

Bighorn-Desert View Water Agency

Board of Directors

Michael McBride, President
Judy Corl-Lorono, Vice President
David Larson, Secretary
Terry Burkhart, Director
J. Dennis Staley, Director

Marina D West, P.G., General Manager



A Public Agency

Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

760/364-2315 Phone
760/364-3412 Fax

www.bdvwa.org

PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday, October 3, 2012 - 9:15 a.m.

COMMITTEE MEMBERS: Director Corl-Lorono & Director Burkhart

The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting will be conducted in strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend may do so only as observers and may not participate in the meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA

DISCUSSION AND ACTION ITEMS - The Committee and Staff will discuss the following items and provide direction to staff, if so inclined.

The Public is invited to comment on any item on the agenda during discussion of that item.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

5. CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

6. RESERVOIRS B3 AND B4 RECOATING PROJECT UPDATE

7. CONSENT ITEMS - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.

- a. Regular PLEGS Committee Meeting Report, August 16, 2012

8. PUBLIC COMMENT PERIOD

Any person may address the Committee on any matter within the Agency's jurisdiction on items not appearing on this agenda.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment. State Law prohibits the Committee from discussing or taking action on items not included on the agenda.

9. VERBAL REPORTS

- a. COMMITTEE MEMBERS' COMMENTS/REPORT
- b. GENERAL MANAGER'S REPORT

10. ITEMS FOR NEXT AGENDA

11. ADJOURNMENT

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda.

Copies of these materials and other discloseable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org.

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately.

Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.



Legal, Legislative and Public Information Committee

AGENDA

**Mojave Water Agency
Board Room
13846 Conference Center Drive
Apple Valley, CA 92307**

**October 3, 2012
9:30 a.m.**

-
- 1. Approve Agenda**
 - 2. Approve Meeting Summary from the Legal/Legislative and Public Information Committee Meeting of September 5, 2012**
 - Meeting Summary
 - 3. Update on State Advocate and Issues at the State Level (teleconference)**
 - Staff Report
 - Bill List
 - 4. Update on Federal Advocate and Issues at the Federal Level (teleconference)**
 - Staff Report
 - 5. Public Information Update (oral report)**
 - 6. General Manager's Report (oral report)**

7. Public Participation

8. Comments/Discussion Items for Next or Future Agendas

9. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7008 at least 24 hours prior to said meeting.

Please visit our Facebook page at <http://www.facebook.com/mojavewater>



LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE MEETING

MEETING SUMMARY September 5, 2012

- CALL TO ORDER:** Committee Chairperson Doug Shumway called the meeting to order at 9:30 a.m.
- PRESENT:** Chairperson Doug Shumway, Director Beverly Lowry, and President Art Bishop (ex-officio member)
- ABSENT:** Director Mike Page
- STAFF:** Principal Hydrogeologist Lance Eckhart; Water Conservation Program Manager Tamara Alaniz; and Senior Administrative Assistant, Public Information Gloria Golike
- CONSULTANTS:** State Advocate Ed Manning, KP Public Affairs; and Federal Advocate Heather Hennessey, Innovative Federal Strategies, LLC joined by teleconference

Two visitors were in the audience and four listened online.

1. **APPROVAL OF AGENDA**

The agenda was agreed upon as presented.

2. **APPROVE MEETING SUMMARY FROM THE LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE MEETING OF AUGUST 1, 2012**

The meeting summary was agreed upon by the Committee.

3. **UPDATE ON STATE ADVOCATE AND ISSUES AT THE STATE LEVEL**

Mr. Manning mentioned that the legislature adjourned the 2011-2012 session. He briefly spoke about the Pension Reform, CEQA Reform, and the Worker's Compensation Reform. There was a lengthy discussion regarding grant opportunities, specifically mentioning the Integrated Regional Water Management Plan (IRWMP) and the AB 303 grants. He also briefly mentioned the ACWA Water Finance Task Force reconvening.

4. **UPDATE ON FEDERAL ADVOCATE AND ISSUES AT THE FEDERAL LEVEL**

Ms. Hennessey mentioned that the majority of business being conducted at this time is political. She spoke about the sequestration budget cuts and the Continuing Resolution and what this could mean. She briefed the Committee about the Farm Bill. She also mentioned that she and Ms. Letitia White may come out for a visit in mid-October.

