hundred  
20 million dollars (\$6,500,000,000), or so much thereof as is  
21 necessary, not including the amount of any refunding bonds issued  
22 in accordance with Section ~~79812~~, or so much thereof as is  
23 ~~necessary~~; 79812 may be issued and sold to provide a fund to be  
24 used for carrying out the purposes expressed in this division and  
25 to reimburse the General Obligation Bond Expense Revolving  
26 Fund pursuant to Section 16724.5 of the Government Code. The  
27 bonds, when sold, shall be and constitute a valid and binding  
28 obligation of the State of California, and the full faith and credit  
29 of the State of California is hereby pledged for the punctual  
30 payment of both principal of, and interest on, the bonds as the  
31 principal and interest become due and payable.

32 (b) The Treasurer shall sell the bonds authorized by the  
33 committee pursuant to this section. The bonds shall be sold upon  
34 the terms and conditions specified in a resolution to be adopted  
35 by the committee pursuant to Section 16731 of the Government  
36 Code.

37 79801. The bonds authorized by this division shall be prepared,  
38 executed, issued, sold, paid, and redeemed as provided in the State  
39 General Obligation Bond Law (Chapter 4 (commencing with  
40 Section 16720) of Part 3 of Division 4 of Title 2 of the Government

1 Code), and all of the provisions of that law apply to the bonds and  
2 to this division and are hereby incorporated in this division as  
3 though set forth in full in this division, except *subdivisions (a) and*  
4 *(b) of Section 16727 of the Government Code shall not apply to*  
5 ~~the extent that it is inconsistent with any other provision of this~~  
6 ~~division.~~

7 79802. (a) Solely for the purpose of authorizing the issuance  
8 and sale pursuant to the State General Obligation Bond Law  
9 (Chapter 4 (commencing with Section 16720) of Part 3 of Division  
10 4 of Title 2 of the Government Code) of the bonds authorized by  
11 this division, the Climate Change Response for Clean and Safe  
12 Drinking Water Finance Committee is hereby created. For purposes  
13 of this division, the Climate Change Response for Clean and Safe  
14 Drinking Water Finance Committee is “the committee” as that  
15 term is used in the State General Obligation Bond Law.

16 (b) The committee consists of the Director of Finance, the  
17 Treasurer, the Controller, the Director of Water Resources, and  
18 the Secretary of the Natural Resources Agency. Notwithstanding  
19 any other provision of law, any member may designate a ~~deputy~~  
20 *representative* to act as that member in his or her place for all  
21 purposes, as though the member were personally present.

22 (c) The Treasurer shall serve as chairperson of the committee.

23 (d) A majority of the committee may act for the committee.

24 79803. The committee shall determine whether or not it is  
25 necessary or desirable to issue bonds authorized pursuant to this  
26 division in order to carry out the actions specified in this division  
27 and, if so, the amount of bonds to be issued and sold. Successive  
28 issues of bonds may be authorized and sold to carry out those  
29 actions progressively, and it is not necessary that all of the bonds  
30 authorized to be issued be sold at any one time.

31 79804. For purposes of the State General Obligation Bond  
32 Law, “board,” as defined in Section 16722 of the Government  
33 Code, means the Department of Water Resources.

34 79805. There shall be collected each year and in the same  
35 manner and at the same time as other state revenue is collected,  
36 in addition to the ordinary revenues of the state, a sum in an amount  
37 required to pay the principal of, and interest on, the bonds each  
38 year. It is the duty of all officers charged by law with any duty in  
39 regard to the collection of the revenue to do and perform each and  
40 every act that is necessary to collect that additional sum.

1 79806. Notwithstanding Section 13340 of the Government  
2 Code, there is hereby appropriated from the General Fund in the  
3 State Treasury, for the purposes of this division, an amount that  
4 will equal the total of the following:

5 (a) The sum annually necessary to pay the principal of, and  
6 interest on, bonds issued and sold pursuant to this division, as the  
7 principal and interest become due and payable.

8 (b) The sum that is necessary to carry out the provisions of  
9 Section 79809, appropriated without regard to fiscal years.

