



# San Gabriel Valley Council of Governments

## AGENDA AND NOTICE OF THE MEETING OF THE WATER POLICY COMMITTEE

Tuesday, June 14, 2022, 10:00 AM

Zoom Link: <https://us06web.zoom.us/j/89388464599>

Livestream Link: <https://youtu.be/4cSQ27Tc-M8>

### Water Policy Chair

Gloria Crudgington  
City of Monrovia

### Vice-Chair

Jennifer Stark  
City of Claremont

### MEMBERS

Claremont  
Glendora  
Monrovia  
Rosemead  
South Pasadena  
TVMWD  
USGVMWD

### Water Working Group Chair

Alex Tachiki  
City of Monrovia

### Vice Chair

Tom Love  
USGVMWD

### MEMBERS

Alhambra  
Bradbury  
Covina  
Glendora  
Monrovia  
Pomona  
Sierra Madre  
LA County DPW  
TVMWD  
SGVMWD  
USGVMWD

### EX-OFFICIO

LA County Sanitation  
Districts  
SG Basin  
Watermaster

Thank you for participating in today's meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvkog.org](http://www.sgvkog.org). Copies are available via email upon request ([sgv@sgvcog.org](mailto:sgv@sgvcog.org)). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**PUBLIC PARTICIPATION:** Your participation is welcomed and invited at all Water Committee meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

**TO ADDRESS THE COMMITTEE:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Water Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



**MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL EMERGENCY RESULTING FROM THE THREAT OF COVID-19:**

AB 361 (Rivas), signed by California Governor Gavin Newsom on September 16, 2021, authorizes local agencies to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new provisions in AB 361 and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Policy Committee and Working Group meeting scheduled for June 14, 2022 will not be allowed. To allow for public participation, the Water Policy Committee and Working Group will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: <https://us06web.zoom.us/j/89388464599>. You may also access the meeting via the livestream link on the front of the agenda page.

Instructions for Public Comments: For those wishing to make public comments on agenda and non-agenda items, but within the SGVCOG's subject matter jurisdiction, you may submit written comments via email or provide a verbal comment by participating through Zoom.

- Written Comments (Email): If you wish to submit written public comments to be distributed to the committee members prior to or during the meeting, please submit these materials via email to Brianne Logasa at [blogasa@sgvcog.org](mailto:blogasa@sgvcog.org) at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email "FOR PUBLIC COMMENT." Emailed public comments will be read into the record and will be part of the recorded meeting minutes. Written public comments may include, but are not limited to letters, reports, and presentations. While there is no page or word count limit for written comments, the time for reading written public comments into the record will be limited to three minutes, which is the same time allotted for verbal comments.
- Verbal Comments (Zoom): Through Zoom, you may provide a verbal comment by using the web interface "Raise Hand" feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring reasonable accommodation to participate in this meeting should contact Brianne Logasa at least 48 hours prior to the meeting at (626) 457-1800 or at [blogasa@sgvcog.org](mailto:blogasa@sgvcog.org).

## **PRELIMINARY BUSINESS**

1. Call to Order
2. Roll Call
3. Public Comment *(If necessary, the Chair may place reasonable time limits on all comments).*
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

## **CONSENT CALENDAR** *(It is anticipated that the Water Committee may act on the following matters)*

5. Water Policy Committee/TAC Meeting Minutes – 5/10/2022 **(Page 5)**  
*Recommended Action: Approve*
6. FY 2022-2023 SGVCOG Water Policy Committee Chair and Vice Chair Appointments **(Page 9)**  
*Recommended Action: Appoint the following SGVCOG Water Policy Committee Chair and Vice Chair for FY 2022-2023 (effective July 1, 2022):*
  - Chair: Gloria Crudgington
  - Vice Chair: Jennifer Stark
7. Adoption of Resolution 22-07-WC Enabling the Water Policy Committee to Continue Holding Meetings via Teleconferencing **(Page 10)**  
*Recommended Action: Adopt Resolution 22-07-WC making specified findings that the existence of a local and state of emergency in California caused by the ongoing COVID-19 pandemic continues to directly impact the ability of the SGVCOG to hold public meetings safely in person thereby necessitating an ability to continue holding meetings via teleconferencing.*

## **ACTION ITEMS**

8. SB 991 (Newman) – Public Contracts: Progressive Design-Build: Local Agencies. **(Page 12)**  
*Recommended Action: Recommend Governing Board support SB 991 (Newman).*

## **PRESENTATION** *(It is anticipated that the Water Committee may act on the following matters)*

9. Main San Gabriel Basin Watermaster: Water Rights in the San Gabriel Valley – Tony Zampiello, Executive Officer, Main San Gabriel Basin Watermaster **(Page 14)**  
*Recommended Action: For information only.*

## **UPDATE ITEMS** *(It is anticipated that the Water Committee may act on the following matters)*

10. Upper LA River and Rio Hondo Scientific Studies Updates – Brianna Datti, Craftwater Engineering, and Dawn Petschauer, Los Angeles City Sanitation & Environment **(Page 16)**
11. Safe Clean Water Program **(Page 18)**
12. Federal and State Budget and Legislative Updates **(Page 20)**
13. Litigation Updates **(Page 25)**
14. Water Supply Update
15. Water Working Group Chair Report