5. **PUBLIC INFORMATION UPDATE**

Ms. Alaniz mentioned a few legislative actions that Agency staff has done recently regarding different bills and legislation issues. She gave an update on public information activities.

6. **GENERAL MANAGER'S REPORT**

No report.

7. **PUBLIC PARTICIPATION**

No report.

8. **COMMENTS/DISCUSSION ITEMS FOR NEXT OR FUTURE AGENDAS**

None mentioned.

9. **ADJOURNMENT**

Chairperson Doug Shumway adjourned the meeting at 10:37 a.m.

Submitted by: _____
Gloria Golike
Senior Administrative Assistant,
Public Information

Attachments on-file:
Sign-in sheet

**Audio recording of this meeting available upon request.*



**PUBLIC
AFFAIRS**

TO: Legal, Legislative and Public Information Committee

**FROM: Ed Manning
Carolyn Jensen**

RE: KP Public Affairs Agenda

1. Legislative Update:

A. Legislature Adjourns the 2011-2012 Session

B. End of Session Wrap Up

C. Major Reform Efforts:

➤ **Pension Reform**

➤ **CEQA Reform**

2. Legislative Interim

3. Strategy for Future Grant Opportunities:

A. IRWMP Grants

B. AB 303 Grants

4. ACWA News:

A. ACWA Water Finance Task Force Reconvenes

09/25/12

KP Public Affairs
Mojave Water Agency Bill List as of 9/24/2012

Delta Bills

AB 1095 (Buchanan D) Sacramento-San Joaquin Delta Reform Act of 2009: covered actions.

Current Text: Amended: 6/27/2012 [pdf](#) [html](#)

Status: 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. N.R. & W. on 6/27/2012)

Location: 7/6/2012-S. DEAD

Summary: Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. Existing law requires a state or local public agency that proposes to take a covered action that will occur within the boundaries of the Delta or the Suisun Marsh to prepare, and submit to the council, a specified written certification of consistency with the Delta Plan prior to taking those actions. Existing law defines a "covered action" to mean a plan, program, or project, as specified. This bill would exclude from the definition of "covered action" any project, as defined, as of September 30, 2009, that is within an urban or urbanizing area within the Delta's secondary zone, within the boundaries of the community's adopted sphere of influence or urban limit line and substantially conforms with an adopted general plan. This bill contains other related provisions and other existing laws.

AB 1283 (Berryhill, Bill R) Safe, Clean, and Reliable Drinking Water Supply Act of 2012.

Current Text: Introduced: 2/18/2011 [pdf](#) [html](#)

Status: 1/20/2012-Failed Deadline pursuant to Rule 61(b)(2). (Last location was 2 YEAR on 5/13/2011)

Location: 1/20/2012-A. DEAD

Summary: 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 6, 2012, statewide general election. This bill would declare the intent of the Legislature to enact legislation relating to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012.

AB 1540 (Buchanan D) Sacramento-San Joaquin Delta: invasive weeds: South American spongeplant.

Current Text: Chaptered: 8/27/2012 [pdf](#) [html](#)

Status: 8/27/2012-Chaptered by Secretary of State - Chapter 188, Statutes of 2012.

Location: 8/27/2012-A. CHAPTERED

Summary: Existing law designates the Department of Boating and Waterways as the lead agency in cooperating with other agencies in controlling water hyacinth (*Eichhornia crassipes*) and Brazilian elodea (*Egeria densa*) in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh. This bill would additionally designate the department as the lead agency in cooperating with other agencies in controlling South American spongeplant (*Limnobium laevigatum*) in the delta, its tributaries, and the marsh.

AB 1607 (Galgiani D) Local water supply projects: inventory.

Current Text: Amended: 4/9/2012 [pdf](#) [html](#)

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. W.,P. & W. on 4/10/2012)

Location: 4/27/2012-A. DEAD

Summary: Existing law requires that the Department of Water Resources annually prepare and submit to the Legislature a report that includes a description of the progress achieved by the department with regard to meeting the goals of the Bay-Delta Program and a related implementation schedule. The department also is required annually to prepare and submit to the Legislature a report with regard to the budget for the State Water Resources Development System. This bill would require the department to conduct a statewide inventory of local regional water supply projects and post specified results of the inventory on the department's Internet Web site by July 1, 2013.