10 79807. The board may request the Pooled Money Investment  
11 Board to make a loan from the Pooled Money Investment Account  
12 in accordance with Section 16312 of the Government Code for the  
13 purpose of carrying out this division *less any amount withdrawn*  
14 *pursuant to Section 79809*. The amount of the request shall not  
15 exceed the amount of the unsold bonds that the committee has, by  
16 resolution, authorized to be sold for the purpose of carrying out  
17 this division. The board shall execute those documents required  
18 by the Pooled Money Investment Board to obtain and repay the  
19 loan. Any amounts loaned shall be deposited in the fund to be  
20 allocated in accordance with this division.

21 79808. Notwithstanding any other provision of this division,  
22 or of the State General Obligation Bond Law, if the Treasurer sells  
23 bonds that include a bond counsel opinion to the effect that the  
24 interest on the bonds is excluded from gross income for federal  
25 tax purposes under designated conditions *or is otherwise entitled*  
26 *to any federal tax advantage*, the Treasurer may maintain separate  
27 accounts for the bond proceeds invested and for the investment  
28 earnings on those proceeds, and may use or direct the use of those  
29 proceeds or earnings to pay any rebate, penalty, or other payment  
30 required under federal law or take any other action with respect  
31 to the investment and use of those bond proceeds, as may be  
32 required or desirable under federal law in order to maintain the  
33 tax-exempt status of those bonds and to obtain any other advantage  
34 under federal law on behalf of the funds of this state.

35 79809. For the purposes of carrying out this division, the  
36 Director of Finance may authorize the withdrawal from the General  
37 Fund of an amount or amounts not to exceed the amount of the  
38 unsold bonds that have been authorized by the committee to be  
39 sold for the purpose of carrying out this division *less any amount*  
40 *borrowed pursuant to Section 79807*. Any amounts withdrawn

1 shall be deposited in the fund. Any money made available under  
2 this section shall be returned to the General Fund, with interest at  
3 the rate earned by the money in the Pooled Money Investment  
4 Account, from proceeds received from the sale of bonds for the  
5 purpose of carrying out this division.

6 79810. All money deposited in the fund that is derived from  
7 ~~premiums~~ *premium* and accrued interest on bonds sold pursuant  
8 to this division shall be reserved in the fund and shall be available  
9 for transfer to the General Fund as a credit to expenditures for  
10 bond interest, *except that amounts derived from premium may be*  
11 *reserved and used to pay the cost of bond issuance prior to any*  
12 *transfer to the General Fund.*

13 79811. Pursuant to Chapter 4 (commencing with Section  
14 16720) of Part 3 of Division 4 of Title 2 of the Government Code,  
15 the cost of bond issuance shall be paid out of the bond proceeds,  
16 *including premium, if any.* ~~These~~ *To the extent the cost of bond*  
17 *issuance is not paid from premiums received from the sale of bonds,*  
18 *these* costs shall be shared proportionately by each program funded  
19 through this division *by the applicable bond sale.*

20 79812. The bonds issued and sold pursuant to this division  
21 may be refunded in accordance with Article 6 (commencing with  
22 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of  
23 the Government Code, which is a part of the State General  
24 Obligation Bond Law. Approval by the ~~electors~~ *voters* of the state  
25 for the issuance of the bonds under this division shall include  
26 approval of the issuance of any bonds issued to refund any bonds  
27 originally issued under this division or any previously issued  
28 refunding bonds.

29 79813. The proceeds from the sale of bonds authorized by this  
30 division are not “proceeds of taxes” as that term is used in Article  
31 XIII B of the California Constitution, and the disbursement of  
32 these proceeds is not subject to the limitations imposed by that  
33 article.

34 SEC. 3. Section 2 of Chapter 3 of the Seventh Extraordinary  
35 Session of the Statutes of 2009, as amended by Section 1 of  
36 Chapter 74 of the Statutes of 2012, is repealed.

37 SEC. 4. Section 2 of this act shall be submitted to the voters  
38 at the November 4, 2014, statewide general election in accordance  
39 with provisions of the Government Code and the Elections Code  
40 governing the submission of a statewide measure to the voters.

1     SEC. 5. Section 2 of this act shall take effect upon the approval  
2     by the voters of the Climate Change Response for Clean and Safe  
3     Drinking Water Act of 2014, as set forth in that section at the  
4     November 4, 2014, statewide general election.

O