**CHAIR'S REPORT**

**ANNOUNCEMENTS**

**ADJOURN**



**SGVCOG Joint Water Policy Committee/TAC Meeting  
Unapproved Minutes**

Date: May 10, 2022  
Time: 10:00 AM  
Location: Zoom/YouTube teleconference meeting

**PRELIMINARY BUSINESS**

1. Call to Order: G. Crudginton called the meeting to order at 10:02 A.M.
2. Roll Call

**Water Policy Committee Members Present**

J. Stark; Claremont  
G. Boyer; Glendora  
G. Crudginton; Monrovia  
M. Clark; Rosemead  
D. Mahmud; South Pasadena  
C. Goytia; TVMWD  
J. Santana; USGVMWD

**Water Policy Committee Members Absent**

**Water TAC Members Present**

D. Dolphin; Alhambra  
K. Kearney; Bradbury  
S. Costandi; Covina  
A. Sweet; Glendora  
A. Tachiki; Monrovia  
J. Carver/A. Ortega; Pomona  
J. Carlson; Sierra Madre  
T. Gerber; South Pasadena  
M. Litchfield; TVMWD  
E. Reyes; SGVMWD  
T. Love; USGVMWD  
R. Wang, C. Lee; LA County Public Works

**Water TAC Members Absent**

**Ex Officio Members Present**

L. Augino/K. Gardner; Watermaster  
S. Green; LA County Sanitation Districts

**Ex Officio Members Absent**

**Guests**

J. Millet; SCWP Rio Hondo WASC  
C. Griffin; Office of Assemblymember Rubio  
R. Tahir; Member of the Public  
D. Ready; Council for Watershed Health  
D. Petschauer; City of Los Angeles - LASAN

Stephanie Nava-Angeles; WELL  
 Blair Crossman; San Gabriel and Lower Los Angeles RMC  
 B. Stracker; Member of the Public  
 B. Datti; Craftwater Engineering  
 P. Nguyen; Craftwater Engineering

**SGVCOG Staff**

K. Ward  
 B. Logasa  
 T. Egan

3. Public Comment  
 S. Nava-Angeles, Water Education for Latino Leaders (WELL) Program Manager, shared information about their upcoming conference. [Click here](#) to review the flyer.
4. Changes to Agenda Order.  
 Chair G. Crudginton tabled agenda item 10 to a future meeting and moved item 15, Water Supply Update, to follow item 11.

**CONSENT CALENDAR**

5. Water Policy Committee/TAC Special Meeting Minutes – 4/5/2022
6. Water Policy Committee/TAC Special Meeting Minutes – 4/12/2022
7. Adoption of Resolution 22-06-WC Enabling the Water Policy Committee and Water Technical Advisory Committee (TAC) to Continue Holding Meetings via Teleconferencing

**There was a motion to approve the Consent Calendar items.  
 (M/S: J. Stark/D. Mahmud)**

**[MOTION PASSED]**

<b>AYES:</b>	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena, TVMWD; USGVMWD TAC – Alhambra; Covina; Glendora; Monrovia; Pomona; Sierra Madre; LA County Public Works; TVMWD; SGVMWD; USGVMWD
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>NO VOTE GIVEN:</b>	TAC – Bradbury
<b>ABSENT:</b>	

**ACTION ITEMS**

8. AB 1845 (Calderon) – Metropolitan Water District of Southern California: Alternative Project Delivery Methods
9. AB 2163 (Rubio) – San Gabriel Basin Water Quality Authority Act  
**There was a motion to recommend the Governing Board support AB 1845 (Calderon) and AB 2163 (Rubio).  
 (M/S: M. Clark/C. Goytia)**

**[MOTION PASSED]**

<b>AYES:</b>	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena, TVMWD; USGVMWD TAC – Alhambra; Bradubry; Covina; Glendora; Monrovia; Pomona; Sierra Madre; LA County Public Works; TVMWD; SGVMWD; USGVMWD
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>NO VOTE GIVEN:</b>	
<b>ABSENT:</b>	

## **PRESENTATION**

10. Peck Road Water Conservation Park – Paul Cranmer, Public Works Services Director, City of Arcadia  
This item was tabled for a future meeting.

## **DISCUSSION**

11. City of Monrovia Financial Capability Assessment (FCA) Evaluation Findings – Brianna Datti and Pauline Nguyen, Craftwater Engineering; and Alex Tachiki, City of Monrovia  
The Environmental Protection Agency's (EPA) FCA Guidance creates a framework to verify the costs to jurisdictions of complying with stormwater regulations and ensure that the costs of compliance do not unduly burden a cities' residents. The FCA guidelines currently do not apply to the State of California. This exercise was designed to support the SGVCOG's ongoing efforts to advocate for the application of FCA, or similar, Guidelines to the State. For example, the case study found that by applying the FCA Guidance to the City of Monrovia, there would be justification to extend the MS4 Permit final compliance deadline, in order to ensure that the City did not incur millions of dollars in debt.