AB 1813 (Buchanan D) Sacramento-San Joaquin Delta Reform Act of 2009.**Current Text:** Amended: 3/29/2012 [pdf](#) [html](#)**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. W.,P. & W. on 4/9/2012)**Location:** 4/27/2012-A. DEAD

Summary: The Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. The act requires the State Water Resources Control Board to establish an effective system of Delta watershed diversion data and public reporting by December 31, 2010. The act requires the board to establish an effective system of Delta watershed diversion data collection and public reporting by December 31, 2010. The act requires the board to develop new flow criteria for the Delta ecosystem, as specified. The act subjects the flow criteria to modification over time based on a science-based adaptive management program that meets specified criteria . This bill would require the system, for certain diversions, in lieu of requiring reporting, to use data from the consumptive use index modeling used by the Department of Water Resources to determine the Net Delta Outflow Index. The bill would authorize the system to enhance or replace the consumptive use index modeling with satellite imagery. The bill would require that the system, to the maximum extent practicable, use consumptive use data from consumptive use modeling or satellite imagery in lieu of public reporting . This bill contains other related provisions.

AB 2000 (Huber D) Sacramento-San Joaquin Delta.**Current Text:** Amended: 4/16/2012 [pdf](#) [html](#)**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. W.,P. & W. on 7/2/2012)**Location:** 7/6/2012-A. DEAD

Summary: Existing law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 (Delta Protection Act) creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta (Delta). Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, established the Delta Stewardship Council as an independent agency of the state and required the council to consist of 7 members appointed in a specified manner. This bill would reduce the Governor's appointments to the council to 2 members, and instead provide that the Vice-Chairperson of the commission and a member of the commission chosen by a majority vote of the commission will serve on the council, as prescribed. This bill contains other related provisions and other existing laws.

AB 2421 (Berryhill, Bill R) Bay Delta Conservation Plan: Delta Plan project: costs and benefits.**Current Text:** Amended: 4/12/2012 [pdf](#) [html](#)**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/9/2012)**Location:** 5/25/2012-A. DEAD

Summary: Existing law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan) by January 1, 2012. The act authorizes the incorporation of the Bay Delta Conservation Plan into the Delta Plan if certain requirements are met. The bill would require an independent 3rd party, chosen as prescribed, to conduct an analysis of the costs and benefits, as specified, for any project being submitted by the Bay Delta Conservation Plan to the Delta Plan and to submit this to the Legislature, as prescribed. This bill would prohibit the funding for these provisions from exceeding \$1,000,000 .

AB 2422 (Berryhill, Bill R) Sacramento-San Joaquin Delta: Western Delta Intakes Concept: feasibility study.**Current Text:** Amended: 3/29/2012 [pdf](#) [html](#)**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/9/2012)**Location:** 5/25/2012-A. DEAD

Summary: Under existing law, the Department of Water Resources operates the State Water Resources Development System that includes dams, reservoirs, and other infrastructure. This bill would require the department to undertake an expedited evaluation and feasibility study of the

Western Delta Intakes Concept, as defined, and to consult with the Department of Fish and Game, as specified. This bill would require the department to prepare and submit to the Legislature, on or before January 1, 2014, a prescribed report about the feasibility study. This bill contains other related provisions and other existing laws.

AB 2423 (Berryhill, Bill R) Comprehensive Sacramento-San Joaquin Delta planning.

Current Text: Introduced: 2/24/2012 [pdf](#) [html](#)

Status: 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/24/2012)

Location: 5/11/2012-A. DEAD

Summary: Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. Existing law requires the council, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan), as specified. This bill would make a technical, nonsubstantive change to those provisions.

SB 1386 (Lowenthal D) Municipal water districts: water storage: groundwater.

Current Text: Chaptered: 8/29/2012 [pdf](#) [html](#)

Status: 8/28/2012-Chaptered by the Secretary of State, Chapter Number 215, Statutes of 2012

Location: 8/28/2012-S. CHAPTERED

Summary: The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. This bill would prohibit a district located in a county with a population greater than 8 million persons and where at least 80% of the area of the district is included within the boundaries of a water replenishment district from having specified authority relating to the storage of groundwater.

SB 1495 (Wolk D) Sacramento-San Joaquin Delta Reform Act of 2009.

Current Text: Enrollment: 9/6/2012 [pdf](#) [html](#)

Status: 9/6/2012-Enrolled and presented to the Governor at 4 p.m.

Location: 9/6/2012-S. ENROLLED

Summary: The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta by January 1, 2012. The act requires a state or local public agency that proposes to undertake a covered action to prepare a written certification, as prescribed, as to whether the covered action is consistent with the Delta Plan. The act defines "covered action" to mean a plan, program, or project that meets specified conditions. This bill would exclude from the definition of "covered action" specified leases approved by the Port of Stockton or the Port of West Sacramento and routine dredging activities, as defined, necessary for maintenance of facilities operated by the Port of Stockton or the Port of West Sacramento.

Drought

AB 1871 (Logue R) Delta Stewardship Council: Delta plan.

Current Text: Amended: 4/16/2012 [pdf](#) [html](#)

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. W.,P. & W. on 4/17/2012)

Location: 4/27/2012-A. DEAD

Summary: Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council (council) as an independent agency of the state. Existing law requires the council, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan), as specified. Existing law requires the council to consider for inclusion in the Delta Plan a multispecies conservation plan called the Bay Delta Conservation Plan (BDCP), and requires the incorporation of the BDCP into the Delta Plan if the BDCP meets certain requirements. This bill would prohibit the council from adopting a final version of the Delta Plan until the completion of the BDCP.

Groundwater

AB 2398 (Hueso D) Water recycling.**Current Text:** Amended: 5/21/2012 [pdf](#) [html](#)**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. N.R. & W. on 6/7/2012)**Location:** 7/6/2012-S. DEAD

Summary: Existing law establishes the State Water Resources Control Board (state board) and the California regional water quality control boards (regional boards) as the principal state agencies with authority over matters relating to water quality. Existing law requires the State Department of Public Health (department) to adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge, as defined, by December 31, 2013. Existing law requires the department to develop and adopt uniform water recycling criteria for surface water augmentation, as defined, by December 31, 2016, if a specified expert panel convened by the department finds that the criteria would adequately protect public health. Existing law requires the department to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse, as defined, and to provide a final report on that investigation to the Legislature by December 31, 2016. Existing law requires the department, in consultation with the state board, to report to the Legislature from 2011 to 2016, inclusive, as part of the annual budget process, on the progress towards developing and adopting the water recycling criteria for surface water augmentation and its investigation of the feasibility of developing water recycling criteria for direct potable reuse. Existing law requires the state board to enter into an agreement with the department to assist in implementing the water recycling criteria provisions. This bill would enact the Water Recycling Act of 2012 to revise and consolidate those and other provisions relating to recycled water, and make other conforming changes to existing law. The act would establish a statewide goal to recycle a total of 1.5 million acre-feet of water per year by 2020 and 2.5 million acre-feet of water per year by 2030. The act would require the state board and regional boards, the department, the Public Utilities Commission, the Department of Water Resources, and other state agencies to exercise the authority and discretion granted to them by the Legislature to encourage the use of recycled water and meet the goals of the act. The act would require the department, on or before December 31, 2013, to adopt drinking water criteria for groundwater recharge projects utilizing recycled water. The bill would require the department, on or before December 31, 2016, to develop and adopt drinking water criteria for the use of advanced treated purified water for raw water augmentation projects not subject to the drinking water criteria for groundwater recharge projects utilizing recycled water. The act would subject those criteria to review by an expert panel convened and administered by the department to advise the department on public health issues and scientific and technical matters. The act would prescribe the types and contents of permits for recycled water to be issued by the state board or a regional board, as appropriate. Because certain reports submitted as part of the permit application process would be submitted under penalty of perjury, this bill would impose a state-mandated local program by creating a new crime. The act would establish the Water Recycling Research Fund and require that certain civil penalties be deposited into the fund, to be expended by the state board, upon appropriation by the Legislature, to conduct or fund research necessary to support the continued and safe use of recycled water in the state. This bill contains other related provisions and other existing laws.