## **UPDATE ITEMS**

12. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit  
There were no updates on this item.
13. Safe Clean Water Program  
B. Logasa, SGVCOG Management Analyst, provided information on this item. All WASCs are currently finalizing their FY 22-23 stormwater investment plans. Once approved, they will be sent to the Regional Oversight Committee for review and feedback.
14. Federal and State Budget and Legislative Updates  
There were no updates on this item.
15. Water Supply Update  
T. Love and M. Litchfield shared information on current water supply in the San Gabriel Valley and increasing water conservation mandates locally, regionally, and at the state. All of California is well into its third consecutive year of drought, making local and imported water resources scarcer.
16. Water TAC Chair Report  
There were no updates on this item.
17. Water Boards Update  
There were no updates on this item.

**CHAIR'S REPORT**

There was no report on this item.

**ANNOUNCEMENTS**

A. Tachiki announced that the Council for Watershed Health is hosting a WaterTalks webinar series for agencies and electeds designed to strengthen integrated watershed management across LA County and equip local leaders with the tools and resources needed to address water-related challenges.

**ADJOURN**

G. Crudgington adjourned the meeting at 11:43 A.M.



# REPORT

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DATE: June 14, 2022  
TO: Water Policy Committee  
FROM: Marisa Creter, Executive Director  
RE: **FY 2022-2023 SGVCOG WATER POLICY COMMITTEE CHAIR AND VICE CHAIR APPOINTMENTS**

## **RECOMMENDED ACTION**

Appoint the following SGVCOG Water Policy Committee Chair and Vice Chair for FY 2022-2023 (effective July 1, 2022):

- Chair: Gloria Crudgington
- Vice Chair: Jennifer Stark

## **BACKGROUND**

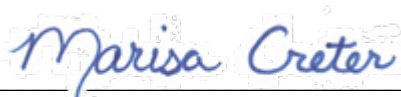
The SGVCOG By-laws establish that each Policy Committee will be chaired by a Governing Board Delegate or Alternate that is selected by a vote of the Committee members. Policy Committees typically elect their chair and vice-chair for each fiscal year. The current Water Policy Committee Chair is Gloria Crudgington, and the current Water Policy Committee Vice-Chair is Jennifer Stark. These candidates are being presented to the Water Policy Committee for appointment to their respective positions with an effective date of office beginning July 1, 2022.

Prepared by:



Brianne Logasa  
Management Analyst

Approved by:



Marisa Creter  
Executive Director

# REPORT

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DATE: June 14, 2021

TO: Water Policy Committee

FROM: Marisa Creter, Executive Director

**RE: ADOPT RESOLUTION 22-07-WC MAKING SPECIFIED FINDINGS TO  
ENABLE THE WATER POLICY COMMITTEE AND TAC TO CONTINUE  
TO HOLD MEETINGS VIA TELECONFERENCING**

## **RECOMMENDED ACTION**

Adopt Resolution 22-07-WC making certain findings that the existence of a local and state of emergency in California caused by the ongoing COVID-19 pandemic continues to directly impact the ability of the SGVCOG to hold public meetings safely in person thereby necessitating an ability to continue holding meetings via teleconferencing.

## **BACKGROUND**

Introduced by Assemblymember Robert Rivas (D-Hollister) on February 1, 2021, AB 361 codifies portions of Governor Gavin Newsom's existing Ralph M. Brown Act exemptions pertaining to teleconferencing if a local agency issues an emergency finding, and reissues it every 30 days, that it is unsafe to meet in person. Specifically, the Brown Act exemptions include requirements to provide a public teleconference location, to maintain a member quorum within the agency's jurisdiction and to provide for public comment at each teleconference location, such as a private residence. The legislation expires in December 2024. On September 16, 2021, California Governor Gavin Newsom signed AB 361 into law, effective immediately.

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

1. The local agency holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. The local holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. The local agency holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California due to the threat of COVID-19 and shortly thereafter issued Executive Order N-29-20 suspending certain Brown Act provisions relating to teleconferencing as public meetings began to be held online.<sup>1</sup> However, this Executive Order expired on September 30, 2021, despite the State of Emergency remaining in place.

The threat that COVID-19 has presented continues to directly impact the ability of the SGVCOG to conduct Governing Board/committee meetings safely in person. Updated guidelines issued by

the Centers for Disease Control and Los Angeles Department of Public Health in July and August 2021 advise governmental entities to refrain from conducting indoor meetings and consider moving operations outdoors, where feasible, to prevent transmission. SGVCOG staff finds it has been unable to find a suitable outdoor space with the requisite audio/visual capabilities at which the monthly Committee meetings can be held safely. Similarly, an indoor space with sufficient capacity to accommodate safe social distance practices among members, staff, and the public could not be identified

In order to continue to conduct meetings in a safe manner and to prevent unnecessary COVID-19 exposure to members, staff and the public, staff is recommending that Water Policy Committee adopt Resolution 22-07-WC making certain findings in order to be able to continue teleconferencing for its meetings.