SB 1146 (Pavley D) Wells: reports: public availability.**Current Text:** Amended: 5/25/2012 [pdf](#) [html](#)**Status:** 6/1/2012-Failed Deadline pursuant to Rule 61(b)(11). (Last location was S. THIRD READING on 5/31/2012)**Location:** 6/1/2012-S. DEAD

Summary: Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or re-perforates a well, to file a report of completion with the Department of Water Resources. Existing law prohibits those reports from being made available to the public, except under certain circumstances. This bill would instead require the department to, upon request, make the reports available to the public. The bill would require the department to provide specified disclaimers when providing the reports to the public. The bill would authorize the department to charge a fee for the provision of a report to recover the department's costs, that does not exceed the reasonable costs to the department of providing the report. The bill would require the release of a report to comply with the Information Practices Act of 1977 and would require the department to redact from the report specified information pertaining to the well owner. The bill would require a person who requests a report to provide his or her name, address, identification number from a government-issued source, as provided, and reason for making the request.

SB 1498 (Emmerson R) Local agency formation commission: powers.**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. G. & F. on 3/22/2012)**Location:** 5/11/2012-S. DEAD

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries if the city or district requests and receives permission to do so from the local agency formation commission in the affected county. Existing law authorizes the commission to authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization, or outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, under specified circumstances. This bill would additionally authorize the commission to authorize a city or district to provide new or existing services outside its jurisdictional boundaries and outside its sphere of influence to support existing or planned uses involving public or private properties, subject to approval at a noticed public hearing, in which certain determinations are made. The bill would also authorize the commission to delegate to its executive officer the approval of certain requests to authorize a city or district to provide new or extended services outside its jurisdictional boundaries or outside its sphere of influence, as described above, under specified circumstances. The bill would also make certain technical, nonsubstantive, and conforming changes. This bill contains other related provisions and other existing laws.

RDA 2.0

AB 2144 (John A. Pérez D) Local government: infrastructure and revitalization financing districts.**Current Text:** Enrollment: 9/6/2012 [pdf](#) [html](#)**Status:** 9/6/2012-Enrolled and presented to the Governor at 5:45 p.m.**Location:** 9/6/2012-A. ENROLLED

Summary: Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and 2/3 voter approval. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district projects by adopting a resolution, subject to specified procedures and 2/3 voter approval. Existing law requires an infrastructure financing plan to include the date on which an infrastructure financing district will cease to exist, which may not be more than 30 years from the date on which the ordinance forming the district is adopted. Existing law prohibits a district from including any portion of a redevelopment project area. Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions. Existing law also declares the intent of the Legislature that the areas of the district created be substantially undeveloped, and that the establishment of a district should not ordinarily lead to the removal of dwelling units. This bill would authorize the creation of an infrastructure and revitalization financing district, as defined, and the issuance of debt with 55% voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, as specified. The bill would authorize a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases. The bill would authorize the legislative body of a city to dedicate any portion of its funds received from the Redevelopment Property Tax Trust Fund to the district, if specified criteria are met. The bill would authorize a city to form a district to finance a project or projects on a former military base, if specified conditions are met. The bill would provide that the formation of the district and the issuance of debt by such a district on land of a former military base that is publicly owned is not subject to voter approval, as specified. This bill contains other related provisions.

SB 1156 (Steinberg D) Sustainable Communities Investment Authority.**Current Text:** Enrollment: 9/6/2012 [pdf](#) [html](#)**Status:** 9/6/2012-Enrolled and presented to the Governor at 2:30 p.m.**Location:** 9/6/2012-S. ENROLLED

Summary: The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies. This bill would authorize certain public entities of a Sustainable Communities Investment Area, as described, to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan a provision for the receipt of tax increment funds provided that certain economic development and planning requirements are met. The bill would authorize the legislative body of a city or county forming an authority to dedicate any portion of its net available revenue, as defined, to the authority through its Sustainable Communities Investment Plan. The bill would require the authority to contract for an independent financial and performance audit every 5 years. This bill contains other related provisions and other existing laws.

Water Rights

SB 1340 (La Malfa) Appropriation of water: Sewerage Commission Oroville.

Current Text: Vetoed: 9/13/2012 [pdf](#) [html](#)

Status: 9/13/2012-Vetoed by the Governor

Location: 9/13/2012-S. VETOED

Summary: Under existing law, the State Water Resources Control Board (board) administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. This bill would authorize the Sewerage Commission Oroville to file an application for a permit, on or after July 1, 2013, to appropriate a specified amount of water that is based on the volume of treated wastewater that it discharges into the Feather River, as specified. The bill would authorize the board to grant a permit to appropriate that treated wastewater upon terms and conditions determined by the board. The bill would require the board, prior to granting a permit pursuant to these provisions, to comply with permit, approval, and review requirements and other laws applicable to the appropriation of water. This bill contains other related provisions and other existing laws.

Total Measures: 18

Total Tracking Forms: 18

Innovative Federal Strategies LLC

Comprehensive Government Relations

MEMORANDUM

To: Mojave Water Agency Legal, Legislative and Public Information Committee

From: Letitia White and Heather Hennessey

Date: September 26, 2012

Re: September Monthly Legislative Update

For a Congress that is on pace to enter the record books as the least productive one in the post-WWII era, September was another legislative disappointment. Congress accomplished the one and only task standing between it and the November elections by passing a Continuing Resolution to fund the government through March of 2013. In the meantime, everyone scheduled as many fundraisers as the calendar would allow to help their reelection efforts.

Continuing Resolution Signed into Law

It was the only “gotta do” measure standing in the way of clearing out of Washington prior to the November elections. The House and Senate each convened for only a few days, engaging in some posturing which threatened to draw out negotiations. In the end, however, the Continuing Resolution (CR) became law without very much drama or debate. Now that it is in place, the CR will fund the federal government past the end of FY 2012 on September 30th. It is a six-month measure that will stay in effect until the end of next March or until Congress enacts regular appropriations bills for FY 2013. Neither of those things is predicted to happen during the upcoming Lame Duck session but will likely be critical tasks for the next Congress in the early months of 2013. The funding level of the CR increases spending for most programs and agencies by less than one percent. Agreement on the funding level had been reached in early August, but debate and procedural maneuvering on unrelated policy issues briefly threatened to delay passage of the CR. Those unrelated issues were resolved late last week and cleared the way for final passage.

Sequester Talks Taking Place Behind the Scenes

As the deadline for the across the board sequestration budget cuts draws closer, quiet discussions are ongoing about how to avoid the cuts by enacting legislation to replace the sequester with targeted spending and revenue measures. Many options for budget cuts and tax provisions are available, including a slew of legislative initiatives that were part of the “grand bargain” discussions during the summer of 2011.

Of course, these private discussions may prove to be a waste of time. The outcome of the November elections will determine how and when the sequester cuts are avoided or, in the alternative, set the stage for political gridlock that allows the devastating cuts to take place.

Innovative Federal Strategies LLC

Republicans have consistently opposed any tax increases, while Democrats insist that any plan to stop the sequester must include revenue increases as well as spending reductions.

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/LEGISLATIVE/ENGINEERING/GRANTS/SECURITY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 3, 2012

To: PLEGS Standing Committee
of the Board of Directors

Budgeted: Yes – Refurbishment Account

Budgeted Amount:

Engineering Services: \$85,900

Construction Est.: To Be Determined prior to
bidding

From: Marina D. West

General Counsel Approval: Required prior
to advertisement for bids

CEQA Compliance: Notice of Exemption
filed September 10, 2012

Subject: B3/B4 Reservoir Recoating Project Update

SUMMARY

District Engineer Krieger submits this brief project update:

1. The Preliminary Exemption Assessment and Notice of Exemption were filed and posted with the County of San Bernardino on September 18th (document attached). K&S to provide the Agency with a confirmation of posting following the 30 day posting period.
2. K&S investigated reservoir cleanout costs and provided same to the Agency for review. Costs for cleaning out (and subsequently disinfecting) five of the Agency's reservoirs ranged between \$50,000 and \$130,000, and therefore the Agency decided not to pursue cleaning out the reservoirs.
3. K&S has begun preparation of the draft Contract Documents (Bidding Documents and Specifications). We anticipate completion of the Contract Documents for Agency review by the end of October.
4. K&S has scheduled a field inspection of the B3 and B4 reservoirs for Friday, September 28th.

RECOMMENDATION

For information purposes only.

BACKGROUND/ANALYSIS

No further information provided.

PRIOR RELEVANT BOARD ACTION(S)

8/28/2012 M 12-066 Board of Director's accepts 8/16/2012 PLEGS recommendation to recoat and repaint up to two (2) reservoirs in FY2012/13.

8/16/2012 Planning/Legislative/Engineering/Grant/Security Committee review and reject proposed Change Order increasing scope of work for recoating and repainting by increasing the number of reservoirs from two (2) up to four (4).