Prepared by:  \_\_\_\_\_

Approved by:  \_\_\_\_\_  
Marisa Creter  
Executive Director

## **ATTACHMENTS**

[Attachment A – Resolution 22-07-WC](#)

DATE: June 14, 2022

TO: Water Policy Committee

FROM: Marisa Creter, Executive Director

RE: **SB 991 (NEWMAN) – PUBLIC CONTRACTS: PROGRESSIVE DESIGN-BUILD: LOCAL AGENCIES**

## **RECOMMENDED ACTION**

Recommend Governing Board support SB 991 (Newman).

## **BACKGROUND**

Cities, counties, and special districts that are authorized to provide for the production, storage, supply, treatment, or distribution of any water from any source are currently limited to the Design-Bid-Build method of procurement for public works projects. A public works project is described by the state to mean the construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by a public utility company pursuant to order of the Public Utilities Commission or other public authority. Currently, public works projects are only authorized to use the design-bid-build method, in which a public agency fully completes the design of a project prior to awarding a construction contract and must award the contract to the “lowest responsible bidder.” This process is intended to ensure that the project is built for the lowest possible cost. This bill would authorize such local agencies to use the progressive design-build process for public works projects in excess of \$5,000,000, until January 1, 2029. The bill defines progressive design-build procurement method to mean a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project.

The bill would require a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature, a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process.

## **DISCUSSION**

The traditional design-bid-build procurement method, in which the lowest bidder is selected, can create challenges in completing complicated projects. Using lowest bidder for highly complicated projects can sometimes lead local agencies to sacrifices in quality or significant change orders. In addition, the design-bid-build procurement method requires a different firm for design and construction, and there can be inconsistencies between the two firms, leading to additional costs and delays. According to the bill’s author and other proponents, SB 991 will afford local water agencies the option of using the progressive design-build contracting method to reduce overall project risks, costs, and schedules for public works projects estimated to cost more than \$5 million. The design-build procurement method attempts to solve the problem of two firms having inconsistent approaches, but it doesn’t provide the collaborative progressive approach that progressive design-build advocates claim can improve outcomes. Since local agencies in

California have limited experience with progressive design-build, there is some additional risk to using this new procurement method. To mitigate the risk, this bill provides an “off ramp” to local agencies that are unable to agree to a guaranteed maximum price with the progressive design-build entity they selected and solicit proposals from other firms to complete the work. Additionally, the bill includes reporting language that will inform the Legislature how local agencies use this authority in time to make changes before it sunsets in 2029.

SB 991 has passed the Senate Governance & Finance and Appropriations Committees and Senate Floor on unanimous votes and is in the Assembly awaiting referral to committee. Supporters of the bill include—but are not limited to—the following:

- Water Collaborative Delivery Association
- Association of California Water Agencies
- California Association of Sanitation Agencies
- California Municipal Utilities Association
- Inland Empire Utilities Agency
- Orange County Sanitation District
- Santa Clara Valley Water District
- Silicon Valley Leadership Group
- State Building & Construction Trades Council of California
- The Bay Area Council
- Walnut Valley Water District
- Watereuse Association

As of April 20, 2022, there were no opponents listed on file with the State Senate.

Prepared by:



Brianne Logasa  
Management Analyst

Approved by:



Marisa Creter  
Executive Director

### **ATTACHMENTS**

[Attachment A – AB 1845 \(Calderon\) Text](#)

# REPORT

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DATE: June 14, 2022

TO: Water Policy Committee

FROM: Marisa Creter, Executive Director

RE: **MAIN SAN GABRIEL BASIN WATERMASTER – WATER RIGHTS IN THE SAN GABRIEL VALLEY**

## **RECOMMENDED ACTION**

For information only.

## **BACKGROUND**

On November 9, 2021, the Water Policy Committee and TAC approved their recommendations for the 2022 water legislative platform pertaining to water policy for consideration by the Governing Board. The legislative platform is intended to guide SGVCOG advocacy efforts. One of the items included in the platform was to “advocate for water rights assignment to MS4 agencies for new infiltrated water.” There was significant discussion on this item and a request from the Water Policy Committee requested that staff bring this topic for discussion at a later date.

Through the completion of stormwater projects to comply with the municipal separate storm sewer system (MS4) Permit, additional resources are being created that could potentially serve as additional water supply. This issue brings up important questions related to water rights. Water rights are an extremely complex topic, so, as a starting point, it is important to understand the existing conditions. To that end, at this meeting, Tony Zampello, Executive Officer of the Main San Gabriel Basin Watermaster, will provide a presentation on this adjudication and water rights in the San Gabriel Valley, adding context to the committee’s internal discussions over water rights in the region. At future meetings, the Committee will hear more about local stormwater projects that may have an impact on water rights.

## **DISCUSSION**

The majority of the San Gabriel Valley is located within the Main San Gabriel Groundwater Basin. Like many other Southern California water basins, the Main San Gabriel Basin is adjudicated, meaning that, as a result of a dispute among water users in the Basin over legal rights to the water, water rights are allocated and administered pursuant to a Judgment of the Court. The Court determined who the water rights owners were, how much groundwater those owners could extract, and how the groundwater area would be managed.