7/24/2012 M12-057 Board of Director's authorizes General Manager to execute Work Order No 4A with Krieger and Stewart, inc for project management/construction inspection services for recoating and repainting of (up to) four reservoirs in conjunction with scope of services dated June 15, 2012 at a cost estimate of \$85,900; and authorize filing of categorical exemption for the proposed project in accordance with CEQA; and authorize publication of notice inviting bids for recoating and repainting of (up to) four reservoirs; and authorize transfer of funds from the "unencumbered cash" fund to the "replacement and refurbishment" fund.

6/21/2012 Planning/Legislative/Engineering/Grant/Security Committee review of cost and scope of services for preparation of bid specifications, project management and on-site inspection services. The cost estimate to provide these engineering services is \$85,900

2/10/2012 Board Goal Setting Workshop: Identifying Reservoirs B3 and B4 as priority tanks for recoating.

CLERK OF THE BOARD

SEP 18 2012

**COUNTY OF
SAN BERNARDINO**

REC # 424971

PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

| | |
|---|---|
| 1. Name or description of project: | Recoating and Repainting of Two Existing Reservoirs |
| 2. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | The two existing reservoirs (Reservoirs B3 and B4) are located on the northeast corner of Kickapoo Trail and Mesa Vista Street in the unincorporated community of Flamingo Heights, San Bernardino County, California, within Section 22, Township 2 North, Range 5 East, San Bernardino Meridian (USGS 7.5 minute Yucca Valley North). |
| 3. Entity or person undertaking project: | A. Bighorn-Desert View Water Agency |
| | B. Other (Private) |
| | (1) Name |
| | (2) Address |
| 4. Staff Determination: | <p>The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:</p> <p>a. <input type="checkbox"/> The proposed action does not constitute a project under CEQA.</p> <p>b. <input type="checkbox"/> The project is a Ministerial Project.</p> <p>c. <input type="checkbox"/> The project is an Emergency Project.</p> <p>d. <input type="checkbox"/> The project constitutes a feasibility or planning study.</p> <p>e. <input checked="" type="checkbox"/> The project is categorically exempt. Applicable Exemption Class: Class I, Rehabilitation of Existing Facilities</p> <p>f. <input type="checkbox"/> The project is statutorily exempt. Applicable Exemption:</p> <p>g. <input type="checkbox"/> The project is otherwise exempt on the following basis:</p> <p>h. <input type="checkbox"/> The project involves another public agency which constitutes the Lead Agency. Name of Lead Agency:</p> |

DATE FILED & POSTED

Date: 18 Sept 2012

Staff: Charles A. Krieger
 Charles A. Krieger
 KRIEGER & STEWART
 Agency Chief Engineer
 BIGHORN-DESERT VIEW WATER AGENCY

NOTICE OF EXEMPTION

CLERK OF THE BOARD

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415

FROM: Bighorn-Desert View Water Agency
622 Jemez Trail
Yucca Valley, CA 92284

SEP 18 2012
COUNTY OF
SAN BERNARDINO

| | | |
|-----|---|--|
| 1. | Project Title: | Recoating and Repainting of Two Existing Reservoirs |
| 2. | Project Location - Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | The two existing reservoirs (Reservoirs B3 and B4) are located on the northeast corner of Kickapoo Trail and Mesa Vista Street in the unincorporated community of Flamingo Heights, San Bernardino County, California, within Section 22, Township 2 North, Range 5 East, San Bernardino Meridian (USGS 7.5 minute Yucca Valley North) |
| 3. | (a) Project Location - City: | Yucca Valley |
| | (b) Project Location County: | San Bernardino |
| 4. | Description of nature, purpose, and beneficiaries of Project | The Project consists of recoating and repainting two existing reservoirs (Reservoirs B3 and B4). The Project is necessary to allow the Agency to continue to operate and maintain safe and reliable water systems for the benefit of the public. |
| 5. | Name of Public Agency approving project: | Bighorn-Desert View Water Agency |
| 6. | Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity: | Bighorn-Desert View Water Agency |
| 7. | Exempt status: (check one) | |
| | (a) <input type="checkbox"/> Ministerial project. | |
| | (b) <input type="checkbox"/> Not a project. | |
| | (c) <input type="checkbox"/> Emergency Project. | |
| | (d) <input checked="" type="checkbox"/> Categorical Exemption. State type and class number: | Class I, Rehabilitation of Existing Facilities State CEQA Guidelines Section 15301 |
| | (e) <input type="checkbox"/> Declared Emergency. | |
| | (f) <input type="checkbox"/> Statutory Exemption. State Code section number: | |
| | (g) <input type="checkbox"/> Other. Explanation: | |
| 8. | Reason why project was exempt: | Project involves no expansion of an existing use and there is no possibility of significant environmental effect |
| 9. | Contact Person: | Charles Krieger |
| | Telephone: | (951) 684-6900 |
| 10. | Attach Preliminary Exemption Assessment (Form "A") before filing. | |