The complaint leading to the adjudication was filed on January 2, 1968, in the Superior Court of the State of California, Case No. 924128, *Upper San Gabriel Valley Municipal Water District v. City of Alhambra, et al.* After extensive negotiations, a stipulated Judgment in this case was entered on January 4, 1973. The Judgment defined water rights for about 190 original parties to the legal action, created the Main San Gabriel Basin Watermaster as the governing body, and


## REPORT

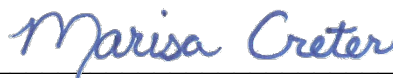
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described a Physical Solution for water management which is supervised by the Superior Court pursuant to its continuing jurisdiction under the Judgment. Since the Judgment was originally entered, there have been subsequent amendments, most recently in 2012.

The Judgment requires the nine-member Main San Gabriel Basin Watermaster Board (Watermaster) to develop a program of Basin management to implement the Physical Solution under continuing supervision of the Superior Court. As detailed in the Judgment, Watermaster controls pumping, purchases replacement water, and determines the Operational Safe Yield of the Basin, among other things. The Judgment gives Watermaster broad discretion in making Basin management decisions within its framework, stating that "the maintenance, improvement, and control of the water quality and quantity of the Basin, withdrawal and replenishment of supplies of the Basin and Relevant Watershed, and the utilization of the water resources thereof, must be subject to procedures established by Watermaster in implementation of the provisions of this Judgment." Watermaster also has control of all groundwater storage rights in the Basin.

The Judgment governs all water throughout the Basin and its watershed, which is part of the common source of supply to the Basin. That water is divided up and accounted for under the Judgment. The Judgment includes injunctions against unauthorized production, unauthorized recharge, and exporting native water from the Basin. Watermaster has an obligation to enforce the Judgment, including the ability to take legal action to prevent unauthorized use of water.

Prepared by:   
\_\_\_\_\_  
Brianne Logasa  
Management Analyst

Approved by:   
\_\_\_\_\_  
Marisa Creter  
Executive Director

[Attachment A – Upper San Gabriel Valley Municipal Water District v. City of Alhambra, et al. Amended Judgment](#)

DATE: June 14, 2022

TO: Water Policy Committee & Working Group

FROM: Marisa Creter, Executive Director

RE: **UPPER LA RIVER AND RIO HONDO SCIENTIFIC STUDY UPDATES**

## **BACKGROUND**

The Safe Clean Water Program (SCWP) is a parcel tax measure (Measure W) passed by voters in 2018. It produces approximately \$285 million annually for stormwater projects. Forty percent of annually collected revenues are distributed directly to local governments to implement stormwater projects, and fifty percent are distributed through a regional program, which are allocated to each watershed. Cities, schools, regional agencies, and other organizations can submit applications for the regional funding. Each year, a committee of stakeholders from each region – made up of city staff, elected officials, non-government organization representatives, and other stakeholders – deliberates and determines what projects to fund.

Since 2018, the SGVCOG has served as the fiscal administrator for the Upper Los Angeles Watershed Management Group (ULAR WMG). The SGVCOG administratively manages the contracts – including procurement, contract execution, invoicing, and reconciliation – on behalf of the ULAR WMG, which manages its member cities' MS4 Permit Annual Report and general monitoring services. As the fiscal administrator for the ULAR WMG, the SGVCOG has also applied for funding from the SCWP on behalf of the ULAR WMG. In the 2020-2021 fiscal year, the SGVCOG was awarded scientific study funding by the ULAR Watershed Area Steering Committee (WASC) and the Rio Hondo WASC through the Safe Clean Water Program to conduct two scientific studies for the Upper LA River Watershed Area Steering Committee (ULAR WASC) and the Rio Hondo Watershed Area Steering Committee (RH WASC):

- Pre-Stormwater Investment Plan (preSIP)
- Load Reduction Strategy (LRS) to Address the Los Angeles River Bacteria Total Maximum Daily Load (TMDL)

More detail on each of the studies is found below:

### **PreSIP**

A preSIP is a precursor to the SIP—or Stormwater Investment Plan—which is a 5-year plan to allocate Regional Program funds for specific watershed programs and projects. The preSIP supports the WASCs by providing a platform to reconcile overlapping objectives and disparate project proposals into a cohesive, collaborative, and cost-effective plan. This scientific study builds the preSIP technical platform to (1) identify high-impact, multi-benefit projects throughout the Watershed Areas, (2) orient the projects into an actionable compliance pathway using the best watershed science, and (3) assess the watershed-scale co-benefits of candidate projects to design a defensible, adaptable SIP for the Rio Hondo and Upper Los Angeles River Watershed Areas.