DATE FILED & POSTED

CLERK OF THE BOARD

SEP 18 2012

COUNTY OF
SAN BERNARDINO

Date Received for Filing

18 Sept 2012

(Clerk Stamp Here)

Charles A. Krieger

Charles A. Krieger
KRIEGER & STEWART
Agency Chief Engineer
BIGHORN-DESERT VIEW WATER AGENCY

DATE FILED & POSTED

Bighorn-Desert View Water Agency

Board of Directors

Michael McBride, President
Judy Corl-Lorono, Vice President
David Larson, Secretary
Terry Burkhart, Director
J. Dennis Staley, Director



Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

760/364-2315 Phone
760/364-3412 Fax

Marina D West, P.G., General Manager

A Public Agency

www.bdvwa.org

PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING REPORT

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Thursday, August 16, 2012 - 8:45 a.m.

COMMITTEE MEMBERS: Director Corl-Lorono & Director Burkhart

CALL TO ORDER

Director Corl-Lorono called the meeting to order at 8:47 p.m.

PLEDGE OF ALLEGIANCE

Led by Director Corl-Lorono

ROLL CALL

Directors: Judy Corl-Lorono
Terry Burkhart

Staff: Marina West
Michelle Corbin

APPROVAL OF THE AGENDA

Director Corl-Lorono and Director Burkhart approved the agenda as presented.

CONSIDER CHANGE ORDER TO REVISE SCOPE OF SERVICES PROVIDED BY CHIEF ENGINEER TO PREPARE CONTRACT DOCUMENTS AND PROJECT MANAGEMENT/CONSTRUCTION INSPECTION SERVICES FOR RECOATING AND REPAINTING UP TO (4) RESERVOIRS

General Manager West gave the staff report stating that at the July 24, 2012 BDVWA Board of Director meeting it was requested that the staff look into the possibility of recoating up to four reservoirs instead of two as originally suggested. GM West went over the spreadsheet provided in the Committee agenda packet showing the cost breakdown of adding the two additional tanks. Most of the increase in cost is due to

increased time to conduct inspections. GM West also stated that the Agency has approximately 600K in funds available for projects like this but that there are other pending maintenance projects the Agency should look.

Director Burkhart stated that we should stick to the original plan for two tanks only.

Director Corl-Lorono stated that we should proceed as originally directed.

Public comment:

Anonymous asked is we can put a number to the other pending projects. He also was concerned that we could lose a good contractor in the future if we are bidding for four reservoirs but only end up doing one reservoir.

The Committee directed staff to proceed as originally planned and to reiterate their suggestions at the next Board of Directors meeting.

DISCUSSION OF RESOLUTION 12R-XX AMENDING THE AGENCY'S CONFLICT OF INTEREST CODE

General Manager West gave the staff report stating that this is mandated biannually. Every two years the Agency is required to look at their code and adopt a new code that is submitted to the county Board of Supervisors for review.

Public comment: None

The Committee directed staff to bring to the next Board of Directors meeting.

CONSENT ITEMS

- a. Regular PLEGS Meeting Report, June 21, 2012

No Public Comment

Director Corl-Lorono and Director Burkhart approved the report.

PUBLIC PARTICIPATION

No public comment.

VERBAL REPORTS

COMMITTEE MEMBERS' COMMENTS/REPORTS - None

GENERAL MANAGER'S REPORT

General Manager West reported that a few days ago the Z107.7 ran an article on the County Vision Water Element. GM West stated she may call the Friday talk show for further discussion of the subject.

ITEMS FOR NEXT AGENDA

The next regularly scheduled PLEGS Committee Meeting will be held the first week of October to coincide with the Mojave Water Agency's Legal/Legislative and Public Information Committee Meeting.

ADJOURNMENT – Director Cori-Lorono adjourned the meeting at 9:42 a.m.

Pending Committee Approval