### **LRS Adaptation to Address the LA River Bacteria TMDL**


The ULAR WMG sought to improve the implementation of the Load Reduction Strategy (LRS) by creating the LRS Adaptation Plan to address the current recreational water quality and meet Los Angeles River Bacteria TMDL (Bacteria TMDL) requirements. This Plan will provide an effective foundation to address pathogen health risk and will help streamline efforts across agencies and other stakeholders. This Plan will help identify the most effective pathway towards improved public health and attainment of bacteria-related water quality objectives through an adaptive management process that incorporates significant advances in the state of the science. This scientific study will utilize a data-driven approach to identify efficient and effective implementation actions watershed-wide. A well-designed Plan is expected to inform the most effective bacteria-related implementation efforts not only in the ULAR but also across the region.

### **Fire-Effects Study**

The Fire-Effects Study will evaluate post-fire runoff and create BMP models to support water quality objectives and help meet impending TMDL deadlines. This study has just kicked-off.

### **DISCUSSION**

At this Water Policy Committee/TAC meeting, Brianna Datti from Craftwater Engineering and Dawn Petschauer from Los Angeles City Sanitation & Environment will provide information on the benefits and challenges and provide status updates on these ongoing scientific studies.

Prepared by:   
\_\_\_\_\_  
Brianne Logasa  
Management Analyst

Approved by:   
\_\_\_\_\_  
Marisa Creter  
Executive Director

DATE: June 14, 2022

TO: Water Policy Committee & Working Group

FROM: Marisa Creter, Executive Director

RE: **SAFE CLEAN WATER PROGRAM**

## **RECOMMENDED ACTION**

For information only.

## **COMMITTEE AND WATERSHED AREA STEERING COMMITTEE (WASC) UPDATES**

The following activities have happened since the last Water Committee/TAC meeting.

### **Regional Oversight Committee (ROC)**

- Did not meet.

### **Scoring Committee**

- Did not meet.

### **Rio Hondo WASC**

- Did not meet.

### **Upper Los Angeles River (ULAR) WASC**

- Did not meet.

### **Upper San Gabriel River (USGR) WASC**

- Met on Thursday, May 12, 2022, and voted to approve the final Fiscal Year 2022-23 Stormwater Investment Plan funding recommendations for the USGR Watershed Area and approve submission to the Regional Oversight Committee for review (if needed)

## **UPCOMING MEETINGS**

- Regional Oversight Committee – TBD
- Scoring Committee – TBD
- Rio Hondo WASC – Every 3rd Tuesday of the Month, 1:00 – 3:00 pm
- Upper Los Angeles River WASC – TBD
- Upper San Gabriel River WASC – Every 4th Thursday of the Month, 1:00 – 3:00 pm

Prepared by:



Brianne Logasa  
Management Analyst

Approved by:



Marisa Creter  
Executive Director

## **ATTACHMENTS**

[Attachment A – Approved 21-22 SIPs projects by WASC](#)

[Attachment B – Unapproved 21-22 SIPs projects by WASC](#)

# REPORT

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DATE: June 14, 2022

TO: Water Policy Committee & Working Group

FROM: Marisa Creter, Executive Director

RE: **FEDERAL AND STATE BUDGET AND LEGISLATIVE UPDATES**

## **RECOMMENDED ACTION**

For information only.

## **BUDGET UPDATES**

### **2022-23 State Budget**

Last year the Legislature enacted a three-year \$5.2 billion investment in California water systems for safe drinking water, drought planning, water conservation, and local management of groundwater. The Governor's January Budget proposed an additional \$750 million, with a focus on drought relief and promoting water conservation. Given the intensification of the drought since January, the Governor's May Budget Revise includes an additional \$1.550 billion General Fund for drought resilience and response to help local communities and fish and wildlife avoid immediate impacts as a result of the extreme drought. The proposed funding is to accelerate the current FY 2021-22 budget year water resilience and drought response programs.

The proposed budget funding includes:

- \$530 million to support water recycling and groundwater cleanup; advance drinking water and clean water projects that leverage significant federal infrastructure funds; and continue aqueduct solar pilots.
- \$553 million to provide grants to urban water districts and smaller community water suppliers for drought-relief projects; support data, research, and public education campaigns; support local technical assistance emergency drinking water response, including the purchase and pre-positioning of water storage tanks; enhance water rights enforcement and modernization tools; and support food assistance programs for farmworkers impacted by drought.
- \$280 million to address fish and wildlife impacts associated with drought and climate change, and to build aquatic habitat and water resilience projects to support implementation of voluntary agreements with water suppliers.
- \$187 million to support agricultural water conservation practices; incentivize farmers to install more efficient irrigation equipment and provide on-farm technical assistance; provide direct relief to small farm operators; and support additional water conservation projects.

The SGVCOG will continue to monitor these funding requirements and provide updates to the Water Policy Committee on opportunities to access funding.

## **Biden Infrastructure Bill**

The infrastructure bill is the single-largest investment in U.S. water infrastructure in the nation's history. While the overall infrastructure bill provides a total of \$7,420,806,000 to infrastructure projects (\$609,441,000 to California), it will invest more than \$50 billion specifically for water infrastructure programs.

- \$20+ billion for safe drinking water.
- \$15 billion in dedicated funding to replace lead pipes.
- \$12+ billion to ensure clean water for communities.
- \$1.8 billion to protect regional waters.
- \$135 million for additional water improvements.

SGVCOG staff is continuing to monitor this funding and determine how funding for these programs will be distributed and available to cities.

## **LEGISLATIVE UPDATES**

Below is an overview of federal and state legislation that the Water Committee and Water TAC are currently tracking.

### **S. 914 – Safe Drinking Water and Wastewater Infrastructure Act of 2021**

- **Summary:** As previously reported, S. 914 reauthorizes and creates programs to support drinking water and wastewater infrastructure projects, including the Drinking Water State Revolving Loan Funds, the Clean Water State Revolving Loan Funds, the Water Infrastructure Finance and Innovation Act program, the EPA Sewer Overflow & Stormwater Reuse Municipal Grant Program and the Alternative Source Water Pilot Program. New programs include the Stormwater Infrastructure Technology Program and PFAS treatment grants.
- **Status:** Passed in the U.S. Senate on April 29 but not yet acted upon in the U.S House.

### **SB 37 (Cortese) – Contaminated Sites: The Dominic Cortese “Cortese List” Act of 2021**

- **Summary:** Would require the State Water Resources Control Board, instead of the State Department of Health Care Services, to compile and update a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers. The Department of Finance on June 30, filed on behalf of the Administration an “oppose” letter because SB 37 could increase costs to clean-up contaminated sites in California.
- **Status:** Passed the Senate on June 1, 39-0; Assembly Environmental Safety & Toxic Materials Committee on June 16, 6-3; Assembly Natural Resources Committee on July 5, 7-1; and, Assembly Appropriations Committee on August 26, 12-4. At the request of the author, SB 37 was moved to the Assembly Inactive File.
- **SGVCOG Position:** Watch

### **SB 230 (Portantino) – Constituents of Emerging Concern Program**

- **Summary:** Would require the State Water Resources Control Board (State Board) to establish, maintain, and direct a new program to assess and recommend further study on

constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The state board would convene the Science Advisory Panel to review and provide recommendations on CEC for further action, among other duties. The State Board would be required to provide an annual report to the Legislature on the ongoing work conducted by the panel. The bill would authorize the State Board, upon appropriation by the Legislature, to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with CEC monitoring requirements based on the recommendations of the panel would impose a financial hardship.

- **Status:** Passed the Senate Environmental Quality Committee on March 15, 7-0, and at the request of the Senate Appropriations Committee. SB 230 passed the Senate Floor on January 26, 2022 and was read for the first time in the Assembly. Referred to the Assembly Committee on Environmental Safety & Toxic Materials on May 5, 2022.
- **SGVCOG Position:** Support

## **SB 991 (Newman) – Public Contracts: Progressive Design-Build: Local Agencies**

- **Summary:** This bill would authorize (until January 1, 2029) such local agencies to use the progressive design-build process for public works projects in excess of \$5,000,000. The bill defines “progressive design-build” to mean a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project.
- **Status:** Passed in the Senate on April 9, 2022 and sent to the Assembly. On April 19, 2022, it was referred to the Assembly Committee on Local Government.
- **SGVCOG Position:** The Water Committee is considering a recommendation to the Governing Board supporting this bill.

## **SB 1219 (Hurtado) - 21st century water laws and agencies: committee**

- **Summary:** Would require the Secretary of the Natural Resources Agency and the Secretary for Environmental Protection to convene a committee to develop and submit, on or before December 31, 2024, to the Governor and to the Legislature a strategic vision, proposed statutes, and recommendations for a modern 21st century set of water laws and regulations and state and local water agencies for the state, as provided. The bill would also require the Governor or the committee to appoint a “blue ribbon” citizen commission or taskforce, a stakeholder advisory committee and any other group that the Governor or the committee deems necessary or desirable to assist in carrying out these provisions. The bill would require all relevant state agencies, at the request of the committee, to make available staff and resources to assist in the preparation of the strategic vision and proposed statutes. The bill would authorize the committee, its members, and state agencies represented on the committee to contract for consultants to assist in the preparation of the strategic vision and proposed statutes, as specified, and would exempt those contracts from certain public contracting requirements.
- **Status:** Introduced to the Senate on February 17, 2022. Passed in the Committee on Natural Resources and Water and referred back to the committee on Environmental Quality on April 5, 2022. Senate hearing for this bill is scheduled for April 27, 2022.
- **SGVCOG Position:** Watch.

### **AB 1195 (Garcia) – Southern Los Angeles County Regional Water Agency**

- **Summary:** Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency's jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed. The bill would authorize the agency to finance its operations through specified means, including, among others, collecting water rates, charges, fees, or established parcel charges previously charged by a water system for which the agency has assumed control.
- **Status:** Passed the Assembly on May 27, 2021, 56-19. AB 1195 was initially triple referred to three Senate policy committees. The Senate Rules Committee then rescinded one of the policy committee referrals and therefore AB 1195 is awaiting hearings before the Senate Environment Quality and Governance & Finance Committees. AB 1195 must pass the Senate policy committees no later than July 1, 2022.
- **SGVCOG Position:** Watch

### **AB 1845 (Calderon) – Metropolitan Water District of Southern California: Alternative Project Delivery Methods**

- **Summary:** Would allow the Metropolitan Water District of Southern California to use alternative project delivery methods for the design and construction of a Regional Recycling Water Program and a limited set of drought-related projects. The bill would amend the Public Contracting Code to permit Metropolitan to use Design-Build, Progressive Design Build, and Construction Manager/General Contractor. These methods have the potential to expedite construction of critical new water infrastructure projects and reduce their overall costs.
- **Status:** Introduced to the Assembly on February 8, 2022. Passed the Assembly Local Government Committee on March 23, 2022 and Assembly Water, Parks & Wildlife Committee on April 26, 2022. Next it will go to Assembly Appropriation Committee.
- **SGVCOG Position:** Support

### **AB 2163 (Rubio) – San Gabriel Basin Water Quality Authority Act**

- **Summary:** The existing law that established the San Gabriel Basin Water Quality Authority will sunset on July 1, 2030. This bill would extend the existing law to July 1, 2050, thereby permitting the Authority to carry out its various duties under the act until 2050.
- **Status:** Introduced in the Assembly on February 15, 2022. Passed The Assembly Environmental Safety & Toxics Material Committee on March 22, 2022 and Assembly Appropriations Committee on April 25, 2022. Passed in the Assembly on May 9, sent to the Senate. The bill was referred to the Committee on Environmental Quality on May 18, 2022.
- **SGVCOG Position:** No position currently taken.

## **AB 2387 (E. Garcia & Mullin) – Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022**

- **Summary:** This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,430,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.
- **Status:** Introduced in the Assembly on February 17, 2022. Passed Assembly Water, Parks & Wildlife Committee on April 4, 2022 and Assembly Natural Resources Committee on April 25, 2022. Sent to the Assembly Appropriations Committee, it is currently held under submission.
- **SGVCOG Position:** Watch.

Prepared by:



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Approved by:



Marisa Creter  
Executive Director



# REPORT

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DATE: June 14, 2022  
TO: Water Policy Committee  
FROM: Marisa Creter, Executive Director  
RE: **LITIGATION UPDATES**

## **RECOMMENDED ACTION**

For information only.

## **BACKGROUND & DISCUSSION**

On January 4, 2021, the Court of Appeals affirmed the Commission's decision that the trash receptacle requirements of the 2001 MS4 Permit are unfunded mandates for which the County and Cities are entitled to reimbursement (Attachment A). No appeal was taken from this ruling, so the case is now considered concluded. Through this litigation it was established that the MS4 Permits can contain reimbursable state mandates and that stormwater permits can contain state mandates—as opposed to federal mandates. Additionally, it was established that those mandates are reimbursable programs within the meaning of Articles XIII B, section 6 of the California Constitution.

The State's Legislative Analyst's Office (LAO) released a report in February 2022 (Attachment B) outlining how this ruling will be addressed. In the report, the LAO confirmed that the State has exhausted its legal options for challenging this particular mandate decision. The Governor's budget proposal includes \$18.4 million in one-time General Funds to reimburse certain local governments in Los Angeles County for costs related to the Municipal Stormwater and Urban Runoff Discharges mandate. Specifically, the proposal would reimburse eligible local governments for the costs they incurred installing and maintaining trash receptacles at transit stops between 2002 and 2012 pursuant to regulatory stormwater permit requirements that the Commission on State Mandates found to be a state-reimbursable mandate. Only certain portions of the cities and county were subject to the 2001 trash receptacle permit requirement, however, and only those cities and counties would be eligible for reimbursement. The LAO recommended that the Legislature approve the proposal and fund this mandate, consistent with state law. It also confirmed that funding this mandate does not have out-year fiscal implications for the State.

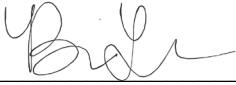
The test claims arising from the 2012 Municipal Separate Stormwater Sewer System (MS4) Permit are still pending before the Commission. They have been continually delayed, but it appears that the Commission is starting to take up some of the other stormwater test claims that were filed before the Los Angeles County claims. The Los Angeles cities and County claims are tentatively set for hearing on September 23, 2022.


The 2021 MS4 Permit was adopted on July 23, 2021. Any permittee that intends to file a test claim over obligations imposed by that Permit must do so within 12 months of the Permit's effective date. One issue that may arise with any test claim filed with respect to the new Permit is the impact of the adoption of SB 231 (Hertzberg) in 2017. SB 231 added a definition for "sewer" to the

# REPORT

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Proposition 218 Omnibus Implementation Act, which is significant because the election requirements are on fees for services other than water, sewer, and trash services. SB 231 authorizes counties, cities, and local water agencies to finance storm water projects in the same manner as other public works projects under Proposition 218.

Prepared by:   
\_\_\_\_\_  
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Approved by:   
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Marisa Creter  
Executive Director

[Attachment A — Department of Finance v. Commission on State Mandates Final Opinion](#)

[Attachment B — LAO Report on Municipal Stormwater and Urban Runoff Discharges Mandate](#)

[Attachment C — SB 231 Text Language](#)